City of Hamilton
PLANNING COMMITTEE

Meeting #: 19-006
Date: April 16, 2019
Time: 9:30 a.m.
Location: Council Chambers, City Hall
71 Main Street West

Lisa Chamberlain, Legislative Coordinator (905) 546-2424 ext. 4605

Pages

1. CEREMONIAL ACTIVITIES

2. APPROVAL OF AGENDA
(Added Items, if applicable, will be noted with *)

3. DECLARATIONS OF INTEREST

4. APPROVAL OF MINUTES OF PREVIOUS MEETING

4.1 April 2, 2019 — 4

5. COMMUNICATIONS — 14

5.1 Correspondence from the City of Toronto respecting support for their Resolution to adequately fund the Local Planning Appeal Tribunal (Referred from the March 27, 2019 Council meeting) — 19

Recommendation: Be received

6. DELEGATION REQUESTS

6.1 Janice Brown, Durand Neighbourhood Association, respecting the Durand Neighbourhood Character Study Review (For today's meeting) — 24

7. CONSENT ITEMS

7.1 Hamilton Municipal Heritage Committee Report 19-002 — 25

10. DISCUSSION ITEMS

10.1 Durand Neighbourhood Character Study Review (PED19017) (Ward 2) (Deferred from the March 19, 2019 meeting) 171

11. MOTIONS

12. NOTICES OF MOTION

13. GENERAL INFORMATION / OTHER BUSINESS

13.1 Outstanding Business List

13.1.a Items to be Removed:
1. Item JJ - Housekeeping Amendments to City of Hamilton Property Standards By-law 10-221 and Yard Maintenance By-law 10-118
(Addressed as Item 7.3 on this agenda)

14. PRIVATE AND CONFIDENTIAL

14.1 Closed Session Minutes - April 2, 2016 (Distributed under separate cover)
Pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 18-270; and, Section 239(2), Sub-sections (e) and (f) of the *Ontario Municipal Act*, 2001, as amended, as the subject matters pertain to litigation or potential litigation, including matters before administrative tribunals, affecting the City; and, the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

15. ADJOURNMENT

PLANNING COMMITTEE
MINUTES 19-005
9:30 a.m.
Tuesday, April 2, 2019
Council Chambers
Hamilton City Hall
71 Main Street West

Present: Councillors M. Pearson (Chair), M. Wilson, J. Farr (1st Vice Chair), C. Collins, J.P. Danko, B. Clark, T. Whitehead and J. Partridge

Absent with Regrets: Councillor B. Johnson - Personal

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 80 and 92 Barton Street East and 245 Catharine Street North, Hamilton (PED19060) (Ward 2) (Item 8.1)

(Farr/Collins)

(a) That Amended Official Plan Amendment Application UHOPA-17-041 by John Barton Investments, Owner, for a change in designation on Schedule "M-2" of the West Harbour (Setting Sail) Secondary Plan in the former City of Hamilton Official Plan from "Low Density Residential" to "Prime Retail", a change in Building Height permissions on Schedule "M-4" Building Heights, and to add a Site Specific Policy Area to permit the development of a five storey professional office building (including medical clinic) and 45 dwelling units, in the form of Multiple Dwelling and Stacked Townhouse Dwelling units, for lands located at 80 and 92 Barton Street East and 245 Catharine Street North, as shown on Appendix "A" to Report PED19060, be approved on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED19060, be adopted by City Council;

(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe (2017).

(b) That Amended Zoning By-law Amendment Application ZAC-17-090 by John Barton Investments, Owner, for a change in zoning from the "H/S-1058"

(Community Shopping and Commercial Etc.) District, Modified, "H" (Community Shopping and Commercial Etc.) District, "L-mr-2" (Planned Development) District, and the "L-mr-2/S-1058 (Planned Development) District, Modified to the Mixed Use Medium Density - Pedestrian Focus (C5a, 723, H73) Zone, to permit a 4,552 sq m office building (including medical clinic), with 117 parking spaces and 45 dwelling units, in the form of Multiple Dwelling and Stacked Townhouse Dwelling units, with 55 associated parking spaces, for lands located at 80 and 92 Barton Street East and 245 Catharine Street North as shown on Appendix "A" to Report PED19060, be approved, subject to the following:

(i) That the draft By-law, attached as Appendix "C", ***as amended***, to Report PED19060, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017), and complies with the City of Hamilton Official Plan upon approval of Official Plan Amendment No. ___.

(iii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject property by introducing the holding symbol "H73" to the proposed Mixed Use Medium Density – Pedestrian Focus (C5a, 723) Zone.

The Holding Provision "H73" is to be removed to allow the development of the proposed medical office building and 45 dwelling units upon:

(1) That the owner submits and receives approval of a Documentation and Salvage Report in accordance with the City of Hamilton Documentation and Salvage Report guidelines to the satisfaction of the Director of Planning and Chief Planner;

(2) That the owner submits and receives approval of a revised fire flow calculation based on the more advanced building design plans to demonstrate that the existing watermains can provide for sufficient flow for firefighting for the future development on the site all to the satisfaction of the Manager of Engineering Approvals;

(3) The owner submits a signed Record of Site Condition to the City of Hamilton and the Ministry of the Environment Conservation and Parks (MOECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the

MOECP, and submission of the City of Hamilton's current RSC administration fee.

(c) That the public submissions received supported the approval of the proposed Zoning By-law Amendment with amendments.

Result: Main Motion, *As Amended*, CARRIED by a vote of 8 to 0, as follows:

YES – Councillor Maureen Wilson
YES – Councillor Jason Farr
YES – Councillor Chad Collins
YES – Councillor John-Paul Danko
YES – Councillor Maria Pearson
YES – Councillor Judi Partridge
YES – Councillor Terry Whitehead
NOT PRESENT – Councillor Brenda Johnson
YES – Councillor Brad Clark

2. Early Payment Removal for Parking By-laws (PED19052) (City Wide) (Item 10.1)

(Collins/Whitehead)
That the Administrative Penalty System By-law 17-225 (APS) be amended to remove the Early Payment for By-law 01-216 Regulating Municipal Parking Facilities, By-law 01-217 To Establish and Regulate Fire Routes, By-law 01-218 Regulating On-Street Parking, By-law 01-219 To Manage and Regulate Municipal Parks, By-law 01-220 Regulating Parking on Private and Municipal Property, By-law 80-179 Regulating Hess Village Pedestrian Mall, By-law 16-009 Regulating Unauthorized Parking on Boulevards, Side Yards and Front Yards, and for staff to prepare an amended Administrative Penalty System By-law 17-225 which would be prepared in a form satisfactory to the City Solicitor and be enacted by Council at a future date, upon reviewing the feasibility of implementation with current operations.

Result: Motion CARRIED by a vote of 8 to 0, as follows:

YES – Councillor Maureen Wilson
YES – Councillor Jason Farr
YES – Councillor Chad Collins
YES – Councillor John-Paul Danko
YES – Councillor Maria Pearson
YES – Councillor Judi Partridge
YES – Councillor Terry Whitehead
NOT PRESENT – Councillor Brenda Johnson
YES – Councillor Brad Clark

FOR INFORMATION:

(a) APPROVAL OF THE AGENDA (Item 2)

The Committee Clerk advised of the following changes to the agenda:

1. DELEGATION REQUESTS (Item 6)

6.1 Lakewood Beach Community Council respecting Development at 310 Frances Avenue, Hamilton (For the April 16th meeting)

6.2 Jen Davis respecting Development at 310 Frances Avenue, Hamilton (For the April 16th meeting)

6.3 Mark Victor respecting Development at 310 Frances Avenue, Hamilton (For the April 16th meeting)

6.4 Frank D'Amico respecting Development at 310 Frances Avenue, Hamilton (For the April 16th meeting)

6.5 Sherry Hayes respecting Development at 310 Frances Avenue, Hamilton (For the April 16th meeting)

6.6 Eleanor Boyle respecting Development at 310 Frances Avenue, Hamilton (For the April 16th meeting)

6.7 David Bertrand respecting Development at 310 Frances Avenue, Hamilton (For the April 16th meeting)

2. PUBLIC HEARINGS / DELEGATIONS (Item 8)

8.1.a Added Staff Presentation

8.1.b Added Written Comments from J. Alejandro Lopez

8.2.a Added Staff Presentation

8.2.b Added Written Comments from:

1. Murray and Jane Slote
2. Christopher Ritsma
3. T.J. De Pasquale

8.2.c Registered Speakers:

1. Lucian Puscariu, Romanian Church
2. Lachlan Holmes, Hamilton Forward

3. PRIVATE AND CONFIDENTIAL (Item 14)

14.2 Request for Review of Decision of the Local Planning Appeal Tribunal in Case No. PL161240 for Official Plan and Zoning By-law Amendments for the Lands Located at 1117 Garner Road East (Ward 12) (Deferred from the March 27, 2019 Council meeting)

(Farr/Danko)
That the agenda for the April 2, 2019 meeting be approved, as amended.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES – Councillor Maureen Wilson
YES – Councillor Jason Farr
NOT PRESENT – Councillor Chad Collins
YES – Councillor John-Paul Danko
YES – Councillor Maria Pearson
YES – Councillor Judi Partridge
YES – Councillor Terry Whitehead
NOT PRESENT – Councillor Brenda Johnson
YES – Councillor Brad Clark

(b) DECLARATIONS OF INTEREST (Item 3)

None declared.

