

August 13, 2021

281-18

**Via Digital Submission**

Ms. Anita Fabac, MCIP, RPP  
Manager, Development Planning, Heritage and Design

City of Hamilton,  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, ON L8P 4Y5

Dear Ms. Fabac:

**RE: Lavita Estates – 311-313 Stone Church Road East, Hamilton  
Official Plan & Zoning By-law Amendment, Draft Plan of Subdivision, Site Plan and Draft Plan of  
Standard and Common Element Condominium Resubmission  
(UHOPA-21-005, ZAC-21-009, 25T-202104, DA-21-012, 25CDM-2021005 & 25CDM-2021006)**

Following our December 23, 2020 submission of the subject applications, UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) has received comments from the municipal departments and external agencies regarding the applications contained in the June 29, 2021 comment consolidation provided by City staff. Feedback has also been obtained from the June 7, 2021 Neighbourhood Information Meeting with area residents. In response to the comments received, UrbanSolutions is pleased to submit the enclosed revised supporting materials to address comments received from City staff for the lands known municipally as 311-313 Stone Church Road East in the City of Hamilton.

The Concept Plan has been altered in several areas to address concerns raised by various City departments. Notably, the northern setback for Condominium Lot No. 4 has been increased as requested to 2.4 metres. The rear yard setbacks of the common element condominium lots and as well as the dwellings fronting Crerar Drive and Street 'A' have been increased to be 7.5 metres. Fencing is now included along the perimeter of the proposed development, including the boundary of the woodlot at the new private property line, as grades permit. Further, improvements to the rear façade of Block 16 and an increase in landscape screening along the extension of Crerar Drive has been implemented on the Concept Plan and Landscape Plan. Finally, technical revisions to the Concept Plan were included to provide requested dimensions, note ownership of the Cyprus Drive cul-de-sac, identify rolled mountable curbs and confirm reconstruction of existing driveways along Crerar Drive conditional to owner's permissions.

The following comment response is specific to the matters raised in the June 29, 2021 comment consolidation:

**Development Planning – Tim Vrooman**

1. *Staff note that the proposed block townhouse and maisonette dwellings are considered multiple dwellings, which are permitted uses in medium density residential areas. On page 36 of the Planning Justification Report, it states "Medium and Low Density Apartments are designated on*

*the periphery of this neighbourhood with attached housing being employed as a buffer between single family units and the multiple family dwellings.” Staff note that transitional land uses (designated attached housing and proposed open space) already exist between the lands designated Medium Density Apartments and the subject lands. Further, the proposed medium density block (Block 3) is located within the interior of the neighbourhood but does not front onto a collector road (as proposed, the 26.0 m width of Crerar Drive ends at the intersection with Street ‘A’ and the remainder of Crerar Drive are proposed 20.0 m local roads). Given the context of the existing neighbourhood, further justification is required.*

**Comment Response:** The subject lands are located within 115.0 metres of Stone Church Road East which is designated as a minor arterial road in Schedule C of the Urban Hamilton Official Plan. It also has direct access to Crerar Drive which transitions to a collector road within the subject lands. Given the close proximity to the minor arterial road and collector road, the proposal conforms to the intent of this land use designation and remains as per the Urban Hamilton Official Plan appeal settlement agreement.

2. *The Urban Design Brief shows pedestrian connectivity through the site to the north and south, to provide connections from the area of Crerar Drive / Street ‘A’ to the area of Crerar Park. It also proposes connections through to the wooded area. This is proposed through private condominium lands. Please confirm public access will be maintained through the lands.*

**Comment Response:** The proposed wooded area will be accessible to the surrounding neighbourhood from Crerar through the block town house portion of the development, being Block 3 on the Concept. The revised Urban Design Brief that is enclosed also speaks to pedestrian access and connectivity throughout the site. For clarity, no pedestrian access will be available from Block 3, through Block 2, to Cyprus Drive. However, further opportunities can be explored for pedestrian connections from Block 3 to the abutting lands owned by the City forming part of the unopened road allowance.

