CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

Report to: Chair and Members Economic Development and Planning Committee
Submitted by: Tim McCabe
General Manager
Planning and Economic Development Department

Date: June 15, 2009
Prepared by: Cam Thomas
(905) 546-2424, Ext. 4229

File: 25T-200719, OPA-07-027
& ZAC-07-095

SUBJECT: Applications for Approval of a Draft Plan of Subdivision “Adam Estates”, and Amendments to the Hamilton Official Plan and Zoning By-law No. 6593, for Property Located at 201 Lorenzo Drive and 1151 Upper James Street (Hamilton) (PED09181) (Ward 7)

RECOMMENDATION:

(a) That approval be given to Amended Subdivision Application 25T-200719 by 1649404 Ontario Inc. (A. DiSilvestro) and 814904 Ontario Inc. (Orvin Zendel), Owners, to establish a draft plan of subdivision on lands located at 201 Lorenzo Drive (formerly 30 Limeridge Road East) and 1151 Upper James Street (Hamilton), as shown on Appendix “A” to Report PED09181, subject to the following conditions:

(i) That this approval apply to the Draft Plan of Subdivision, 25T-200719, prepared by Urbex Engineering Limited, and certified by A.T. McLaren, O.L.S., dated February, 2009, showing 108 lots (Lots 1-108) for single detached dwellings, 1 block for a pedestrian walkway and watermain easement (Block 109), a sewer and water easement over Lots 84 and 85, and the creation of 2 new public streets (Streets “A” and “B”), attached as Appendix “D” to Report PED09181, subject to the Owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the special conditions attached as Appendix “G” to Report PED09181;
SUBJECT: Applications for Approval of a Draft Plan of Subdivision “Adam Estates”, and Amendments to the Hamilton Official Plan and Zoning By-law No. 6593, for Property Located at 201 Lorenzo Drive and 1151 Upper James Street (Hamilton) (PED09181) (Ward 7) - Page 2 of 24

(ii) Acknowledgement that there will be no City share for any municipal works associated with this development;

(iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the Planning Act, prior to the issuance of each building permit for the lots (Lots 1-108) within this plan. The calculation of the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the issuance of each building permit;

(iv) That prior to registration of the final plan of subdivision, the Owner will be required to pay their proportionate share of the actual cost, less oversizing, for existing sewers, watermains, and roads on Lorenzo Drive adjacent to Street “A” and Lots 1 to 10, and 108, inclusive, on the draft plan (Appendix “D”), which has a total frontage along Lorenzo Drive of 152.679m. The cost recovery from the Owner of “Adam Estates” for the works completed under best efforts for the Jerome Estates subdivision (25T-200317), as of May 5, 2009, has been calculated to be $248,051.79. This recoverable amount is subject to change, and will be updated based on current cost indexing at such time the payment is made to the City;

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

(b) That approval be given to Amended Official Plan Amendment Application, OPA-07-027, by 1649404 Ontario Inc. (A. DiSilvestro) and 814904 Ontario Inc. (Orvin Zendel), Owners, to amend Schedule “A”, Land Use Concept from “Residential” to “Commercial”, on lands located at 1151 Upper James Street, as shown on Appendix “A” to Report PED09181, on the following basis:

(i) That the Draft Official Plan Amendment, attached as Appendix “B” to Report PED09181, be adopted by Council.

(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement, and conforms to the Hamilton-Wentworth Official Plan.

(c) That approval be given to Amended Zoning Application ZAC-07-095 by 1649404 Ontario Inc. (A. DiSilvestro) and 814904 Ontario Inc. (Orvin Zendel), Owners, for changes in zoning from the “AA” (Agricultural) District and the “C/S-1500” (Urban Protected Residential) District, Modified, to the “R-4” (Small Lot Single Family Detached) District, Modified, and the “C” (Urban
SUBJECT: Applications for Approval of a Draft Plan of Subdivision “Adam Estates”, and Amendments to the Hamilton Official Plan and Zoning By-law No. 6593, for Property Located at 201 Lorenzo Drive and 1151 Upper James Street (Hamilton) (PED09181) (Ward 7) - Page 3 of 24

Protected Residential) District, Modified, in order to permit the development of a residential subdivision, consisting of 108 single detached dwelling lots (Blocks 2, 3 and 4), for lands located at 201 Lorenzo Drive; and, for a change in zoning from the “AA” (Agricultural) District to the “HH” (Restricted Community Shopping and Commercial) District, to permit commercial development for a 0.73 hectare parcel (Block 1), located at 1151 Upper James Street, as shown on Appendix “A” to Report PED09181, on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED09181, 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 Map E-9b of Zoning By-law No.6593; and,

(iii) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the Hamilton Official Plan upon approval of OPA No. __.

(d) That upon finalization of the implementing By-law, the Jerome Neighbourhood Plan be amended by removing the reference to “Larger Lots” of the “Single and Double Residential” designation.

Tim McCabe
General Manager
Planning and Economic Development Department

EXECUTIVE SUMMARY:

The purpose of the proposed applications is to permit a residential subdivision consisting of 108 lots for single detached dwellings (Blocks 2, 3 and 4 - Appendix “A”), and to change the land use designation and zoning in order to permit future commercial use on a 0.73 hectare parcel (Block 1 - Appendix “A”), which has been conveyed to 1151 Upper James Street. The proposed draft plan of subdivision, Official Plan Amendment, and Zoning By-law Amendment have merit, and can be supported since the applications are consistent with the Provincial Policy Statement, and conform to the Hamilton-Wentworth Official Plan, as well as the approved Jerome Neighbourhood
Plan, and the City’s new Draft Urban Official Plan. The proposal is considered to be compatible with, and complementary to, the existing and planned development, in the surrounding area and represents an efficient use of land and services.

BACKGROUND:

Revised Proposal

The applicant’s proposal was revised in February, 2009. The principle change in the revised proposal has involved the removal of the 0.73 ha. commercial block from the proposed draft plan of subdivision (Block 1 - Appendix “A”). The removal of the commercial block occurred because the lands proposed for commercial use were severed from the proposed plan of subdivision through the approval of Consent Application No. HM/B-08:78. These lands have now been added to the existing commercial parcel located at 1151 Upper James Street.

In addition, an area of land comprising 0.46 ha., has been added to the south-west corner of the proposed subdivision to enable the development of proper sized lots and the relotting of this part of the plan in order to provide a pedestrian walkway and watermain link (Block 109), and a sewer and water easement over Lots 84 and 85 (see Appendix “D”). The need for the watermain link was identified in the Approved Jerome Neighbourhood Plan, and was confirmed by the Water and Waste Water Section, Public Works Department, through the review of a Water Distribution Analysis Study, which determined that a second link for this area was required.