(c) APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING (Item 4)

(i) March 19, 2019 (Item 4.1)

Councillor Partridge noted that her absence at the March 19, 2019 Planning Committee meeting should be noted as “City Business”, and the Clerk advised the Minutes would be corrected for the official record.

(Partridge/Whitehead)
That the Minutes of the March 19, 2019 meeting be approved, as amended.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES – Councillor Maureen Wilson
YES – Councillor Jason Farr
NOT PRESENT – Councillor Chad Collins
YES – Councillor John-Paul Danko
YES – Councillor Maria Pearson
YES – Councillor Judi Partridge
YES – Councillor Terry Whitehead
NOT PRESENT – Councillor Brenda Johnson
YES – Councillor Brad Clark

(d) DELEGATION REQUESTS (Item 6)

(i) Delegation Requests respecting Development at 310 Frances Avenue, Hamilton (Added Items 6.1 – 6.7)

(Clark/Danko)
That the following Delegation Requests respecting Development at 310 Frances Avenue, Hamilton, be approved for the April 16, 2019 Planning Committee meeting:

6.1 Lakewood Beach Community Council
6.2 Jen Davis
6.3 Mark Victor
6.4 Frank D'Amico
6.5 Sherry Hayes
6.6 Eleanor Boyle
6.7 David Bertrand

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES – Councillor Maureen Wilson
YES – Councillor Jason Farr
NOT PRESENT – Councillor Chad Collins
YES – Councillor John-Paul Danko
YES – Councillor Maria Pearson
YES – Councillor Judi Partridge
YES – Councillor Terry Whitehead
NOT PRESENT – Councillor Brenda Johnson
YES – Councillor Brad Clark

(e) PUBLIC HEARINGS / DELEGATIONS (Item 8)

(i) Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 80 and 92 Barton Street East and 245 Catharine Street North, Hamilton (PED19060) (Ward 2) (Item 8.1)

In accordance with the provisions of the *Planning Act*, Chair Pearson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Official Plan Amendment and Zoning By-law Amendment the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

(Farr/Wilson)
That the public meeting be closed.

CARRIED

Shannon McKie, Senior Project Manager – Urban Team, addressed the Committee with the aid of a PowerPoint presentation. A copy of the presentation is available online at www.hamilton.ca.

(Whitehead/Farr)
That the staff presentation be received.

CARRIED

Scott Arbuckle, IBI Group, agent for the applicant was in attendance and indicated that the applicant is in agreement with the staff report.

(Farr/Collins)
That the written comments from J. Alejandro Lopez (Item 8.1.b), be received.

CARRIED

(Farr/Collins)

(a) That Policy d) vii) – Parking in the proposed by-law, attached as Appendix "C" to Report PED19060, be amended by changing paragraph 1 from "1" to "1.22", deleting paragraph 2 and renumbering the balance accordingly, to read as follows:

(i) Policy d) vii) – Parking, sub-section B)

1. ~~1~~ ***1.22*** spaces per dwelling unit shall be required.

~~2. In addition to 1. above, 0.22 visitor parking spaces per dwelling unit shall be required.~~

2. Parking space size shall be a minimum of 2.6 metres in width and 5.5 metres in length

(b) That Policy e) ii) – Minimum Side Yard in the proposed by-law, attached as Appendix "C" to Report PED19060, be amended by changing "1.4" to "0.9", to read as follows:

ii) Minimum Side Yard ~~1.4~~ ***0.9*** metres.

(c) ***That the recommendations in Report PED19060 be amended by adding the following sub-section (c):***

(c) That the public submissions received supported the approval of the proposed Zoning By-law Amendment with amendments.

Result: *Amendment* CARRIED by a vote of 8 to 0, as follows:

YES – Councillor Maureen Wilson
YES – Councillor Jason Farr
YES – Councillor Chad Collins
YES – Councillor John-Paul Danko
YES – Councillor Maria Pearson
YES – Councillor Judi Partridge
YES – Councillor Terry Whitehead
NOT PRESENT – Councillor Brenda Johnson
YES – Councillor Brad Clark

For disposition of this matter, refer to Item 1.

(ii) Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 282 MacNab Street North, Hamilton (PED19071) (Ward 2) (Item 8.2)

In accordance with the provisions of the *Planning Act*, Chair Pearson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Official Plan Amendment and Zoning By-law Amendment the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

(Farr/Partridge)
That the staff presentation be waived.

CARRIED

Delegations:

1. Lucian Puscariu, 581 Queen Street, Hamilton

Lucian Puscariu addressed the Committee in support of the denial of the proposed Zoning By-law Amendment.

2. Lachlan Holmes, 50 Young Street, Hamilton

Lachlan Holmes addressed the Committee in support of the proposed Zoning By-law Amendment.

3. Florin Patrau, 92 Buckingham Drive, Hamilton

Florin Patrau addressed the Committee in support of the denial of the proposed Zoning By-law Amendment.

4. David Slote, 306-50 Murray Street West, Hamilton

David Slote addressed the Committee in support of the denial of the proposed Zoning By-law Amendment.

(Farr/Collins)
That the delegations be received.

CARRIED

Written Comments:

8.2.b

1. Murray and Jane Slote in support of the denial of the proposed Zoning By-law Amendment.

2. Christopher Ritsma in support of the proposed Zoning By-law Amendment.

3. T.J. De Pasquale, Project Manager and Agent of the property owner, in support of the proposed Zoning By-law Amendment.

(Farr/Collins)
That the written comments be received.

CARRIED

(Farr/Collins)
That the public meeting be recessed, and Report PED19071 respecting Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 282 MacNab Street North, Hamilton, be deferred for approximately thirty days in order to allow the Ward Councillor and staff to work with the applicant.

Result: Motion CARRIED by a vote of 8 to 0, as follows:

YES – Councillor Maureen Wilson
YES – Councillor Jason Farr
YES – Councillor Chad Collins
YES – Councillor John-Paul Danko
YES – Councillor Maria Pearson
YES – Councillor Judi Partridge
YES – Councillor Terry Whitehead
NOT PRESENT – Councillor Brenda Johnson
YES – Councillor Brad Clark

(f) PRIVATE AND CONFIDENTIAL (Item 14)

(i) Closed Session Minutes – March 19, 2019 (Item 14.1)

(Collins/Danko)

(a) That the Closed Session Minutes of the March 19, 2019 Planning Committee meeting be approved, as presented; and,

(b) That the Closed Session Minutes of the March 19, 2019 Planning Committee meeting, remain confidential.

CARRIED

(Collins/Clark)

That Committee move into Closed Session, respecting Item 14.2, pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 18-270; and, Section 239(2), Sub-sections (e) and (f) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City; and, the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

CARRIED

(ii) Request for Review of Decision of the Local Planning Appeal Tribunal in Case No. PL161240 for Official Plan and Zoning By-law Amendments for the Lands Located at 1117 Garner Road East (Ward 12) (Added Item 14.2)

There was nothing to report in Open Session.

(g) ADJOURNMENT (Item 15)

(Partridge/Danko)

That, there being no further business, the Planning Committee be adjourned at 12:20 p.m.

CARRIED

Respectfully submitted,

Councillor M. Pearson
Chair, Planning Committee

Lisa Chamberlain
Legislative Coordinator
Office of the City Clerk

TO: PLANNING COMMITTEE, CITY OF HAMILTON

FROM: DAN VAN DEN BEUKEL, CITIZEN OF HAMILTON (WARD 10)

DATE: MARCH 18, 2019

RE: URGENT REVIEW – DEVELOPMENT & SITE APPLICATION AT 310 FRANCES AVENUE STONEY CREEK (WARD 10) FOR 3 TOWERS (48, 54 & 59 STOREYS HIGH)

BACKGROUND:

"The [City of Hamilton] has received both a Development Application, no. DA-19-020, and Site Plan Application, no. SPA-19-020, [from New Horizon Development Group] for the lands at 310 Frances Ave, in Stoney Creek. The plans call for three towers, the shortest at 48 storeys, the middle at 54 storeys, and the tallest at 59 storeys. If built, these towers would become the 3rd, 2nd, and 1st tallest towers in the City, respectively."