3. *The proposed Zoning By-law Amendment proposes increases in height from 11.0 m to 11.5 m for single detached dwellings and street townhouses and 13.5 m for block townhouses and maisonettes. Based on the proposed built forms, in addition to the submitted elevation plans, it is unclear why such an increase is required.*

**Comment Response:** The proposed Zoning By-law aims to provide flexibility to the development during the construction process. While it is acknowledged that the proposed architectural elevations fall below the respective 11.5 metre and 13.5 metre limits, allowing for variation ensures the construction of the buildings do not break the permitted height inadvertently as the finish grade and the resulting building height as defined remain unclear at this point.

4. *The proposed Zoning By-law Amendment proposes reduced rear yard setbacks from 7.5 m to 6.0 m for the single detached dwelling and street townhouse lots. Staff are generally not supportive of reduced minimum rear yards, in order to accommodate any necessary grading, and to ensure each dwelling unit is provided with a usable amenity area.*

Comment Response: The rear yard setbacks for the street townhouse dwellings and single detached dwellings located along the extension of Crerar Drive and the common element condominium lots located at the northern edge of the site have increased from 6.0 metres to 7.5 metres accordingly.

5. *Block 2 Condominium Lots 4 through 8 are backlotting onto the Natural Heritage / Park Block. In addition to the general comment above regarding rear yard setbacks, refer to Natural Heritage comments below regarding the proposed setback reductions. Staff also note that grading for the proposed development would encroach into and eliminate significant natural features, including an exposed rock face, rather than considering how these features could be utilized as an asset benefitting the relationship between the built and natural environments. Further, the orientation of Lot 4 would allow for a setback of 1.2 metres from the rear yard of the existing dwellings along Dolphin Place. Further consideration should be given to this lot configuration. Staff also acknowledge a gated entry feature is proposed. Planning staff defer to other departments with respect to emergency response and other services and operations with respect to this proposed feature.*

Comment Response: To address these concerns, the side yard setback of Lot 4 has been increased to 2.4 metres to reconcile the relationship with the abutting dwellings along Dolphin Place. Further, the rear yard setbacks from the common element condominium units to the proposed natural heritage block have been increased from 6.0 metres to 7.5 metres. Additionally, the edge management strategy between the natural block and common element condominium has been strengthened through the provision of fencing along the property boundary as grades permit.

6. *Respecting multiple dwelling Block 3, the proposed Zoning By-law Amendment proposes to strike subsections (8) and (9) for privacy areas, and modify subsection (10) to reduce landscaped areas from 40% to 28%. It is noted that no private or communal amenity areas are proposed. Staff are concerned the cumulative impact of these amendments have not been addressed. Further, staff recommend that the proposed amendments regarding North and South setbacks and distance between end walls should maintain existing provision for no windows facing those yards.*

Comment Response: As the proposed built form and orientation of the site has been reviewed via robust settlement discussions, we can confirm the proposed development is located within 800 metres of six public parks and publicly accessible open spaces, and is dedicating the woodlot on site to the City for public use. These parks and open spaces include, the Crerar Neighbourhood Park, the Jerome Neighbourhood Park, the Bruleville Nature Park, the TB McQuesten Community Park, the Guido De Bres High School and the Bethel Gospel Tabernacle. These public open spaces provide adequate outdoor amenity to residents. Windows between end walls is an Ontario Building Code matter and do not present an overview or privacy matters.

7. *The Preliminary Grading Plan indicates that retaining walls up to 2.34 metres are proposed along the perimeter of the site. Retaining walls are generally not considered acceptable as a first course of action in dealing with grade changes between new development and existing developed areas.*

Comment Response: The use of retaining walls within the proposed development have only been implemented where other courses of action for addressing grade changes are not feasible.

8. *On page 36 of the Planning Justification Report, it states "There are no significant trees on the subject lands .... As this site is currently vacant and barren of significant vegetation...". Staff note that a wooded area exists on the subject lands.*

Comment Response: Noted. The woodlot is to be protected and the revised Adesso material enclosed adequately addresses tree preservation.

9. *The presence of potential karstic features has been previously identified, however, this has not been identified in the submitted documentation.*

Comment Response: The Karst Assessment that was requested by Development Planning staff has been excluded from the resubmission as it was not identified on the list of required supporting studies to be considered a complete application. A version of this development concept was first presented via Formal Consultation No. FC-19-042, which did not require a Karst Assessment in the list of required studies. This concept plan evolved and was refined via the LPAT experts' meetings and the concept plan as proposed in this submission reflects the settlement of the LPAT appeal (PL110331). The settlement agreement confirmed that no additional environmental studies, including a Karst Assessment, would be required for the subject lands.