The revised applications are for:

- Block 2 - 98 lots for single detached dwellings with frontages in the range of 10.0m - 13.69m, to be rezoned from the “AA” (Agricultural) District to the “R-4” (Small Lot Single Family Detached) District, Modified S-1615 (Appendix “D” - Lots 11-108);

- Block 3 - 10 lots for single detached dwellings with frontages in the range of 11.34m - 12.0m to be rezoned from the “AA” (Agricultural) District to the “C” (Urban Protected Residential) District, Modified S-1616 (Appendix “D” - Lots 1-10); and,

- Block 4 - 1 block for a 6 metre wide pedestrian walkway and watermain link, which is located between Lots 86 and 87 (see Appendix “D” - Block 109).

In addition, a servicing easement for sewer and water is proposed between Lots 84 and 85 for the adjacent commercial lands to the west of Lots 73 to 86 (Appendix “D”, located between Lots 84 and 85).
With respect to Block 3, the following modifications to the “C” (Urban Protected Residential) District are being requested.

• Reduce the minimum front yard from 6 metres to 3 metres, except for a garage;
• Reduce the minimum lot frontage from 12.0 metres to 11.34 metres; and,
• Reduce the minimum lot area from 360 metres to 332 metres.

With respect to Block 2, the following modification to the “R-4” (Small Lot Single Family Detached) District has been requested:

• Reduce the minimum front yard from 6 metres to 3 metres, except for a garage.

In addition, the applicant has requested that Section 6 (19) of Zoning By-law No. 6593 (Freeway Setbacks) not apply to the subject lands.

The Rezoning and Official Plan Amendment to address the commercial land use designation and zoning for the lands conveyed to 1151 Upper James Street (Block 1 - Appendix “A”) will be addressed through this application, but do not form part of the proposed draft plan of subdivision.

Committee of Adjustment Application No. HM/B-08:78

Committee of Adjustment Application HM/B-08:78 was submitted to address the conveyance of 0.73 hectares of lands (Block 1) to commercial lands located at 1151 Upper James Street for future commercial use, pending the approval of an Official Plan Amendment and Zoning By-law Amendment application. The approval of Application HM/B-08:78 removed Block 1 from lands which are the subject of proposed Draft Plan of Subdivision Application 25T-200719. The application was supported by Planning staff and the Committee of Adjustment because it was considered to be desirable to assemble a larger parcel for commercial purposes, and the proposal would not generate adverse impacts on the neighbouring lands. The transfer of the conveyed lands was finalized on April 21, 2009. As the proposed Official Plan and Zoning By-law Amendments to address the commercial use of the parcel were already in progress, this was not added as a condition of approval for the severance. A condition to amend the “Adam Estates” Draft Plan was required to reflect the removal of the commercial lands.
Details of Submitted Application

Owner: 1649404 Ontario Inc. (A. DiSilvestro) and 814904 Ontario Inc. (Orvin Zendell)

Location: 1151 Upper James Street and 201 Lorenzo Drive (Hamilton)

Property Size: Frontage: 100.58 metres measured along Lorenzo Drive

Depth: 262.32 metres

Area: 5.06 hectares

EXISTING LAND USE AND ZONING:

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ANALYSIS / RATIONALE:

1. The proposed Official Plan and Zoning By-law Amendments, and Draft Plan of Subdivision have merit and can be supported for the following reasons:

   (i) They are consistent with the intent of the Places to Grow Plan;

   (ii) They are consistent with the Provincial Policy Statement;

   (iii) They conform to the Hamilton-Wentworth Official Plan;

   (iv) The proposed draft plan of subdivision and associated changes in zoning conform to the Hamilton Official Plan; and,

   (v) They are compatible with existing and future development in the surrounding area.

2. The proposed Official Plan Amendment for the change in designation from ‘Residential’ to ‘Commercial’ for lands which abut the westerly boundary of the proposed draft plan of subdivision, shown as Block 1 on Appendix “A”, has been evaluated and can be supported for the following reasons:

   (i) The lands are identified in the approved Jerome Neighbourhood Plan for “General Commercial” use;

   (ii) The proposal would be part of a land assembly with 1151 Upper James Street to create a larger commercial site along this major commercial corridor, which is also a condition of approval of Committee of Adjustment Application HM/B-08:78. The site would also have limited access driveways from Upper James Street. Both of these considerations are identified in the Neighbourhood Plan;

   (iii) The lands are designated in the City’s new Draft Urban Official Plan as “Arterial Commercial”, which is intended to provide a range of commercial uses catering to the travelling consumer, as well as retail stores which are land extensive and require outdoor storage and sales, and which are not easily accommodated in other commercial designations;
(iv) The assembly of the proposed commercial parcel would enable the expanded parcel to be contiguous with other commercial properties along the Upper James Street commercial corridor which are located to the south; and,

(v) The lands proposed for commercial use would be compatible with the future residential development through the provision of an acoustical barrier, as identified in the approved Noise Study.

3. Residential Zoning

The proposed zoning for “Adam Estates” draft plan of subdivision would involve the creation of two residential zones for single detached dwellings, which are the “C/S-1616” (Urban Protected Residential) District, Modified, and the “R-4/S-1615” (Small Lot Single Family Detached) District, Modified.

The special modifications required to the “C/S-1616” District, and analysis of the modifications, are as follows:

i) To reduce the front yards from 6 metres to 3 metres.

The reduced front yards would allow the front portion of the dwelling to project closer to the front of the property while maintaining a minimum setback of 6.0 metres to the garage, and it would also allow the garages to be recessed, which would provide an element of architectural interest. As the proposed modification does not impact the use of the garage, and would create a more pedestrian-oriented streetscape, there are no concerns with this change.

ii) To reduce the minimum lot frontage from 12 metres to 11.34 metres.

The proposed reduction is minor (i.e. 0.66m) and would not create any negative impacts as the proposed change would not affect the character of the residential area.

iii) To reduce the minimum lot area from 360 square metres to 332 square metres.

The proposed reduction in lot area is minor and would not create any negative impacts. It would continue to allow for the development of similarly-sized lots, which are consistent with other lots along Lorenzo

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In addition, it should be noted that Lot 1 along Lorenzo Drive would have a slightly different configuration because the triangular portion at the front, known as Block 46, is owned by the abutting neighbour who resides at 7 Colin Crescent. While Lot 1 would meet the minimum lot frontage requirements of the “C” (Urban Protected Residential) District, it would result in a narrower front yard, as well as an irregular lot configuration for both Lots 1 and 7, Colin Crescent. Staff is recommending that the developer acquire this portion, and that it be added to Lot 1 in order improve the lot configurations. However, in the event that it cannot be acquired, the Owner would be able to proceed with the proposed configuration, providing a bona fide offer to purchase and an appraisal from an accredited appraiser has been submitted for review and is deemed to be acceptable to the Manager of Real Estate (see Special Condition 4 - Appendix “G”).