> Holmes, Lachlan (February 9, 2019). Massive Development Planned In Stoney Creek – Updated. Retrieved from http://hamiltonforward.ca/2019/02/09/massive-development-planned-in-stoney-creek/

RECOMMENDATIONS

To request that City Council and/or the Planning Committee take the following immediate action(s):

(1) Freeze or postpone the application for 310 Frances Avenue until the city has properly consulted with the neighbourhood, QEW-Lake Ontario and Gray road-Fruitland road, and the planning committee regarding this development and the maximum building height specifications or

(2) Amend the bylaw(s) that enables this application, which changed the maximum building height for 310 Frances Avenue to "none", to match the Amica Senior Living Centre at 135 King Street East at 5 storeys high.

Note: (i) According to the City of Hamilton website, there are no secondary plans for the lands between the QEW and Lake Ontario, Gray road and Fruitland road. (ii) ***According to city staff, this application goes before a Design Review Panel on April 11th and final approval shortly after. Therefore, this request requires immediate action.***

COMMENTS

1) I am very disappointed that our local government would allow any lands or developer to have zero restriction on building height, particularly those next to residential properties or single-detached homes.

2) I find any structure taller than the Amica Senior Living Centre, which is located at the former Stoney Creek Diary lands, to be vastly inappropriate, greedy, over-indulgent and disrespectful to the community, the environment, and neighbours.

3) **As a councillor, ask yourself: "Would I want a tower next to my home?"**

4) See appendix for photo of lower Stoney Creek, which illustrates stark contrast between the average home building height and recent commercial building development.

5) Why is there no secondary plan for lands between QEW & Lake Ontario, Gray road & Fruitland road?

6) According to the article citied above, the three towers will have 1836 units in total. As a homeowner, I'm afraid this could have a negative effect on the local housing market - contributing to a buyer's market, lowering housing demand, decreasing home prices, particularly those immediately surrounding this development.

7) If approved, these towers may become the tallest building in the city of Hamilton. **Does this mean, lower Stoney Creek will become the new city centre for Hamilton** (since most cities throughout the world are centred around the tallest building)? For example: Eiffel Tower in Paris France (1890-1930), Empire State Building in New York City USA (1931-1971); Sears Tower in Chicago USA (1973-1998), or any church throughout Europe.

   History of the World's Tallest Buildings. Retrieved from https://en.wikipedia.org/wiki/History_of_the_world%27s_tallest_buildings

10) None of this development supports or strengthens our community. It may put more significant financial stress on our transportation infrastructure (e.g. highways & bus system), our education and social infrastructure. Note: There are no schools, buses, recreational centres or grocery stores near this site, let alone anywhere else in ward 10.

11) There needs to be more attention paid to developed lands as we pursue intensification throughout the city and rebuild to make the city the best place to age gracefully and raise a family for all.

12) The apartment building next to 310 Frances Avenue at 500 Green Road appears to have 15 storeys – see Google Maps Street View. **Therefore, the proposed development at 310 Frances Avenue would be nearly 4x's taller than the apartment building at 500 Greens Road** – see appendix A for photo of lands.

13) I hope you, as elected officials and as our local government, make the right decision.

Have a great day.

Sincerely,

Dan van den Beukel

APPENDIX

A) Photo of lower Stoney Creek from Ridge Road.

B) 3D rendering of towers

Holmes, Lachlan (February 9, 2019). Massive Development Planned In Stoney Creek – Updated. Retrieved from http://hamiltonforward.ca/2019/02/09/massive-development-planned-in-stoney-creek/

TORONTO

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In reply please quote:
Ref.: 19-PH2.6

March 4, 2019

GREATER GOLDEN HORSESHOE MUNICIPALITIES:

Subject: Planning and Housing Committee Item 2.6
Providing Certainty in the Planning Appeals Process: Clearing the Backlog at the Local Planning Appeal Tribunal (Ward All)

City Council on February 26, 2019, adopted this item as amended, and in so doing, has:

1. Requested the Government of Ontario to increase funding for the Local Planning Appeal Tribunal in order for Tribunals Ontario to appoint a team of temporary (and possibly permanent) adjudicators, mediators and other staff necessary to alleviate the current backlog of hearings, and in particular hearings intended to adjudicate major policy matters and development applications that would result in the delivery of housing units to the City.

2. Advised the Ministry of Municipal Affairs and Housing that the City objects to the closure of the Local Planning Appeal Support Centre.

3. Requested the Local Planning Appeal Tribunal to give priority to the City of Toronto's municipal comprehensive review policy hearings and to concluding the adjudication process with regard to the City's comprehensive Zoning By-law, in order to bring into force an enabling up-to-date municipal Official Plan Policy and implementation framework which will then assist Local Planning Appeal Tribunal adjudicators in their adjudication of site or area specific planning applications and would enable the City to advance additional area specific zoning frameworks to implement new official plan policies.

for City Clerk

M. Toft/wg

Attachment

Sent to: Premier, Province of Ontario
Leader, New Democratic Party of Ontario, Province of Ontario
Leader, Green Party of Ontario, Province of Ontario
Interim Leader, Ontario Liberal Party, Province of Ontario
Attorney General, Province of Ontario
Minister of Municipal Affairs and Housing, Province of Ontario
Greater Golden Horseshoe Municipalities
Local Planning Appeal Tribunal

c. City Manager

TORONTO **Committee Report**
Report Item

Considered by City Council on
February 26, 2019

Planning and Housing Committee

PH2.6		Amended		Ward: All

Providing Certainty in the Planning Appeals Process: Clearing the Backlog at the Local Planning Appeal Tribunal

City Council Decision

City Council on February 26, 2019, adopted the following:

1. City Council request the Government of Ontario to increase funding for the Local Planning Appeal Tribunal in order for Tribunals Ontario to appoint a team of temporary (and possibly permanent) adjudicators, mediators and other staff necessary to alleviate the current backlog of hearings, and in particular hearings intended to adjudicate major policy matters and development applications that would result in the delivery of housing units to the City.

2. City Council advise the Ministry of Municipal Affairs and Housing that the City objects to the closure of the Local Planning Appeal Support Centre.

3. City Council request the Local Planning Appeal Tribunal to give priority to the City of Toronto's municipal comprehensive review policy hearings and to concluding the adjudication process with regard to the City's comprehensive Zoning By-law, in order to bring into force an enabling up-to-date municipal Official Plan Policy and implementation framework which will then assist Local Planning Appeal Tribunal adjudicators in their adjudication of site or area specific planning applications and would enable the City to advance additional area specific zoning frameworks to implement new official plan policies.

4. City Council direct the City Clerk to distribute City Council’s request to adequately fund the Local Planning Appeal Tribunal to the Minister of Municipal Affairs and Housing, the Attorney General, the leaders of all parties represented in the Ontario Legislature, and to the Councils of municipalities within the Greater Golden Horseshoe.

Committee Recommendations

The Planning and Housing Committee recommends that:

1. City Council request the Government of Ontario to increase funding for the Local Planning Appeal Tribunal (LPAT) in order for Tribunal Ontario to appoint a team of temporary (and possibly permanent) adjudicators, mediators and other staff, necessary to alleviate the current backlog of hearings, and in particular hearings intended to adjudicate major policy matters and development applications that would result in the delivery of housing units to the City.

2. City Council request the Local Planning Appeal Tribunal (LPAT) to give priority to the City of Toronto's municipal conformity review (MCR) policy hearings and to concluding the

adjudication process with regard to the City's comprehensive zoning by-law, in order to bring into force an enabling "up-to-date" municipal official plan policy and implementation framework which will then assist LPAT adjudicators in their adjudication of site or area specific planning applications and would enable the City to advance additional area specific zoning frameworks to implement new official plan policies.

3. City Council direct the City Clerk to distribute City Council's request to adequately fund the Local Planning Appeal Tribunal (LPAT) to the Minister of Municipal Affairs and Housing, the Attorney General, the leaders of all parties represented in the Ontario Legislature, and to the Councils of municipalities within the Greater Golden Horseshoe.

Origin

(February 11, 2019) Letter from Councillor Ana Bailão

Summary

Housing supply is a concern for the City of Toronto. Ongoing challenges in bringing housing to market is one of the challenges in a complex housing supply chain. Submission of complete applications, municipal approvals, provincial approvals, housing type and demand, financing, land and construction costs, and availability of labour are factors impacting housing supply. As a result, collectively we need to make adjustments within the chain and properly resource all parts of the supply chain.