10. *For the boundaries of Neighbourhoods and Open Space designations to be consistent with the proposal, the Official Plan Amendment should include amendments to Schedule E-1 to align to the amendments to Schedule B. This may be addressed through future housekeeping once the appeal to Schedule B is resolved.*

Comment Response: The above is noted and will be addressed once the appeal to Schedule B is resolved as outlined.

#### **Community Planning – Alissa Mahood**

Comment Response: Comments have been noted and do not require any direct responses or revisions.

#### **Natural Heritage – Catherine Plosz**

Comment Response: Comments from Ms. Plosz note the applicant is exempt from having to submit an Environmental Impact Study (EIS) according to the settlement agreement for the subject lands, however recommends an EIS be prepared. Additionally, a revised Tree Protection Plan, revised Landscape Plan and Grading Plan were required to address Natural Heritage staff's comments. An edge management plan will be developed, inclusive of fencing where grades permit at the rear lot line of the dwelling units. Please find enclosed the Tree Protection Plan and Landscape Plan that have been revised to ensure edge management plan can be secured through detailed design via conditions of draft plan approval and/or the site plan stage. The requested Grading Plan is to be provided at the Site Plan stage of municipal review as noted in the comments provided. Lastly, in response to natural heritage comments, please find

enclosed, a sample of the draft Stewardship Guidelines for properties adjacent to the Crerar Significant Woodland brochure prepared by Adesso Design. The UHOP settlement agreement between the developer and the City was clear in that there are no buffers added to the woodlot and development could extend to the property boundary, subject to appropriate edge management strategies. The intent is to refine this Brochure through the clearance of draft plan conditions.

#### **Cultural Heritage – Alissa Golden**

**Comment Response:** As identified in the comments, a Stage 1 & Stage 2 Archaeological Assessment was completed in support of the proposed development. The requested clearance letter from the Ministry of Heritage, Sport, Tourism and Culture for the 313 Stone Church Road East Archaeological Assessment was included in the initial submission. Further, the Ministry is currently reviewing the Stage 1 & Stage 2 Archaeological Assessment which was completed for the 311 Stone Church Road East property and this clearance will be forward to the City upon receipt.

#### **Urban Design – Ana Cruceru**

**Comment Response:** The Urban Design Brief and Landscape Plan have been revised to address comments provided by Urban Design staff. Further, a comment response letter has been prepared by Whitehouse Urban Design to speak to the specific concerns raised. The wooded area included in Block 1 of the Plan is to be dedicated to the City of Hamilton. As such, comments relating to the incorporation of design objectives for the heritage woodlot park and programming of the existing woodlot will be the responsibility of the City and will not be addressed by the following submission. It is agreed and understood, the elevations of the block townhouses within Block 3 of the Concept Plan will be subject to review and approval, all other elevations will not. Upgraded rear facades were requested by staff for those units which back onto a park, school grounds or natural area. While the rear facades will be enhanced for Block 16 as well as the south elevations for Blocks 1, 16 and 17 within Block 3 on the Draft Plan of Subdivision. The units which back onto the park, school grounds and natural area will not be altered. This is in keeping with previous municipal approvals which did not require enhanced façade treatment when abutting school grounds, as demonstrated in the Branthaven - Mount Hope Plan of Subdivision (25T-201801).

#### **Noise – Melanie Schneider**

**Comment Response:** The noise study review comments have been noted and the warning clauses outlined will be implemented through conditions of draft plan approval.

#### **Building Zoning and Engineering – Maria Romano**

**Comment Response:** Please refer to the enclosed draft Zoning By-law which has been revised to remove those provisions deemed unnecessary by Zoning staff and to add or alter relevant provisions to ensure the site-specific regulations capture all discrepancies from the parent Zoning By-law. As the Concept Plan has been revised to include 7.5 metre rear yard for lands to be rezoned to “C/A-\_\_\_(a)” (Urban Protected Residential) District, “C/S-\_\_\_(b)” (Urban Protected Residential) District and “RT-30/S-\_\_\_” (Street Townhouse) District, the draft by-law has been revised to remove the minimum rear yard