Special modifications are also required to Section 6(19) (a) and (b) of By-law No. 6593, which pertain to setback requirements for residential structures from the Mountain Freeway (Lincoln Alexander Parkway). Section 6(19) (a) requires a minimum setback of 22.86 metres, and 6(19) (b) requires a minimum setback of 15.24 metres for residential structures. Due to the nature of the street design along the northerly boundary of the subdivision, the proposed lots that are closest to the northerly boundary would require special modifications so that these regulations do not apply. These regulations were initially incorporated in the Zoning By-law in 1992 to ensure that new development adjacent to the Freeway right-of-way would not impede construction and grading activities associated with the construction of the Lincoln Alexander Parkway. As the Freeway has now been constructed, and based on the subdivision design with a road proposed adjacent to the noise barrier, this issue is not of concern and the required setbacks are not required. As detailed noise control measures will be evaluated prior to registration to ensure that these lots are within the recommended noise levels of the MOE Guidelines, the requested modifications can be supported.

Commercial Zoning

The applicant has requested that the proposed commercial parcel be rezoned to the “HH” (Restricted Community Shopping and Commercial) District. The permitted uses of the “HH” District include arterial commercial uses that cater to the travelling public such as hotels, restaurants, commercial entertainment, and other similar uses.
The commercial property at 1151-1171 Upper James Street, to which Block 1 has been conveyed, is under site-specific commercial zoning known as the “HH-S/760” (Restricted Community Shopping and Commercial) District and the “HH-S/760a” (Restricted Community Shopping and Commercial) District (created in 1981). The “HH-S/760” and “HH-S/760a” Districts have special zoning modifications to restrict the building height to a single storey. In addition, the “HH-S/760” District has a special parking regulation to separate the parking required for the Postal Station from the remainder of the site. Both zones permit the full range of uses that are permitted in the “HH” District.

The nature of the height restrictions on these lands was possibly due to the need to minimize the impacts of commercial use (i.e. overshadowing) on the development of future “large lot” single detached dwellings, as proposed for the abutting lands in the Jerome Neighbourhood Plan. The same restrictions are not required for the proposed commercial parcel. The allowance for development of up to 4 storeys in height in the “HH” (Restricted Community Shopping and Commercial) District is considered to be appropriate for the proposed commercial parcel as it would allow for a broader range of uses such as offices and hotels.

The proposed commercial parcel does not require a Holding Provision to address noise mitigation as the Noise Control Feasibility Study supports the commercial development adjacent to “Adam Estates”, and a more detailed noise control study will be required at the Site Plan approval stage to determine the types of noise control measures to be provided to mitigate potential noise impacts on the residential dwellings to the east. In addition, noise requirements, including the need for future noise barriers along the common property boundary, would be addressed as conditions of Draft Plan Approval for the “Adam Estates” Subdivision. (Special Condition Nos. 17 and 18 - Appendix “G”).

Therefore, it would be appropriate to rezone the proposed commercial parcel to the “HH” (Restricted Community Shopping and Commercial) District.

4. The proposed Draft Plan of Subdivision would allow for the development of a compact residential community, which is transit-supportive and has been designed at a slightly higher density than what was envisioned for this area. The proposal would provide for small and medium sized residential lots which would be compatible with other uses in the surrounding area. Lot sizes will range from 10.0m to 16.8m, with the majority of the lots being 10.0m or 10.5m in width.
The proposed subdivision has an efficient design that would allow for approximately 10% more lotting than if the lots were arranged to back onto the Lincoln Alexander Parkway. Some further mitigative measures would be required for the outdoor living areas of the lots that are closest to the existing noise barrier.

The proposed subdivision would meet the City’s Engineering Guidelines in terms of street access requirements for emergency access as up to 100 dwelling units may be served by a single road access. Excluding the proposed development of the 10 lots along Lorenzo Drive, the proposed subdivision would have 98 lots that would be served by a single road access. The proposed lotting design, therefore, represents the maximum number of lots that can be served by one road access. The nature of the existing commercial and residential development in this area would not be conducive to the development of a second road access.

5. In review of the draft plan of subdivision, the applicant provided studies to address Tree Management and Noise.

**Tree Management Study**

The applicant’s Tree Management Study has identified that the majority of existing trees are located within a remnant woodlot at the north-easterly corner of the proposed subdivision, and in proximity to the southerly boundary. The study identified that the most common trees were found to be a mix of red, bur, and white oaks along the southerly part of the site, and a mix of oak, hickory, ironwood in the remnant woodlot. The study confirmed that there were no butternuts or rare or significant species on site.

The Tree Management Study has identified that the existing trees from the woodlot are largely diseased or damaged. Due to servicing, grading, building, and cut and fill requirements, the trees comprising the existing woodlot would need to be removed in their entirety.

An active red tailed hawk nest has been identified in the remnant woodlot. Nesting birds are protected under the Fish and Wildlife Conservation Act (1997), which identifies in Section 7.1 that “a person shall not take or possess the nest or eggs of a bird that belongs to a species that is wild by nature”. In particular, this would apply to the situation of tree removal in which it would be necessary for the young to be fully fledged (able to leave the nest) before the trees could be removed. This is likely to be during the first half of Summer 2009, in which case it is recommended that the trees within the woodlot not be removed until after the
middle of August, 2009. This matter has been addressed as Special Condition 15 in Appendix “G”.

While the majority of the trees identified near the southerly boundary would also need to be removed due to poor condition and for grading, servicing, and building requirements, there would be an opportunity to retain 6 trees, which are in good condition, and which would not be subject to grading changes for incorporation into the proposed subdivision. The applicant’s Tree Management Study was determined to be acceptable to staff.

It should be further noted that the proposed plan of subdivision would provide opportunities for the planting of new street trees along both sides of the street for the existing and proposed streets. A total of 127 new street trees would be provided for the proposed plan of subdivision.

**Noise Control Feasibility Study**

A Noise Control Feasibility Study was undertaken to assess the proposed plan of subdivision in light of impacts from transportation noise from Upper James and the Lincoln Alexander Parkway, and stationary noise from commercial uses along Upper James Street. This Study was found to be in accordance with the MOE Guidelines, and the recommendations will be addressed through the Subdivision Agreement.

The study identified that:

- The sound levels for the Outdoor Living Areas (OLA’s) of certain residential units would exceed the MOE’s recommended sound level, and noise control measures would be required for certain lots along with relevant warning clauses. (Special Condition Nos. 17 and 18 - Appendix “G”).

- Acoustical barriers in the range of 2.5 to 3.5 metres in height are being recommended to shield the Outdoor Living areas for Lots 1, 24, 25, 48, 49, and 72 to 86. (Special Condition No. 12 - Appendix “G”).