Part of the process also entails unlocking potential supply that is before the Local Planning Appeal Tribunal (LPAT) due to appeals by one party or another. Resource challenges also impact the LPAT as is demonstrated by the number of matters awaiting a hearing.

Over the five-year period of 2013 to 2017, there were 146,181 residential units in development proposals under review by the City of Toronto. This includes over 30,000 residential units, in well over 100 rezoning applications, that have been appealed to the Local Planning Appeal Tribunal (LPAT) and for which a Decision has not yet been recorded. The appealed development proposals represent a significant portion of the City's potential housing supply.

In the absence of adding more adjudicators and mediators, a backlog of appealed matters awaiting hearings has been created impacting the potential supply of housing. Increasing the number of mediators and adjudicators would streamline the outcomes where a matter has been appealed by either the applicant or a third party and enable a more proactive approach to bringing housing supply to market. The addition of additional mediators has the potential to significantly reduce hearing times if a settlement is achieved. This would provide the opportunity to put proposals back on track and enable the development community to market, finance and construct new housing supply.

Delays in receiving hearing dates have always been a frustrating issue for the City of Toronto. The backlog has increased even more since new planning legislation (Bill 139) and its transition regulations came into play in mid-2018. These regulations require the LPAT to operate under two appeal systems, the old (OMB) system (which applies to certain appeals that were in play prior to the proclamation of Bill 139) and the new LPAT system. By way of example, Official Amendment No. 231, the Official Plan of the City of Toronto with respect to the Economic Health Policies and the Policies, Designations and Mapping for Employment Areas and the City of Toronto's Comprehensive Zoning By-law 569 – 2013 have both been under adjudication before the OMB/LPAT since 2013.

This backlog of hearings on policy matters and their implementing tools (zoning by-laws), creates uncertainly in the market and results in applicants appealing applications in the absence

of an approved policy and policy implementation framework.

Addressing the backlog for appeals relating to the old and the new system, may be the best tool the Government has to more rapidly bring more housing supply to market and provide certainty in the planning appeals process.

Background Information (Committee)

(February 11, 2019) Letter from Councillor Ana Bailão on Providing Certainty in the Planning Appeals Process: Clearing the Backlog at the Local Planning Appeal Tribunal
(http://www.toronto.ca/legdocs/mmis/2019/ph/bgrd/backgroundfile-126606.pdf)

Communications (City Council)

(February 22, 2019) Letter from Martin Gerwin and Judith Rutledge, Co-Chairs, Steering Committee, Mimico Lakeshore Community Network (CC.Supp.PH2.6.1)
(http://www.toronto.ca/legdocs/mmis/2019/cc/comm/communicationfile-91669.pdf)
(February 26, 2019) Letter from Lenka Holubec on behalf of ProtectNatureTO (CC.New.PH2.6.2)
(http://www.toronto.ca/legdocs/mmis/2019/cc/comm/communicationfile-91748.pdf)

Form: Request to Speak to Committee of Council
Submitted on Monday, March 18, 2019 - 11:09 am

==Committee Requested==
Committee: Planning Committee

Name of Sub-Committee:

==Requestor Information==
Name of Individual: Janice Brown

Name of Organization: Durand Neighbourhood Association

Contact Number:

Email Address:

Mailing Address:
Durand Neighbourhood Association Character Project

Reason(s) for delegation request: I wish to delegate to Planning on behalf of the Durand Neighbourhood Association and the staff report on our Character Project.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No

Hamilton

HAMILTON MUNICIPAL HERITAGE COMMITTEE
REPORT 19-002
12:00 p.m.
March 21, 2019
Room 264, 2nd Floor
Hamilton City Hall
71 Main Street West

Present:	Councillor M. Pearson, W. Arndt, D. Beland, A. Denham-Robinson (Chair), M. McGaw, T. Ritchie, G. Carroll, R. Sinclair, T. Wallis.
Absent with Regrets:	C. Dmitry, K. Garay, and K. Stacey.

THE HAMILTON MUNICIPAL HERITAGE COMMITTEE PRESENTS REPORT 19-002 AND RESPECTFULLY RECOMMENDS:

1. Dunnington-Grubb Gardens, 1000 Main Street East (Item 11.1)

WHEREAS, the Hamilton Municipal Heritage Committee has received a verbal update respecting the Dunnington-Grubb Gardens; and

WHEREAS, the property known as Gage Park is currently on staff's work plan for Designation;

THEREFORE BE IT RESOLVED:

(a) That the Hamilton Municipal Heritage Committee recommends that areas of Gage Park remain as a historic passive Victorian park;

(b) That the preservation and conservation of Dunnington-Grubb Gardens continue;

(c) That the Hamilton Municipal Heritage Committee recommends that Gage Park continue to be used for educational programs geared towards youth, post-secondary students and potential tourism programs;

(d) That the Hamilton Municipal Heritage Committee support "non-financial" initiatives of the Friends of Gage Park and the Dunnington-Grubb Gardens Foundation; and,

(e) That City staff continue their engagement with the Friends of Gage Park and Dunnington-Grubb Gardens Foundation.

FOR INFORMATION:

(a) CEREMONIAL ACTIVITY (Item 1)

There were no ceremonial activities.

(b) CHANGES TO THE AGENDA (Item 2)

The Clerk advised the Committee of the following change:

1. DELEGATION REQUESTS (Item 6)

6.1 Janice Brown, Durand Neighbourhood Association respecting the Grand Durand Garden Tour.

The Agenda for the March 21, 2019 Hamilton Municipal Heritage Committee was approved, as amended.

(c) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

(d) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)

(i) February 21, 2019 (Item 4.1)

The Minutes of the February 21, 2019 meeting of the Hamilton Municipal Heritage Committee were approved, as presented.

(e) DELEGATION REQUESTS (Item 6)

(i) Janice Brown, Durand Neighbourhood Association respecting the Grand Durand Garden Tour (for today's meeting) (Added Item 6.1)

The delegation request from Janice Brown, Durand Neighbourhood Association respecting the Grand Durand Garden Tour, was approved, for today’s meeting.

(f) CONSENT ITEMS (Item 7)

(i) Year-End Report from the Working Groups of the Hamilton Municipal Heritage Committee (Item 7.1)

The Year-End Reports from the Working Groups of the Hamilton Municipal Heritage Committee will be deferred to the next meeting.

A. Denham-Robinson relinquished the Chair to discuss the following item.

(ii) Hamilton Municipal Heritage Committee Heritage Recognition Awards Update (Item 7.2)

The Education Sub-Committee has met to go through the list of nominations submitted on the City's website. Five nominations have been received via the City's website. Committee members are asked to submit nominations for Heritage Landscapes, as none were received through the website. A list will be compiled and presented at the next meeting.

The Hamilton Municipal Heritage Committee Heritage Recognition Awards Update, was received.

A. Denham-Robinson assumed the Chair.

(g) DELEGATIONS / PUBLIC HEARINGS (Item 8)

(i) Janice Brown, Durand Neighbourhood Association respecting the Grand Durand Garden Tour (Item 8.1)

Janice Brown presented information respecting the Grand Durand Garden Tour.

The presentation from Janice Brown, Durand Neighbourhood Association respecting the Grand Durand Garden Tour, was received.

(h) STAFF PRESENTATIONS (Item 9)

(i) Gage Park Project Update (Item 9.1)

Cynthia Graham, Manager, Public Works, addressed the Committee respecting a Gage Park Project Update, with the aid of a PowerPoint presentation.

The presentation respecting the Gage Park Project Update was received.

A copy of the presentation is available at the City's website at www.hamilton.ca, or through the Office of the City Clerk.

(i) MOTIONS (Item 11)

(i) Dunnington-Grubb Gardens, 1000 Main Street East (Item 11.1)

D. Beland wished to be recorded as OPPOSED to the motion respecting Dunnington-Grubb Gardens, 1000 Main Street East.

For further disposition of this matter, refer to Item 1.

(j) GENERAL INFORMATION/OTHER BUSINESS (Item 13)

(i) Buildings and Landscapes (Item 13.1)

The following updates were received:

(a) Endangered Buildings and Landscapes (RED):
(Red = Properties where there is a perceived immediate threat to heritage resources through: demolition; neglect; vacancy; alterations, and/or, redevelopment)

(i) Tivoli, 108 James Street North, Hamilton (D) – M. McGaw

No report.

(ii) Andrew Sloss House, 372 Butter Road West, Ancaster (D) – M. McGaw

No report.

(iii) Century Manor, 100 West 5th Street, Hamilton (D) – K. Garay

No report.

(iv) Beach Canal Lighthouse (D) – M. Pearson

Staff were directed to provide an update on the Beach Canal Lighthouse Cottage before the next meeting.