setback provision as these lands now meet the required parent by-law requirements. In addition, notable revisions for the lands proposed to be rezoned to “C/A-\_\_\_\_(a)” (Urban Protected Residential) District additional dimensions have been added to show that the lot frontages meet the parent by-law requirement of 12.0 metres and a lot area of 360 squared metres. Also as condo lot Nos. 4-8 have a 7.5 metre rear yard the minimum setback required to a (P5) Conservation/Hazard Land, this provision has been removed as this meets the City of Hamilton Zoning By-law 05-200 requirements. Notable revisions for the lands proposed to be rezoned “C/S-\_\_\_\_(b)” (Urban Protected Residential) District include removing the provision regarding lot frontages as the proposed development meets the parent by-law requirement of 12.0 metres and a lot area of 360 squared metres. In addition, a provision has been added to notwithstanding Subsections 18(A), (1f), (9) and (10) entirely relating to parking and manoeuvring areas.

Furthermore, lands proposed to be rezoned to the RT-20/S-\_\_\_\_” (Townhouse-Maisonette) District have been revised to add a provision for the minimum parking stall dimensions to be 3.0 metres in width by 5.8 metres in length to reflect the parking stall size for visitor parking spaces. Finally, for the lands to be rezoned to the “RT-30/S-\_\_\_\_” (Street Townhouse) District to remove the provision to vary the lot frontage as additional dimensions have been included and the lots now meet the parent requirements. Lastly, In addition, a provision has been added to notwithstanding Subsections 18(A), (1f), (9) and (10) entirely relating to parking and manoeuvring areas.

#### **Development Engineering – Chuck McFarland**

**Comment Response:** Please refer to the enclosed Comment Response Letter and revised Engineering materials prepared by S. Llewellyn & Associates which aim to address comments received by Development Engineering staff. A liaison between S. Llewellyn & Associates and Development Engineering staff occurred on July 28<sup>th</sup>, 2021 where appropriate measures to respond to comments were discussed. While follow up comments as a result of that meeting were requested of Development Engineering staff, none were received. Accordingly, the enclosed Engineering materials intend to implement the most appropriate measures to capture the matters discussed during that call.

#### **Environmental Services – Kristian Johnson**

**Comment Response:** All components of the concept plan have been designed to accommodate municipal waste collection.

#### **Forestry & Horticulture – Shannon Clarke**

**Comment Response:** Please see enclosed Tree Preservation Plan revised by Adesso Design to address comments provided by Forestry staff.

#### **Growth Management – Danielle Fama**

**Comment Response:** As indicated by the Ontario Land Surveyor, the Draft Plan of Condominium contains the information required by Section 51(17) of the *Planning Act*. Additionally, the enclosed Draft Plan of

Subdivision and Draft Plan of Condominium have been revised to illustrate the information requested by Growth Management staff.

#### **Hamilton Conservation Authority – Mike Stone**

Comment Response: The Hamilton Conservation Authority provided feedback on various components of the Functional Servicing Report prepared by S. Llewellyn & Associates. The Report was revised accordingly and is enclosed in the following submission.

#### **Hamilton Water – Andrea Reed, Tina Sha, Mike Christie**

Comment Response: The Functional Servicing Report, Hydraulic Assessment, Concept Plan and other related engineering materials were review by the Hamilton Water Department. The feedback from Hamilton Water confirmed the Required Fire Flow and Water Demands provided acceptable flows for the proposal. Various clarifications and revisions were outlined with regards to the Sanitary Systems, Minor Stormwater System and Source Water Protection considerations. Those comments have been noted and addressed as necessary in the enclosed engineering package.

#### **Infrastructure Planning – Monir Moniruzzaman, Suman Saha**

Comment Response: Infrastructure Planning staff provided comments on the Functional Servicing Report, Storm Drainage Area Plan and Grading Plan. These comments have been acknowledged by S. Llewellyn & Associates and rectified in the enclosed engineering package.

#### **Landscape Architectural Services – Cynthia Graham**

Comment Response: Please refer to the enclosed material prepared by Adesso Design. In keeping with the UHOP settlement, conveyance of the Woodlot satisfies the full obligations of the proponent for parkland dedication.