- The unattenuated sound levels of the outside walls of some of the units will exceed the recommended sound levels and will require indoor noise controls (e.g. central air) along with relevant warning clauses. Central air conditioning is recommended for Lots 1, 23, 24, 25, 48, 49, and 72 to 74. The provision to provide future central air conditioning would be required for the dwellings on
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Lots 2 to 22, 26 to 47, 50 to 71, and 75 to 108 (Special Condition No. 18 - Appendix “G”).

The initial study was to determine recommendations with respect to mitigating noise levels for the proposed residential development. While staff and the City’s peer reviewer support the recommendations of this study, a further noise study is recommended for review once final grading and lot information is received (see Special Condition 17 - Appendix “G”). In addition, specific ‘Warning Clauses’ for future Purchase and Sale Agreements would also be required as special conditions of draft plan approval (see Special Condition 18 - Appendix “G”). The locations of the recommended noise barriers are shown on Appendix “H”.

6. The revised Draft Plan of Subdivision was created to address the City’s requirement for a second watermain link and easement (Appendix “D” - Block 109) to serve the proposed and existing residential areas east of Upper James Street. This requirement was established in the Jerome Neighbourhood Plan (see Appendix “F”). In addition, the City’s Engineering Guidelines recommend that all developments and phases of developments be encouraged to provide a minimum of 2 feeds for a neighbourhood along a major feed street; and in cases in which more than 100 lots are being serviced by one watermain feed, a second watermain feed would be required.

The proposal for 108 residential lots was found to represent an increase of approximately 30% over the approved neighbourhood plan, which contemplated the development of “large lots”. The applicant’s Water Distribution Study was found to be acceptable to the City. The requirement for the provision of the easement and walkway, including a 1.5 metre wide sidewalk, bollards at the ends of the walkway, sodding, and chain-link fence are provided in Special Condition No. 8 of Appendix “G”.

7. The New Form Subdivision Agreement requires the submission and approval of a Street Parking Plan prior to the registration of the subdivision. A Street Parking Plan was developed to ensure that the required amount of street parking can be accommodated. The City’s Guidelines require that street parking be based on a minimum of 40% of the proposed lotting within the subdivision, in which case 44 spaces are required. The applicant has proposed street parking primarily along one side of the southerly leg of Street “A” and along both sides of the northerly leg of Street “A”, which would yield a total of 57 parking spaces. The proposed street parking scheme would be subject to further review, but in principle, would comply with the City’s Guidelines.
8. The applicant is proposing the development of the residential plan of subdivision in 4 phases, in order to adequately market the development of 108 residential lots. Phasing is addressed as a standard condition in the City’s New Form Subdivision Agreement. The proposed phases for “Adam Estates” are identified as follows:

- Phase 1: Lots 1-10 (inclusive);
- Phase 2: Lots 11-36 (inclusive) and 98-108 (inclusive);
- Phase 3: Lots 37-60 (inclusive) and 91-97 (inclusive); and,
- Phase 4: Lots 61-90 (inclusive).

9. The pre-circulation of the proposed applications to the surrounding residents resulted in only one letter being received (see Appendix “E”).

The concern identified in the letter is with respect to the impacts of the proposed development on the nesting hawks, which are located in the woodlot on the north-easterly part of the site. The proposed development would require the removal of the remnant woodlot, which was determined to be comprised mostly of less desirable tree species which are in poor condition. Nesting birds, such as red-tailed hawks, are protected under Provincial law, and it would not be possible to disturb the trees or the surrounding lands until the young birds have left the nest. This may occur around the middle of Summer 2009. Although the loss of habitat is recognized, red-tailed hawks are considered to be an adaptable species which are capable of finding new nesting sites for future breeding seasons. The concern will be addressed as Special Condition 15, Appendix “G”, which will require that there be no removal of trees within the existing remnant woodlot until August 15, 2009, in order to allow the hawks to be fully fledged.

**ALTERNATIVES FOR CONSIDERATION:**

Should the proposed applications be denied, the applicant has the option of using the subject lands for the current range of uses permitted in the “AA” (Agricultural) District. The uses in the “AA” (Agricultural) District which include, among others, one single detached dwelling, a public hospital, a children’s residence, a municipal district works yard, and a private stable.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Financial - N/A.

Staffing - N/A.
Legal - As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for an Official Plan and Zoning By-law Amendment, and a Draft Plan of Subdivision.

POLICIES AFFECTING PROPOSAL:

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

The subject property is within the “Built-up Area” of the Places to Grow Growth Plan, which includes the lands within the limits of the developed urban boundary.

The policies encourage development and redevelopment within the Built-up Area of the City, and encourage the provision of a range and mix of housing which includes affordable housing needs. The direction provided in Places to Grow will be incorporated into the City’s New Official Plan for the Urban Area to ensure that the growth management targets, as mandated by the Province, are met.

The City of Hamilton is required to accommodate 40% of all new residential growth within the Built-up Area starting in 2015. In addition, development such as the proposed commercial uses is required to be designed to support public transit and maximize the use of existing infrastructure. The development of the subject lands for new ‘small lot’ single detached dwellings and the proposed commercial block would achieve the growth management objectives of the Growth Plan. The proposal also maintains the intent of the Growth Plan to create vibrant neighbourhoods, which provide employment and residential uses that are transit supportive.

Provincial Policy Statement

The proposal is consistent with Policy 1.1.3.1 that encourages growth to be focused in settlement areas.

Policy 1.1.3.2 directs that land use patterns within settlement areas shall be based on the development of densities and a mix of land uses that use land efficiently, are appropriate for the available or planned infrastructure, and which minimize negative impacts to air quality and promote energy efficiency.

The policies in Section 1.1.3 also encourage a range of uses and opportunities for intensification and the development of a compact urban form. The development of a residential plan of subdivision consisting of small and medium single detached lots of varying sizes, and an expanded commercial parcel, would contribute to the intensification of the south-central mountain area and the development of a more
compact urban form through the development of an under-utilized parcel of land. The “R-4” (Small Lot Single Family Detached) District zoning also permits semi-detached dwellings which would provide a further housing option for the developer, which is consistent with this policy direction.

Policy 1.7.1(e) of the PPS directs that a noise study be undertaken to investigate the impacts of noise levels from major transportation corridors, which include Upper James Street, the Lincoln Alexander Parkway, and the expanded commercial parcel on the proposed residential subdivision. A Noise Assessment was undertaken as part of the review of this application, which supports the proposed residential plan of subdivision. The recommendations from the Noise Assessment are discussed in further detail in Item 5 of the Analysis/Rationale section of this report.

Policy 2.6.2 of the PPS identifies the subject lands as having archaeological potential. The archaeological requirements that apply were addressed through the submission of a Stage 1 and 2 Archaeological Report. The Provincial interest was signed off in a letter dated September 11, 2007, from the Ministry of Culture, which precedes the submission of the formal draft plan of subdivision, rezoning, and Official Plan Amendment applications to the City for this proposal.