(v) 18-22 King Street East, Hamilton (R)(NOI) – K. Stacey

Staff advised that the façade will be retained for the building.

(vi) 24-28 King Street East, Hamilton (R)(NOI) – K. Stacey

No report.

(vii) 1 St. James Place, Hamilton (D) – K. Stacey

No report.

(viii) 2 Hatt Street, Dundas (R) – K. Stacey

No report.

(ix) James Street Baptist Church, 96 James Street South, Hamilton (D) – A. Denham-Robinson

No report.

(x) Dunnington-Grubb Gardens, 1000 Main Street East (within Gage Park) – D. Beland

For further disposition on this item, refer to Item 1

(b) Buildings and Landscapes of Interest (YELLOW):
(Yellow = Properties that are undergoing some type of change, such as a change in ownership or use, but are not perceived as being immediately threatened)

(i) Delta High School, 1284 Main Street East, Hamilton (D) – D. Beland

No report.

(ii) St. Giles United Church, 85 Holton Avenue South (L) – D. Beland

No report.

(iii) 2251 Rymal Road East, Stoney Creek (R) – C. Dimitry

No report.

(iv) Former Valley City Manufacturing, 64 Hatt Street, Dundas – K. Stacey

No report.

(v) St. Joseph's Motherhouse, 574 Northcliffe Avenue, Dundas (R) (ND) - K. Stacey

No report.

(vi) Coppley Building, 104 King Street West; 56 York Blvd., and 63-76 MacNab Street North (NOI) – G. Carroll

No report.

(vii) 1021 Garner Road East, Ancaster (Lampman House) (NOI) – M. McGaw

No report.

(c) Heritage Properties Update (GREEN):
(Green = Properties whose status is stable)

(i) The Royal Connaught Hotel, 112 King Street East, Hamilton (R) – T. Ritchie

No report.

(ii) Auchmar, 88 Fennell Avenue West, Hamilton (D) – K. Garay

No report.

(iii) Treble Hall, 4-12 John Street North, Hamilton (R) – T. Ritchie

No report.

(iv) 104 King Street West, Dundas (Former Post Office) – K. Stacey

No report.

(v) 45 Forest Avenue, Hamilton – T. Ritchie

No report.

(d) Heritage Properties Update (black):

(Black = Properties that HMHC have no control over and may be demolished)

(i) Auchmar Gate House, Claremont Lodge 71 Claremont Drive (R) – K. Garay

No report.

(k) ADJOURNMENT (Item 15)

There being no further business, the Hamilton Municipal Heritage Committee adjourned at 1:49 p.m.

Respectfully submitted,

Alissa Denham-Robinson, Chair
Hamilton Municipal Heritage Committee

Loren Kolar
Legislative Coordinator
Office of the City Clerk

INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	April 16, 2019
SUBJECT/REPORT NO:	Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED19070) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Joe Gravina (905) 546-2424 Ext. 1284
SUBMITTED BY: **SIGNATURE:**	Steve Robichaud Director of Planning and Chief Planner Planning and Economic Development Department

Council Direction:

At the June 16, 2015 Planning Committee, staff were "directed to report back to the Planning Committee with a reporting tool that seeks to monitor applications where the 120 or the 180 day statutory timeframe applies".

This Report provides a status of all active Zoning By-law Amendment, Official Plan Amendment and Plan of Subdivision applications relative to the statutory timeframe provisions of the *Planning Act* for non-decision appeals.

Background:

On April 19, 2016, Information Report (PED16096) was forwarded to the Planning Committee, which provided a status of all active Zoning By-law Amendment, Official Plan Amendment and Plan of Subdivision applications relative to the 120 or the 180 statutory timeframe provisions of the *Planning Act* for non-decision appeals and outlined a process for future reporting to the Planning Committee. The Report included a table outlining the active applications, sorted by Ward, from oldest application to newest. In addition, the Report summarized OMB appeals over the previous five years.

Commencing February 28, 2017, similar Information Reports were forwarded to the Planning Committee on a monthly basis in accordance with the process outlined in Information Report (PED16096). An analysis of the information was also included in the

year-end reports of December 5, 2017 (PED17208), September 18, 2018 (PED18192) and December 11, 2018 (PED18231).

Policy Implications and Legislative Requirements

In accordance with the *Planning Act*, an applicant may appeal an Official Plan Amendment application after 210 days (subsection 17 (40)), Zoning By-law Amendment application after 150 days (subsection 34 (11)) and a Plan of Subdivision after 180 days (subsection 51 (34)).

In accordance with subsection 17(40.1) of the *Planning Act*, the City of Hamilton extends the approval period of Official Plan Amendment applications from 180 days to 270 days for applications received after July 1, 2016 as prescribed in Bill 73 and from 210 to 300 days for applications received after December 12, 2017 as prescribed in Bill 139. It should be noted that either the City or the applicant can terminate the 90-day extension period if written notice to the other party is received prior to the expiration of the 180 day or 210 day statutory timeframes.

In addition, Zoning By-law Amendment applications that are submitted together with a required Official Plan Amendment application are also subject to the statutory timeframe of 210 days.

Information:

Staff were directed to report back to Planning Committee with a reporting tool that seeks to monitor applications where the applicable statutory timeframes apply. This reporting tool would be used to track the status of all active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications.

For the purposes of this Report, the status of all active Zoning By-law Amendment, Official Plan Amendment and Plan of Subdivision applications have been divided, relative to the statutory timeframe provisions of the *Planning Act,* prior to December 12, 2017 and after December 12, 2017.

Applications Deemed Complete Prior to Royal Assent (December 12, 2017)

Attached as Appendix “A” to Report PED19070 is a table outlining the active applications received prior to December 12, 2017 sorted by Ward, from oldest application to newest. As of February 25, 2109, there were:

- 16 active Official Plan Amendment applications, all of which were submitted after July 1, 2016, and therefore subject to the 90 day extension to the statutory timeframe from 180 days to 270 days;

- 25 active Zoning By-law Amendment applications; and,

- 10 active Plan of Subdivision applications.

Within 60 to 90 days of April 16, 2019, all 25 development proposals have passed the 120, 180 and 270 day statutory timeframes.

Applications Deemed Complete After Royal Assent (December 12, 2017)

Attached as Appendix "B" to Report PED19070 is a table outlining the active applications received after December 12, 2017 sorted by Ward, from oldest application to newest. As of February 25, 2109, there were:

- 22 active Official Plan Amendment applications, all of which were submitted after December 12, 2017, and therefore subject to the 90 day extension to the statutory timeframe from 210 days to 300 days;

- 42 active Zoning By-law Amendment applications; and,

- 6 active Plan of Subdivision applications.

Within 60 to 90 days of April 16, 2019, 22 applications will be approaching the 150, 180 or the 300 day statutory timeframe and will be eligible for appeal. Twenty applications have passed the 150, 180 and 300 day statutory timeframe.

Combined to reflect property addresses, there are 68 active development proposals. Thirteen proposals are 2019 files, while 29 proposals are 2018 files and 26 proposals are pre-2018 files. This represents an 20% decrease in the number of active development proposals from April, 2018 as a result of ongoing initiatives to bring forward development applications in a timely fashion combined with new zoning regulations which are intended to reduce the need for applications to be made.

Staff are currently working with the AMANDA Implementation Team to add enhancements that will allow for the creation of more detailed reporting. As a result, future tables will include a qualitative analysis of the status of active applications. It is anticipated that these enhancements will be available in Q3 of 2019 and this information will be incorporated into the monthly report to Council. Furthermore, the long-term goal of the Planning Division is to make this information available on an interactive map accessed through the City of Hamilton website.