#### **Transportation – Sandra Lucas**

Comment Response: Transportation Planning provided support for the proposed Official Plan Amendment and Zoning By-law Amendment, and also presented recommendations to be implemented into the Parking Plan, Transportation Impact Study, engineering drawings, and the overall Concept. In keeping with the comments provided, and the July 28, 2021 discussions had between NexTrans and Transportation Planning staff, please find enclosed the Transportation Impact Study Addendum and engineering materials which have been revised accordingly.

A version of this development concept was first presented via Formal Consultation No. FC-19-042. This concept plan evolved and was refined via the LPAT experts' meetings and the concept plan as proposed in this submission reflects the settlement of the LPAT appeal (PL110331).

It is our opinion that the following submission adequately addresses all issues identified by the respective City departments. This submission includes the necessary material to bring forward the Official Plan and Zoning By-law Amendments and demonstrates the subdivision matters can be implemented through conditions of draft plan approval.

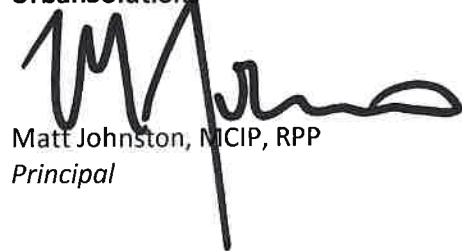
In keeping with the above, please find enclosed:

- One (1) copy of the revised Concept Plan prepared by UrbanSolutions;
- One (1) copy of the revised draft Zoning By-law Amendment prepared by UrbanSolutions;
- One (1) copy of the Neighbourhood Information Meeting Minutes prepared by UrbanSolutions;
- One (1) copy of the PIN Abstract and Legal Description prepared by A.T. McLaren;
- One (1) copy of the certified Legal Description prepared by A.T. McLaren;
- One (1) copy of the revised Urban Design Report prepared by Whitehouse Urban Design;
- One (1) copy of the revised Landscape Plan and Tree Preservation Plan prepared by Adesso Design;
- One (1) copy of the Urban Design Comment Response Letter prepared by Adesso Design;
- One (1) copy of the Hamilton Conservation Authority Comment Response Letter prepared by Adesso Design;
- One (1) copy of the Natural Heritage Comment Response Letter prepared by Adesso Design;
- One (1) copy of the Forestry Comment Response Letter prepared by Adesso Design;
- One (1) copy of the Stewardship Guidelines for properties adjacent to the Crerar Significant Woodland brochure prepared by Adesso Design;
- One (1) copies of the Functional Servicing Report and Stormwater Management Plan/Report prepared by S. Lewellyn & Associates;
- One (1) copy of the Civil Engineering drawing set which includes Sediment, Erosion Control & Removals Plan, General Plan of Services, Grading Plan, Storm & Sanitary Drainage Area Plan, Water Distribution Plan and Parking Plan prepared by S. Lewellyn & Associates;
- One (1) copy of the comment response letter prepared by S. Lewellyn & Associates;
- One (1) copy of the revised Transportation Impact Study including AutoTURN Analysis and Centerline Sketch prepared by NexTrans Engineering Consultants;
- One (1) copy of the revised Site Plan prepared by UrbanSolutions; and,
- One (1) copy of the revised Draft Plan of Subdivision prepared by UrbanSolutions.

As per the email correspondence provided by Brian Duxbury of Duxbury Law on July 27, 2021, by submitting this package by August 13, 2021, we are ensured to have a December 7, 2021 Planning Committee date. We look forward to working with you and your staff in the review of this application. Should you have any questions or require anything further, please do not hesitate to contact the undersigned.



Kind Regards,  
**UrbanSolutions**



Matt Johnston, MCIP, RPP  
*Principal*



Scott Beedie, BURPI  
*Planner*

- cc. Councillor Esther Pauls, City of Hamilton Ward 7 (Cover letter & Concept Plan only)  
Mr. Steve Robichaud, MCIP, RPP, Chief Planner and Director of Planning, City of Hamilton (Cover letter & Concept Plan only)  
Mr. Ohi Izirien, MCIP, RPP, Senior Project Manager, City of Hamilton (Cover letter & Concept Plan only)  
Mr. Steve Zakem, Aird & Berlis LLP (Cover letter & Concept Plan only)  
Mr. Anthony DiCenzo, DiCenzo Construction Company Limited  
Mr. Sergio Manchia, MCIP, RPP, UrbanSolutions Planning & Land Development Consultants Inc.