Policy 3.2.2 of the PPS requires contaminated sites to be remediated, as necessary, prior to any development on the subject lands to ensure that there are no adverse effects. Due to the former use of the property (commercial), and the proposal to develop a residential plan of subdivision, Ontario Regulation 153/04 requires a mandatory filing of a Record of Site Condition (RSC). This requirement does not apply to the subject lands and was addressed as a condition of Consent Application HM/B-07:160, which involved the severance of the commercial property at 1151 Upper James Street from the proposed draft plan of subdivision. A Signed Record of Site Condition was provided to clear this condition on September 9, 2008, to the satisfaction of the City of Hamilton and the Ministry of Environment.

Hamilton-Wentworth Official Plan

The subject property is designated as “Urban Area” in the Hamilton-Wentworth Official Plan. Policy C-3.1.1 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 City by the year 2020. As the nature of the application is for the approval of a residential draft plan of subdivision, change in zoning, and an Official Plan Amendment to permit 108 single family dwellings and expanded
commercial development on underutilized lands, the proposal conforms to the Hamilton-Wentworth Official Plan.

Policy C-3.1.1 identifies that a compact higher density urban form with mixed use development in identified Regional and Municipal Centres and along corridors best meets the environmental, social, and economic principles of sustainable development. As the proposed application would facilitate the expansion of commercial development along one of the City’s major commercial corridors, and proposes a residential plan of subdivision comprised of ‘small lot’ single family dwellings, the proposal would conform to this further policy direction of the Hamilton-Wentworth Official Plan.

Policy C-3.1.1 further states that mixed forms of development within the Urban Area are preferable to widespread, low density development because of reduced per capita servicing costs and efficiencies, cost savings for public transit systems, effective community design, and the development of compact communities to encourage walking and bicycling. The proposed subdivision design would incorporate a pedestrian walkway to provide access to the Upper James commercial area which would contribute to infrastructure cost savings, access to public transit, and to a healthier community.

Policy B-2.3 requires that the identification of contaminated sites is essential, and that redevelopment must not occur until there has been a demonstration that the proposal will not put future populations at risk. As noted in the preceding discussion on PPS Policies, the required Record of Site Condition (RSC) was addressed as a condition of approval for Consent Application HM/B-07:160.

Hamilton Official Plan

The subject property is designated “Residential” on Schedule “A”, Land Use Concept in the Hamilton Official Plan.

The policies which are of relevance to this application are:

“A.2.1.1 The primary uses permitted in the areas designated on Schedule “A” as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.1.8 It is the intent of Council that a variety of housing styles, types, and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing, where practicable. In this regard, Council will be
C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:

v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;

vi) Support new development that provides tenure options and a range of prices/rents for new dwellings that will be affordable to Hamilton residents; and,

ix) Support the concept of a RESIDENTIAL community that provides a diversity of dwelling forms and housing options accessible to all Hamilton residents.

C.7.4 When reviewing plans of subdivision and Neighbourhood Plans, Council will consider:

ii) The housing targets established by Council.

C.9.7 Council will require developers of proposed residential developments adjacent to the Redhill Creek Expressway to provide evidence that noise levels in outdoor recreation spaces meet the objectives of 55 dBA. Council will not require the incorporation of noise mitigation measures where noise levels are predicted to be at, or below 55 dBA.

C.9.8 Council will endeavour to minimize impacts on outdoor recreational space of new residential and institutional development from noise in excess of 55 dBA generated by adjacent inter-regional highways or railway lines.

D.2.5 NEIGHBOURHOOD PLANS for the PLANNING UNITS will indicate the location of proposed Arterial, Collector and Local roads, the location of community facilities, such as park areas, open spaces and school sites; the location and extent of lands set aside for Commercial or Institutional
purposes; the distribution and mix of housing of varying densities; and the location and basic design of major Engineering Services and public utilities. When preparing NEIGHBOURHOOD PLANS, Council will consider the following:

i) The preferred location for new Residential development or redevelopment will be:

   a) for multiple dwellings and high traffic generating uses beyond the Central Policy Area, at nodes created by the intersection of Arterial and Collector roads, with preference given to access by these roads.

   b) for low density uses on Local and Collector roads, with preference given to access by these roads only."

In terms of the above-noted policies:

- The proposed plan of subdivision contributes to the neighbourhood character by providing new detached dwelling lots along Lorenzo Drive, which are consistent with the existing lots in terms of lot areas and frontages. Smaller size lots in the interior of the property permit a slightly higher density.

- The proposed plan of subdivision is located within the interior of a neighbourhood and is accessible by other local roads, rather than at an intersection of collector or arterial roads. This interior location would favour lower density forms of development rather than the development of multiple dwellings.

- In terms of the noise mitigation requirements provided in Policies C.9.7 and C.9.8, the applicant’s Noise Control Feasibility Study has identified that the lots which are proposed adjacent to the northerly and westerly boundaries of the proposed subdivision would be exposed to noise levels in their outdoor living areas which would exceed 55 dBA due to the proximity to the Lincoln Alexander Parkway and Upper James Street. The Official Plan requires noise mitigation measures where noise levels in outdoor living areas exceed 55dBA to reduce the noise levels to the maximum requirement of 55dBA. The study recommendations include additional noise barriers for the outdoor living areas of Lots 1, 24, 25, 48, 49 and 72, and for Lots 73 to 86 (inclusive). The design and height of the noise barriers will be required to comply with the MOE Guidelines, and will be determined through further noise studies as a Special Condition of Draft Plan Approval (see Special Condition 17 - Appendix “G”).
In addition, other noise control measures which include central air conditioning, and forced air heating with provisions for central air conditioning, are required for certain lots within the proposed subdivision to maintain appropriate noise levels in accordance with this policy (Appendix “G” - Condition 4).

- With respect to the Neighbourhood Plan policies (Policy D.2.5), it has been noted that the proposed plan of subdivision to permit 108 lots for single detached dwellings is identified for Low Density uses in the form of single and two family dwellings in the Jerome Neighbourhood Plan. The flexible zoning for the “R-4” (Small Lot Single Family Detached) District would also allow for the development of semi-detached dwellings to provide additional housing options for the developer.

- The proposed Official Plan Amendment to establish a commercial block for the expansion of 1151 Upper James Street is also consistent with the Neighbourhood Plan, which identifies this land for commercial use as part of the extensive commercial corridor along Upper James Street.

Based on the foregoing, the proposal conforms to the Hamilton Official Plan.

**Jerome Neighbourhood Plan (1989)**

The subject property is designated “Large Lot - Single and Double” Residential and “General Commercial” within the Jerome Neighbourhood Plan.