Appendices and Schedules Attached:

Appendix “A” – List of Active Development Applications (prior to December 12, 2017)
Appendix “B” – List of Active Development Applications (after December 12, 2017)

JG:mo

Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective February 25, 2019)

File	Address	Date Received	Date[1] Deemed Incomplete	Date[1] Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of April 16, 2019
Ward 1									
UHOPA-17-18 ZAC-17-036	644 Main St. W., Hamilton	31-Mar-17	n/a	28-Apr-17	29-Jul-17	n/a	26-Dec-17	Urban Solutions Planning & Land Development	746
Ward 2									
ZAC-17-008	117 Forest Ave. & 175 Catharine St. S., Hamilton	23-Dec-16	n/a	05-Jan-17	22-Apr-17	n/a	n/a	Urban Solutions Planning & Land Development	844
UHOPA-17-33 ZAC-17-073	125 - 129 Robert St., Hamilton	06-Oct-17	30-Oct-17	14-Nov-17	03-Feb-18	n/a	11-Aug-18	IBI Group	518
Ward 7									
UHOPA-17-31 ZAC-17-071	1625 - 1655 Upper James St., Hamilton	27-Sep-17	n/a	02-Oct-17	25-Jan-18	n/a	24-Jun-18	MB1 Development Consulting Inc.	566
ZAC-17-089	1351 Upper James St., Hamilton	28-Nov-17	n/a	05-Dec-17	28-Mar-18	n/a	n/a	Patrick Slattery	504

Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective February 25, 2019)

File	Address	Date Received	Date[1] Deemed Incomplete	Date[1] Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of April 16, 2019
Ward 9									
UHOPA-16-26 ZAC-16-065 25T-201611	478 & 490 First Rd. W., Stoney Creek	12-Oct-16	n/a	02-Nov-16	09-Feb-17	10-Apr-17	09-Jul-17	T. Johns Consultants Inc.	916
UHOPA-16-27 ZAC-16-066 25T-201612	464 First Rd. W., Stoney Creek	12-Oct-16	n/a	02-Nov-16	09-Feb-17	10-Apr-17	09-Jul-17	T. Johns Consultants Inc.	916
UHOPA-16-25 ZAC-16-064 25T-201609	1809, 1817, & 1821 Rymal Rd. E., Stoney Creek	07-Oct-16	n/a	23-Nov-16	04-Feb-17	05-Apr-17	04-Jul-17	WEBB Planning Consultants Inc.	921
UHOPA-17-01 ZAC-17-001 25T-201701	15 Ridgeview Dr., Stoney Creek	02-Dec-16	n/a	16-Dec-16	01-Apr-17	31-May-17	29-Aug-17	A.J. Clarke & Associates Ltd.	865
UHOPA-16-21 ZAC-16-057 25T-201608	56 Highland Rd. W., Stoney Creek	31-Aug-16	29-Sep-16	27-Mar-17	29-Dec-16	27-Feb-17	22-Dec-17	Metropolitan Consulting Inc.	750

Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective February 25, 2019)

File	Address	Date Received	Date[1] Deemed Incomplete	Date[1] Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of April 16, 2019
Ward 10									
ZAC-15-040	9 Glencrest Ave., Stoney Creek	02-Jul-15	n/a	10-Aug-15	30-Oct-15	n/a	n/a	WEBB Planning Consultants Inc.	1384
UHOPA-17-36 ZAC-17-079	514 Barton St., Stoney Creek	27-Oct-17	n/a	23-Nov-17	24-Feb-18	n/a	24-Jul-18	GSP Group	536
ZAC-16-016	1313 Baseline Rd., Stoney Creek	15-Jan-16	n/a	15-Feb-16	14-May-16	n/a	n/a	A.J. Clarke & Associates Ltd.	1187
UHOPA-17-05 ZAC-17-015 25T-201703	1, 19, 20, 21, 23, 27 & 30 Lakeside Dr. & 81 Waterford Cres., Stoney Creek	23-Dec-16	n/a	17-Jan-17	22-Apr-17	21-Jun-17	19-Sep-17	IBI Group	844
ZAC-17-076 25T-201711	1216, 1218 and 1226 Barton St. E. and 1219 Hwy. 8, Stoney Creek	30-Oct-17	n/a	24-Nov-17	27-Feb-18	28-Apr-18	n/a	Glen Schnarr & Associates Inc.	533

Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective February 25, 2019)

File	Address	Date Received	Date[1] Deemed Incomplete	Date[1] Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of April 16, 2019
Ward 11									
UHOPA-17-12 ZAC-17-027 25T-210706	2341 & 2365 Regional Rd. 56 & Tanglewood Dr., Glanbrook	23-Feb-17	n/a	06-Mar-17	23-Jun-17	02-Sep-17	20-Nov-17	A.J. Clarke & Associates Ltd.	782
Ward 12									
ZAC-16-006 25T-201602	285, 293 Fiddlers Green Rd., Ancaster	23-Dec-15	n/a	06-Jan-16	21-Apr-16	20-Jun-16	n/a	Liam Doherty	1210
ZAC-17-062	45 Secinaro Ave., Ancaster	28-Jul-17	n/a	01-Aug-17	25-Nov-17	n/a	n/a	T. Johns Consultants Inc.	627
UHOPA-17-25 ZAC-17-058	305 Garner Rd. W., Ancaster	11-Jul-17	17-Jul-17	08-Aug-17	08-Nov-17	n/a	05-May-18	MHBC Planning Limited	616
UHOPA-17-22 ZAC-17-051	280 Wilson St. E., Ancaster	05-Jun-17	22-Jun-17	23-Aug-17	03-Oct-17	n/a	20-May-18	GSP Group	601
UHOPA-17-32 ZAC-17-072	35 Londonderry Dr., Ancaster	06-Oct-17	n/a	01-Nov-17	03-Feb-18	n/a	03-Jul-18	A.J. Clarke & Associates Ltd.	557

Active Development Applications
Deemed Complete Prior to December 12, 2017
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File	Address	Date Received	Date[1] Deemed Incomplete	Date[1] Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of April 16, 2019
Ward 13									
ZAR-15-004	64 Hatt St., Dundas	02-Dec-14	n/a	02-Jan-15	01-Apr-15	n/a	n/a	336477 Ontario Ltd.	1596
ZAC-17-064 25T-201710	655 Cramer Rd., Flamborough	09-Aug-17	n/a	17-Aug-17	07-Dec-17	05-Feb-18	n/a	A.J. Clarke & Associates Ltd.	615
Ward 15									
UHOPA-17-06 ZAC-17-016	157 Parkside Dr., Flamborough	23-Dec-16	n/a	17-Jan-17	22-Apr-17	n/a	19-Sep-17	MHBC Planning Limited	844
RHOPA-17-38 ZAC-17-081	1633 Highway 6, Flamborough	08-Nov-17	n/a	21-Nov-17	08-Mar-18	n/a	05-Aug-18	1685486 ONTARIO INC.	524

Active Development Applications

1. When an application is deemed incomplete, the new deemed complete date is the day the new materials are submitted. In these situations, the 120, 180 & 270 day timeframe commences on the date the new materials were submitted. In all other situations, the 120, 180 & 270 day timeframe commences the day the application was received.

* In accordance with Section 17 (40.1) of the *Planning Act*, the City of Hamilton has extended the approval period of Official Plan Amendment applications by 90 days from 180 days to 270 days. However, applicants can terminate the 90 day extension if written notice to the Municipality is received prior to the expiration of the 180 statutory timeframe.

Active Development Applications
Deemed Complete After December 12, 2017
(Effective February 25, 2019)

File	Address	Date Received	Date[1] Deemed Incomplete	Date[1] Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/ Agent	Days since Received and/or Deemed Complete as of April 16, 2019
Ward 1									
UHOPA-18-005* ZAC-18-012	235 Main St. W., Hamilton	22-Dec-17	n/a	19-Jan-18	n/a	n/a	18-Oct-18*	Urban Solutions Planning & Land Development	480
UHOPA-18-015* ZAC-18-035	69 Sanders Blvd. & 1630 Main St. W., Hamilton	18-Jun-18	n/a	13-Jul-18	n/a	n/a	14-Apr-19*	Urban Solutions Planning & Land Development	302
UHOPA-19-004* ZAC-19-009	804-816 King St. W., Hamilton	21-Dec-19	n/a	18-Jan-19	n/a	n/a	17-Oct-19*	Urban Solutions Planning & Land Development	116
Ward 2									
UHOPA-17-041* ZAC-17-090	80 and 92 Barton St. E and 215 and 245 Catharine St. N., Hamilton	29-Nov-17	n/a	14-Dec-17	n/a	n/a	25-Sep-18*	IBI Group	503

Active Development Applications
Deemed Complete After December 12, 2017
(Effective February 25, 2019)

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Ward 2 cont'd									
UHOPA-18-004* ZAC-18-009	299 - 307 John St. S., Hamilton	22-Dec-17	n/a	19-Jan-18	n/a	n/a	18-Oct-18*	Urban Solutions Planning & Land Development	480
ZAC-18-013	122 & 126 Augusta St. & 125 & 127 Young St., Hamilton	21-Dec-17	n/a	25-Jan-18	20-May-18	n/a	n/a	Urban Solutions Planning & Land Development	481
UHOPA-18-007* ZAC-18-020	468, 470, 474 and 476 James St. N., Hamilton	09-Mar-18	n/a	27-Mar-18	n/a	n/a	03-Jan-19*	SvN Architects + Planners	403
UHOPA-18-008* ZAC-18-024	600 James St. N., Hamilton	29-Mar-18	n/a	23-Apr-18	n/a	n/a	23-Jan-19*	Bousfields Inc.	383
UHOPA-18-015* ZAC-18-037	282 MacNab St. N., Hamilton	06-Jul-18	n/a	25-Sep-18	n/a	n/a	02-May-19*	GSP Group	284