As the application proposes small and medium sized lots, an amendment to the Jerome Neighbourhood Plan is required to remove the reference to “Large Lots”. This amendment can be supported since the proposal is compatible with the existing and planned adjacent residential and commercial uses in the neighbourhood.

Concerning the proposed Official Plan Amendment for commercial use, the Jerome Neighbourhood Plan has designated the subject parcel as “General Commercial”. In addition, the Jerome Neighbourhood Plan recognizes Upper James Street as a special commercial area of City-wide importance, and encourages the consolidation of properties designated for commercial use along Upper James Street. As the proposed commercial parcel is in a suitable location along Upper James Street, and has been assembled with 1151 Upper James Street to create a single property with limited access, this proposal would be consistent with the Jerome Neighbourhood Plan. Therefore, the commercial component of the proposal conforms to the Jerome Neighbourhood Plan.
RELEVANT CONSULTATION:

Departments/Agencies having no concerns or objections:

- Community Services Division, Culture and Recreation Department.
- Water and Wastewater Division, Public Works Department.
- Environmental Planning Section, Capital Planning and Implementation Division, Public Works Department.
- Open Space Development and Park Planning, Public Works Department.
- Water and Waste Water Treatment Section, Public Works Department.
- Hamilton-Wentworth District School Board.

**Hamilton Municipal Parking System**

While there are no additional concerns with the proposed zoning amendment, the applicant should ensure that all existing and future parking requirements are met on-site. The applicant should ensure that on-site parking spaces and garages are suitably dimensioned to ensure the continued use of these facilities for parking purposes.

**Forestry and Horticulture, Operations and Maintenance, Public Works**

The Forestry and Horticulture Section identified Municipal Urban Forestry concerns, but no potential conflicts concerning the proposal. Specifically:

- There were no significant trees located on the road allowance of Lorenzo Drive, and there will no appreciative impacts to municipal trees along Lorenzo Drive from the proposed development.

- A remnant woodlot consisting of oak, hickory, and ironwood situated adjacent to 7 Colin Crescent shows the existing trees to be generally in fair to poor condition, with many dead trees also within this area.

- Forestry and Horticulture are satisfied with the removal of the existing woodlot, and have noted that there would be an operational concern to accept this woodlot in lieu of parkland dedication.
Only a narrow swath of trees, extending from the rear of 1151 Upper James Street to 151 Lorenzo Drive, were found to be in good condition.

**Hamilton Street Railway**

As pedestrian entrances and street orientation are important in design, the preference by HSR is for the provision of direct short walking distances between dwellings and transit service. HSR supports the inclusion of high quality pedestrian amenities at this development such as walkways and lighting. Such features are appreciated by customers, especially for those who require personal mobility devices. The development of medium density residential uses within an easy walk of transit service will contribute positively to the long term sustainability of the south-central Mountain.

**Traffic Engineering and Operations, Public Works Department**

Traffic Engineering has noted that the proposed commercial block is a land-locked parcel, which is being sold to the owners of 1151 Upper James Street. The newly assembled commercial parcel will require access only from Upper James Street. To address the expanded commercial parcel and future uses, a traffic impact study, prepared by a qualified traffic engineer, may be required at the Site Plan Approval stage.

Additionally, Traffic Engineering has requested the submission of an engineering drawing illustrating the driveway locations of the residential lots on corner lots. In particular, driveways are to be provided outside of the daylight triangles (see Special Condition 16, Traffic, Appendix “G”).

**Bell Canada**

Conditions of draft plan approval respecting the provision of telecommunication facilities are included in the Standard Form Subdivision Agreement.

**Canada Post**

Conditions of draft plan approval respecting the provision of appropriate centralized mail delivery facilities are included in the Standard Form Subdivision Agreement.
SUBJECT: Applications for Approval of a Draft Plan of Subdivision “Adam Estates”, and Amendments to the Hamilton Official Plan and Zoning By-law No. 6593, for Property Located at 201 Lorenzo Drive and 1151 Upper James Street (Hamilton) (PED09181) (Ward 7) - Page 23 of 24

Horizon Utilities

Horizon has advised that electrical servicing shall be in accordance with Horizon Utilities Condition of Service and Policies. The requirements include an underground electrical distribution system for servicing; the design and installation of the entire system by an electrical consulting engineer and an approved electrical contractor; easements (if required), to be shown on the design; and a Residential Subdivision Development Agreement to outline detailed costs and requirements for servicing within the subject lands.

Hamilton Conservation Authority

The subject property is not affected by the HCA Regulation 161/06 under O.Reg 97/04 (Development, Interference with Wetlands and Alterations to Shorelines and Watercourses), and written approval is not required from the HCA for the development of the property.

The HCA has reviewed the Preliminary Engineering Report for “Adam Estates”, which identifies that grading details have not been finalized due to unknown fill conditions, and that radical grade changes may be required as part of this development.

A lot grading plan, including appropriate sediment and erosion control measures once finalized, should be circulated to the HCA for review and approval.

The Preliminary Report does not provide information pertaining to water quality control. As the property is located within the Red Hill Creek subwatershed, which drains to Hamilton Harbour, enhanced water quality controls are required.

Confirmation should be provided that the existing storm sewer system on Lorenzo Drive has sufficient capacity to convey stormwater flows from the property for post-development.

The conditions required by the HCA are standard conditions of draft plan approval respecting the submission of a lot grading and drainage plan, including erosion and siltation control features and a stormwater management plan. These conditions are addressed through the Standard Form Subdivision Agreement.
Public Consultation

In accordance with Council’s Public Participation Policy, this application was precirculated to all property owners within 120 metres, and a sign was posted on the site. A total of 93 notices were circulated. There was 1 letter received in response to the pre-circulation concerning the red tailed hawk nest (see Appendix “E”). This matter is addressed in the Analysis/Rationale section in Subsection 5 (under Tree Management Study) and in Subsection 9. Notice of the Public Meeting has been given in accordance with the requirements of the Planning Act through the circulation to property owners within 120 metres of the subject lands, and through the posting of a sign on the property.

CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, and economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☑ Yes ☐ No
The public are involved in the definition and development of local solutions. In response to concerns raised, the applicant has provided technical and environmental studies in support of the application.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
The public are involved in the definition and best use of available land, while ensuring environmental impacts are mitigated and environmental resources are protected.

Economic Well-Being is enhanced. ☑ Yes ☐ No
Investment in Hamilton is enhanced and supported since the proposal provides for increased tax revenues.

Does the option you are recommending create value across all three bottom lines? ☑ Yes ☐ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants? ☐ Yes ☑ No

:CT
Attachs. (8)
Appendix “B” to Report PED09181
Draft Official Plan Amendment
(Page 1 of 4)

Schedule “1”

Draft Amendment No. _____
to the
City of Hamilton Official Plan

The following text, together with Schedule “A”, “Land Use Concept”, and Schedule “B”, “Special Policy Areas”, attached hereto, constitute Official Plan Amendment No. _____.

Purpose:

The purpose of this Amendment is to re-designate the subject lands comprising 0.73 hectares from “Residential” to “Commercial” on Schedule “A”, Land Use Concept Plan, and to include the subject lands within Special Policy Area 31 on Schedule “B”.

Location:

The lands affected by this Amendment are known municipally as 1151-1171 Upper James Street, are located south of the Lincoln Alexander Parkway.

Basis:

The intent of the Amendment is to permit the expansion of commercial development along Upper James Street in accordance with Special Policy Area 31. The subject parcel was conveyed to the Owner of the existing commercial property at 1151-1171 Upper James Street, in April, 2009, through the severance of this parcel from lands, which are subject of the “Adam Estates” Draft Plan of Subdivision. The basis for the re-designation is as follows:

- The proposed development is consistent with the Provincial Policy Statement;
- The proposed development offers an opportunity for enhanced commercial development within the built-up urban area, and conforms to the intent of the Places to Grow Plan;
- The proposed development conforms with the Region of Hamilton-Wentworth Official Plan;
- The proposal is consistent with the “Commercial” designation of the City of Hamilton Official Plan;
• The proposed development is suitably located in proximity to a major arterial road (Upper James Street) with direct access to public transit, and is adjacent and contiguous to the existing commercial corridor along Upper James Street;

• The proposed development is compatible with the existing and planned development in the immediate area, and will not detract from the character of the surrounding neighbourhood due to the separation of land uses by a proposed noise barrier;

• The property would be developed as part of a future land assembly with 1151 Upper James Street, which would reduce access points;

• Mitigation measures can be employed to address noise impacts on the adjacent future residential neighbourhood of Adam Estates; and,

• The proposed commercial parcel is designated for “General Commercial” use in the Jerome Neighbourhood Plan, and is designated “Arterial Commercial” in the City’s proposed Urban Official Plan.

Actual Changes:

1. Schedule “A”, Land Use Concept, be revised by re-designating the subject lands from “Residential” to “Commercial”, as shown on the attached Schedule “A” to this Amendment.

2. Schedule “B”, Special Policy Areas, be revised by including the subject lands within Special Policy Area 31, as shown on the attached Schedule “B” to this Amendment.

Implementation:

An implementing Zoning By-law Amendment and site plan will give effect to the intended use on the subject lands.

This is Schedule "1" to By-law No._____, passed on the ____ day of _____, 2009.

The
City of Hamilton

______________________________  ______________________________
Fred Eisenberger                 Kevin C. Christenson
Mayor                            Clerk
CITY OF HAMILTON

BY-LAW NO. 6693

To Amend Zoning By-law No. 6593
Respecting Lands Located at 291 Lorenzo Drive and 1151 Upper James 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 09- of Report 09- of the Economic Development and Planning Committee, at its meeting held on the day of , 2009, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

AND WHEREAS this by-law will be in conformity with the Official Plan for the City of Hamilton upon finalization of Proposed Official Plan Amendment No. , and is in conformity with the Hamilton-Wentworth Official Plan.
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Sheet No. E-9b of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended by changing the following:

   a) That Block 1 be rezoned from the “AA” (Agricultural) District, to the “HH” (Restricted Community Shopping and Commercial) District;

   b) That Block 2 be rezoned from the “AA” (Agricultural) District, to the “R-4/S-1615” (Small Lot Single Family Detached) District; Modified;

   c) That Block 3 be rezoned from the “AA” (Agricultural) District, to the “C/S-1616” (Urban Protected Residential, etc.) District, Modified; and,

   d) That Block 4 be rezoned from the “C/S-1500” (Urban Protected Residential, etc.) District, Modified, to the “C/S-1616” (Urban Protected Residential, etc.) District, Modified;

   on the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. That the “R-4” (Small Lot Single Family Detached) District regulations, as contained in Section 9A of Zoning By-law No. 6593, applicable to Block 2 of this by-law, are modified to include the following special requirements:

   (i) That notwithstanding Sections (9A)(2)(b)(1)(i), and (9A)(3)(b)(1)(i), a minimum front yard setback of 3 metres shall be provided and maintained, except 6 metres to a garage.

   (ii) That Sections 6(19)(a) and (b) shall not apply.

3. 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 “R-4” (Small Lot Single Family Detached) District provisions, subject to the special requirements referred to in Section 2.

4. That the “C” (Urban Protected Residential, etc.) District regulations, as contained in Section 9 of Zoning By-law No. 6593, applicable to Blocks 3 and 4 of this by-law, are modified to include the following special requirements:

   (i) That notwithstanding Section (9)(3)(i), a minimum front yard setback of 3 metres shall be provided and maintained, except 6 metres to a garage.
(ii) That notwithstanding Section (9)(4)(c)(i), the minimum lot width shall be 11.34 metres.

(iii) That notwithstanding Section (9)(4)(c)(ii), the minimum required lot area shall be 332 square metres.

(iv) That Sections 6(19)(a) and (b) shall not apply.

5. 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 “C” (Urban Protected Residential, etc.) District provisions, subject to the special requirements referred to in Section 4.

6. That Sheet No. E-9b of the District Maps is amended by marking the lands referred to in Section 2 of this by-law as S-1615, and in Section 4 of this by-law as S-1616.

7. That Zoning By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedules S-1615 and S-1616.

8. 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 day of , 2009.

______________________________  ______________________________
Fred Eisenberger                Kevin C. Christensen
Mayor                           Clerk

ZAC-09-095
Appendix "C" to Report PED09181
By-law Respecting 201 Lorenzo Drive and 1151 Upper James Street (Hamilton)

(Page 4 of 4)

Schedule "A"

Map Forming Part of By-Law No. 09-____ to Amend By-law No. 6593

Subject Property

1151 Upper James Street

- Block 1 - Change in Zoning from the "AA" (Agricultural) District to the "1/1H" (Reserved Community Shopping and Commercial) District

201 Lorenzo Drive

- Block 2 - Change in Zoning from the "AA" (Agricultural) District to the "R-48-1616" (Small Lot Single Family Detached) District

- Block 3 - Change in Zoning from the "AA" (Agricultural) District to the "CIS-1616" (Urban Protected Residential, etc.) District

- Block 4 - Change in Zoning from the "CIS-1616" (Urban Protected Residential, etc.) District to the CIS-1616 (Urban Protected Residential, etc.) District

Proposed Streets

This is Schedule "A" to By-Law No. 09-

Passed the .......... day of ......................, 2009

Clerk

Mayor

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
## Proposed Lotting Data

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*Note: setback, depth, side, and frontage measurements are in feet.*
Thomas, Cameron

From: Don and Lisa
Sent: Tuesday, May 27, 2008 7:48 AM
To: Thomas, Cameron
Subject: Todd Cruse baby hawks in trees

TO: Cam Thomas, Lindsay Gribben

At Upper James construction site beside link.
We are concerned about these baby birds and their future with the construction

Todd Cruse
Special Subdivision Conditions

Engineering:

1. That, prior to registration of the final plan of subdivision, the Owner dedicate Block 109 to the City to establish a 6.0m public walkway and watermain link between Lots 86 and 87 from Street “A” to the southwest limit of the development, to the satisfaction of the Director of Development Engineering.