Active Development Applications
Deemed Complete After December 12, 2017
(Effective February 25, 2019)

File	Address	Date Received	Date[1] Deemed Incomplete	Date[1] Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/ Agent	Days since Received and/or Deemed Complete as of April 16, 2019
Ward 2 cont'd									
UHOPA-18-017* ZAC-18-041	225 John St. S., Hamilton	13-Jul-18	n/a	16-Aug-18	n/a	n/a	09-May-19*	GSP Group	277
UHOPA-18-021* ZAC-18-047	184 and 186 Markland St., Hamilton	22-Aug-18	20-Dec-18	21-Dec-18	n/a	n/a	17-Oct-19*	T. Johns Consulting Group	116
UHOPA-18-023* ZAR-18-057	130 Wellington St. S., Hamilton	07-Nov-18	06-Dec-18	24-Dec-18	n/a	n/a	20-Oct-19*	MBI Development Consulting INC.	113
ZAR-19-008	124 Walnut St. S., Hamilton	21-Dec-18	n/a	18-Jan-19	20-May-19	n/a	n/a	IBI Group	116
Ward 3									
ZAC-19-014	116 Barnesdale Ave. N., Hamilton	31-Jan-19	n/a	20-Feb-19	30-Jun-19	n/a	n/a	IBI Group	75
Ward 5									
UHOPA-19-001* ZAC-19-001	2782 Barton St. E., Hamilton	30-Nov-18	n/a	13-Dec-18	n/a	n/a	26-Sep-19*	A.J. Clarke & Associates Ltd.	137

Active Development Applications
Deemed Complete After December 12, 2017
(Effective February 25, 2019)

File	Address	Date Received	Date[1] Deemed Incomplete	Date[1] Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/ Agent	Days since Received and/or Deemed Complete as of April 16, 2019
Ward 6									
ZAC-19-004	560 Highland Rd. W., Hamilton	10-Dec-18	n/a	18-Jan-19	09-May-19	n/a	n/a	WEBB Planning Consultants Inc.	127
Ward 7									
ZAC-18-008	370 Concession St., Hamilton	21-Dec-17	n/a	22-Jan-18	20-May-18	n/a	n/a	Urban Solutions Planning & Land Development	481
25T-19002	70 Bobolink Rd., Hamilton	3-Jan-19	n/a	18-Jan-19	n/a	02-Jul-19	n/a	IBI Group	103
Ward 8									
ZAC-18-022	35 Sabrina Blvd., Hamilton	15-Mar-18	n/a	09-Apr-18	12-Aug-18	n/a	n/a	Urban Solutions Planning & Land Development	397

Active Development Applications
Deemed Complete After December 12, 2017
(Effective February 25, 2019)

File	Address	Date Received	Date[1] Deemed Incomplete	Date[1] Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/ Agent	Days since Received and/or Deemed Complete as of April 16, 2019
Ward 8 cont'd									
UHOPA-18-010* ZAC-18-025 25T-201803	221 Genoa Dr. and 1477 Upper James St., Hamilton	12-Apr-18	n/a	10-May-18	09-Sep-18	09-Oct-18	06-Feb-19*	MHBC Planning Limited	369
ZAC-18-046	360 Mohawk Rd. W., Hamilton	30-Aug-18	n/a	14-Sep-18	27-Jan-19	n/a	n/a	IBI Group	229
ZAC-18-055	808 West 5th St., Hamilton	31-Oct-18	n/a	08-Nov-18	30-Mar-19	n/a	n/a	A.J. Clarke & Associates Ltd.	167
Ward 9									
UHOPA-18-011* ZAC-18-029	1912 Rymal Rd. E., Glanbrook	04-May-18	n/a	22-May-18	n/a	n/a	28-Feb-19*	Wellings Planning Consultants Inc.	347
Ward 10									
ZAC-18-005	42, 44, 48, 52 and 54 Lakeshore Dr., Stoney Creek	15-Dec-17	n/a	16-Jan-18	14-May-18	n/a	n/a	A.J. Clarke & Associates Ltd.	487
UHOPA-18-013* ZAC-18-034	461 Green Road, Stoney Creek	8-Jun-18	n/a	18-Jul-18	n/a	n/a	04-Apr-19*	IBI Group	312

Active Development Applications
Deemed Complete After December 12, 2017
(Effective February 25, 2019)

File	Address	Date Received	Date[1] Deemed Incomplete	Date[1] Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/ Agent	Days since Received and/or Deemed Complete as of April 16, 2019
Ward 10 cont'd									
ZAC-18-049	860 and 884 Barton St., Stoney Creek	01-Oct-18	n/a	11-Oct-18	28-Feb-19	n/a	n/a	MHBC Planning Limited	197
UHOPA-18-025 ZAC-18-059	466-490 Highway No. 8, Stoney Creek	23-Nov-18	n/a	06-Dec-18	n/a	n/a	19-Sep-19	SvN Architects + Planners	144
UHOPA-19-003* ZAC-19-007 25T-2019001	238 Barton St., Stoney Creek	19-Dec-18	n/a	02-Jan-19	n/a	17-Jun-19	15-Oct-19*	A.J. Clarke & Associates Ltd.	118
Ward 11									
ZAA-18-006	3600 Guyatt Rd., Glanbrook	20-Dec-17	18-Jan-18	24-Jan-18	23-Jun-18	n/a	n/a	Larry Freeman	447
UHOPA-18-016* ZAC-18-040 25T-2018007	9511 Twenty Rd. W., Glanbrook	10-Jul-18	n/a	15-Aug-18	n/a	06-Jan-19	06-May-19*	Corbett Land Strategies	280
ZAA-18-053	2282 Westbrook Rd., Glanbrook	23-Oct-18	n/a	14-Nov-18	22-Mar-19	n/a	n/a	IBI Group	175

Active Development Applications
Deemed Complete After December 12, 2017
(Effective February 25, 2019)

File	Address	Date Received	Date[1] Deemed Incomplete	Date[1] Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/ Agent	Days since Received and/or Deemed Complete as of April 16, 2019
Ward 12									
ZAC-18-048 25T-2018009	387, 397, 405 and 409 Hamilton Dr., Ancaster	09-Sep-18	n/a	28-Sep-18	06-Feb-19	08-Mar-19	n/a	Fothergill Planning & Development Inc.	219
ZAA-18-052	1557 2nd Concession Rd. W., Flamborough	16-Oct-18	n/a	22-Oct-18	15-Mar-19	n/a	n/a	Chris Van Berkel	182
UHOPA-18-022* ZAC-18-056 25T-2018010	26 Southcote Rd., Ancaster	05-Nov-18	n/a	15-Nov-18	n/a	04-May-19	01-Sep-19*	A.J. Clarke & Associates Ltd.	162
UHOPA-18-024* ZAC-18-058	154 Wilson St. E., Ancaster	28-Nov-18	n/a	10-Dec-18	n/a	n/a	24-Sep-19*	Urban Solutions Planning & Land Development	139
UHOPA-19-002* ZAC-19-002	1173 and 1203 Old Golf Links Rd., Ancaster	03-Dec-18	n/a	01-Dec-18	n/a	n/a	29-Sep-19*	A.J. Clarke & Associates Ltd.	134
ZAC-19-010	527 and 629 Shaver Rd., Ancaster	21Dec-18	n/a	10-Jan-19	20-May19	n/a	n/a	Urban Solutions Planning & Land Development	116

Active Development Applications
Deemed Complete After December 12, 2017
(Effective February 25, 2019)

File	Address	Date Received	Date[1] Deemed Incomplete	Date[1] Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/ Agent	Days since Received and/or Deemed Complete as of April 16, 2019
Ward 13									
ZAR-19-013	574 NorthCliffe Ave., Dundas	31-Jan-19	n/a	21-Feb-19	30-Jum-19	n/a	n/a	IBI Group	75
Ward 14									
ZAR-19-003	630 Stone Church Rd. W., Hamilton	07-Dec-18	n/a	07-Jan-19	06-May-19	n/a	n/a	IBI Group	130
ZAR-19-006	1269 Mohawk Rd., Ancaster	14-Dec-18	n/a	11-Jan-19	13-May-19	n/a	n/a	MBI Development Consulting INC.	123
ZAC-19-011	1933 Old Mohawk Rd., Ancaster	12-Dec-18	n/a	10-Jan-19	11-May-19	n/a	n/a	Urban Solutions Planning & Land Development	125
Ward 15									
ZAR-18-019	167 Highway 5 West, Flamborough	23-Feb-18	n/a	22-Mar-18	23-Jul-18	n/a	n/a	IBI Group	417

Active Development Applications
Deemed Complete After December 12, 2017
(Effective February 25, 2019)

File	Address	Date Received	Date[1] Deemed Incomplete	Date[1] Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/ Agent	Days since Received and/or Deemed Complete as of April 16, 2019
Ward 15 cont'd									
RHOPA-18-020* ZAC-18-045	173 & 177 Dundas St. E., Flamborough	23-Jul-18	n/a	15-Aug-18	n/a	n/a	19-May-19*	MHBC Planning Limited	267

Active Development Applications

1. When an application is deemed incomplete, the new deemed complete date is the day the new materials are submitted. In these situations, the 150, 180, 210 & 300 day timeframe commences on the date the new materials were submitted. In all other situations, the 150, 180, 210 & 300 day timeframe commences the day the application was received.