2. That, prior to registration of the final plan of subdivision, the Owner pay their proportionate share of the actual cost, less over-sizing, for existing sewers, watermains, and roads on Lorenzo Drive, adjacent to Street “A” and Lots 1 to 10 and 108, inclusive, on the draft plan, to the satisfaction of the Director of Development Engineering.

3. That, prior to registration of the final plan of subdivision, 5m x 5m daylight triangles be established on the final plan of subdivision at the corner of Lots 10, 11, 25, 36, 37, 48, 49, 60, 61, 72 and 108, to the satisfaction of the Director of Development Engineering.

4. That, prior to registration of the final plan of subdivision, the Owner purchase Block 46 on Plan 62M-1029 to be used in conjunction with the development of Lot 1. In the event the Owner fails to secure ownership of Block 46, Plan 62M-1029, the Owner must provide the City with a copy of an appraisal by an accredited appraiser and a bona fide offer to purchase, to the satisfaction of the Manager of Real Estate.

5. That, prior to servicing, the Owner submit a detailed Storm Water Management Report, to the satisfaction of the Director of Development Engineering, addressing the fact that in the absence of an overland flow route, the 100 year storm shall be controlled to the capacity of the pipe to which the system outlets, to the satisfaction of the Director of Development Engineering.

6. That, prior to servicing, the Owner indicates all driveway locations on the engineering drawings for all lots, and that the driveways for Lots 10, 11, 36, 37, 60 and 61 be constructed on the north side of the lots and not be located within the daylight triangles, the driveways for Lots 25, 48, 49 and 72 be constructed on the south side of the lots and not be located within the daylight triangles, and the driveway for Lot 108 be constructed on the west side of the lot, to the satisfaction of the Director of Development Engineering.
7. That, **prior to servicing**, the Owner include provision for construction of municipal concrete sidewalks as follows:

- **Street “A” (north leg):** on the south side only.
- **Street “A” (south leg):** on the north side adjacent to Lots 36, 37, 60 & 61 and on the south side from Lorenzo Drive to Block 109.
- **Street “A” (west leg):** on the east side only.
- **Street “A” (east leg):** on the west side only.
- **Street “B”:**
- **Block 109:** from Street “A” to the south limit of Block 109.
- **Lorenzo Drive:** from the north limit of Lot 1 to the north limit of Lot 108.

8. That, **prior to servicing** of Lots 86 or 87, the Owner construct a watermain and a 1.5m concrete sidewalk centered within the public walkway right of way, over Block 109 and the adjacent lands to the west, including bollards at both ends of the walkway, sodding, and a 1.5m high chainlink fence along both sides of the public walkway from Street “A” to the southwest limit of the development, to the satisfaction of the Director of Development Engineering.

9. That, **prior to servicing**, due to the number of private service installations required on Lorenzo Drive, the Owner agree to reconstruct the full width pavement on Lorenzo Drive and the concrete sidewalk and curb on the west side of Lorenzo Drive, at their expense, from the north limit of Lot 1 to the north limit of Lot 108, to the satisfaction of the Director of Development Engineering.

10. That, **prior to servicing**, the Owner agree to provide, in writing, to the satisfaction of the Director of Development Engineering, a plan or procedure for dealing with issues concerning dust control and street cleaning (external roads included) throughout construction within the subdivision, including homes. This document will also include, first point of contact, a schedule for regular cleaning of streets that is specific to the methods to be used, the source of water, and the contractor or agent to be used to undertake the works as well as the contractor/agent contact information so that the City can direct works be completed as necessary.

11. That, **prior to servicing**, the Owner agree that if blasting or hoe-ramming is required, they will provide the City of Hamilton with a satisfactory pre-construction survey, to the satisfaction of the Director of Development Engineering.
12. That, prior to servicing, the Owner agree to construct the required noise wall adjacent to the north side of Lots 1, 24, 25, 48, 49, and 72 to 86, inclusive, with Durisol brand material to match the existing noise wall along the Lincoln Alexander Parkway, to the satisfaction of the Director of Development Engineering.

13. That, prior to servicing, the Owner prepare an on-street parking plan for Street “A”, Street “B”, and Lorenzo Drive, between the north and south limits of the development, to the satisfaction of the Director of Development Engineering.

14. That, prior to servicing of any particular phase of development, the Owner include provision for construction of temporary turning circles, as required, to the satisfaction of the Director of Development Engineering.

Tree Management

Natural Heritage

15. That no grading, tree removal, or construction can occur on site before August 15, 2009, to ensure that the requirements of the Ontario Fish and Wildlife Conservation Act are met in regard to the nesting Red-tailed Hawks on the site. If grading, tree removal, or construction is proposed before this date, the applicant must retain a qualified biologist to determine whether the young have fledged. Once the young have fledged (left the nest), construction and tree removal may begin.

Traffic

16. That, prior to registration, the Owner shall submit detailed engineering drawings to illustrate the driveway conditions on corner lots and the location of driveways outside of corner lots, to the satisfaction of the Manager of Traffic Engineering.

Noise Assessment

17. That, prior to registration, the owner/applicant shall further 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 Environments recommended sound level limits. A Detailed Noise Control Study, 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.
18. That, **prior to registration**, the following warning clauses shall be **identified in the Subdivision Agreement and in all offers to purchase and sale agreements**, for the indicated units:

**Lots 1 to 108**

“Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic may on occasion interfere with some activities of the dwelling occupants as the sound levels exceed the Municipality’s and the Ministry of the Environment’s noise criteria.”

**Lots 73 to 87**

"Purchasers/tenants are advised that due to the proximity of the adjacent commercial buildings to the west, sound levels from these commercial buildings will at times be audible"

**Lots 1, 23 to 25, 48, 49, and 72 to 74**

“This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality’s and the Ministry of the Environment’s noise criteria”.

**Lots 2 to 22, 26 to 47, 50 to 71, and 75 to 108**

“This dwelling unit has been fitted with a forced air heating system and the ducting, etc. was sized to accommodate central air conditioning. Installation of central air conditioning by the occupant will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality’s and the Ministry of the Environment’s noise criteria. (Note: the location and installation of the outdoor air conditioning device should be done so as to comply with the noise criteria of MOE Publication NPC-216, Residential Air Conditioning Devices, and thus minimize the noise impacts both on and in the immediate vicinity of the subject property.)”