2. In accordance with Section 34 (11.0.0.0.1), of the *Planning Act,* the approval period for Zoning By-law Amendment applications submitted concurrently with an Official Plan Amendments, will be extended to 210 days.

3. In accordance with Section 17 (40.1) of the *Planning Act*, the City of Hamilton has extended the approval period of Official Plan Amendment applications by 90 days from 210 days to 300 days. However, applicants can terminate the 90 day extension if written notice to the Municipality is received prior to the expiration of the 210 statutory timeframe.

INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	April 16, 2019
SUBJECT/REPORT NO:	Licensing and By-law Services Housekeeping and Technical Amendments to By-laws (PED19011(a)) (City Wide) **(Outstanding Business List Item)**
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Robert Ustrzycki (905) 546-2424 Ext. 4721
SUBMITTED BY: **SIGNATURE:**	Ken Leendertse Director, Licensing and By-law Services Planning and Economic Development Department

COUNCIL DIRECTION

City Council at its meeting held on January 25, 2019 received Item 7.3 of the Planning Committee Report 19-001, regarding housekeeping amendments to the City of Hamilton Property Standards By-law 10-221 and Yard Maintenance By-law 10-118, and referred the report back to staff to include details on the changes proposed.

INFORMATION

By-law amendments are occasionally required to correct minor errors, to align with changes to legislation, improve processes and to correct obsolete or imprecise language. As part of continuous improvement efforts, staff work to improve and update various by-laws to deficiencies identified by Council, committees, staff, public, and the courts. These technical and housekeeping changes are minor in nature, and do not deviate from the general intent and purpose of the by-law as originally approved and enacted by Council.

For clarity and to ensure that the Council has all the information for consideration, including the details on the proposed changes to the by-law, Licensing and By-law Services (LBS) will ensure all by-laws are attached to the report and that the report clearly delineates the changes requested.

The details to the amendments proposed in staff Report PED19011 (Housekeeping Amendments to the City of Hamilton Property Standards By-law 10-221 and Yard Maintenance By-law 10-118) will be re-introduced to the Planning Committee in separate reports that will include the draft amending by-law and original by-law, or the relevant excerpts thereto.

To ensure Council are fully aware of future housekeeping amendments to by-laws, LBS will ensure advance notice is given of proposed changes.

In 2019, the following housekeeping amendments will be coming forward to Committee;

1. To update the definition of Director in the Property Standards and Yard Maintenance By-laws to reflect the title change of the City Director of Parking and By-law Services, now the Director of Licensing and By-law Services.

2. To include a provision in the Yard Maintenance By-law for an expedient and efficient method to remedy minor damage to trees (branches and limbs), while continuing to apply the lengthy formal process and rights of appeal under the Property Standards Orders for trees that may be hazardous and requiring more involved work or removal.

3. To correct the penalty section to the Property Standards By-law to reference the offence and penalty provisions under the *Building Code Act*.

4. To include any and all property under a development agreement or grading plan in the Landscaping provisions of the Property Standards By-law to support the continued maintenance requirements for development proposals.

5. To include the term Rural Settlement Areas to the definition of Urban Boundary in the Yard Maintenance By-law to clarify its reference to the Rural Official Plan so the reader is not misled.

6. To update the definition of ‘inoperative vehicle’ in the current Yard Maintenance By-law that is obsolete to the vehicle/permit holder regime under the *Highway Traffic Act*, and fails to include motorized snow vehicles.

7. The Yard Maintenance and Property Standards By-laws are silent to define “Naturalized Areas” and rely on its ordinary meaning, which poses uncertainty in applying the maintenance standards of both By-laws. LBS staff is currently consulting with other internal departments for an appropriate definition that meets the intent and general purpose of the by-law.

As this Report addresses the issue respecting housekeeping amendments to City of Hamilton Property By-law 10-221 and Yard Maintenance By-law 10-118 on the Planning Committee Outstanding Business List, it is appropriate to be identified as complete and removed from the list.

APPENDICES AND SCHEDULES ATTACHED

N/A

KL:RU:st

CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Growth Management Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	April 16, 2019
SUBJECT/REPORT NO:	To Incorporate City Lands into Soho Street by By-law (PED19079) (Ward 9)
WARD(S) AFFECTED:	Ward 9
PREPARED BY:	Alvin Chan (905) 546-2424 Ext. 2978
SUBMITTED BY: **SIGNATURE:**	Tony Sergi Senior Director, Growth Management Planning and Economic Development Department

RECOMMENDATION(S)

(a) That the following City lands designated as Parts 1, 2, and 4 on Plan 62R-20860 and Part 2 on Plan 62R-21053, be established as a public highway to form part of Soho Street;

(b) That the By-law to incorporate the City lands to form part of Soho Street be prepared to the satisfaction of Corporate Counsel and be enacted by Council;

(c) That the General Manager of Public Works be authorized and directed to register the By-law.

EXECUTIVE SUMMARY

On July 9, 2009, Council adopted the Urban Hamilton Official Plan, which came into force and effect on August 16, 2013, save and except for, the policies, schedules, maps and appendices that are still under appeal to the Ontario Municipal Board (OMB) / Local Planning Appeal Tribunal (LPAT). In particular, the adoption of the Urban Hamilton Official Plan and the Trinity West Secondary Plan are not subject to any appeals to the OMB / LPAT; and, are in full force and effect.

Additionally, Council also adopted Official Plan Amendment No. 53 and Draft Approved Plans of Subdivision File No. 25T-201402 on April 26, 2016 (registered as 62M-1250 as of June 7, 2018), and File No. 25T-201805, on September 26, 2018; all of which

amended the Trinity West Secondary Plan to reflect the proposed development applications.

As such, the proposed By-law seeks to implement the Secondary Plan in establishing "Soho Street" in accordance with Council approvals and the Urban Hamilton Official Plan.

Alternatives for Consideration – See Page 3

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: There are no financial implications arising from this Report. Soho Street is being constructed by the developer as part of Registered Plan 62M-1250 and the Draft Approved Plan of Subdivision File No. 25T-201805.

Staffing: There are no associated staffing implications.

Legal: The City of Hamilton is complying with the relevant legislation by enacting this By-law.

HISTORICAL BACKGROUND

On July 9, 2009 Council, adopted the Urban Hamilton Official Plan, which came into force and effect on August 16, 2013, save and except for, the policies, schedules, maps and appendices that are still under appeal to the Ontario Municipal Board (OMB) / Local Planning Appeal Tribunal (LPAT). In particular, the adoption of the Urban Hamilton Official Plan and the Trinity West Secondary Plan are not subject to any appeals to the OMB / LPAT; and, are in full force and effect.

Additionally, Council also adopted Official Plan Amendment No. 53 and Draft Approved Plans of Subdivision File No. 25T-201402 on April 26, 2016 (now registered as 62M-1250 as of June 7, 2018), and File No. 25T-201805, on September 26, 2018; all of which, amended the Trinity West Secondary Plan to reflect the proposed development applications.

Soho Street is being constructed by the developer as part of Registered Plan 62M-1250 and the Draft Approved Plans of Subdivision File No. 25T-201805.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The recommendations do not bind the corporation to any policy matter.

RELEVANT CONSULTATION

Geomatics and Corridor Management of the Public Works Department and Legal Services of the City Manager's Office have been consulted.

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

Current Provincial legislation requires a Municipal By-law passed by Council to incorporate lands into the Municipal public highway system. This Report follows the requirements of that legislation.

ALTERNATIVES FOR CONSIDERATION

Not incorporating the lands into as a public highway to form part of Soho Street would bar legal access to abutting lands and the development of Registered Plan 62M-1250, and Draft Approved Plan of Subdivision File No. 25T-201805.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth
Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Healthy and Safe Communities
Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

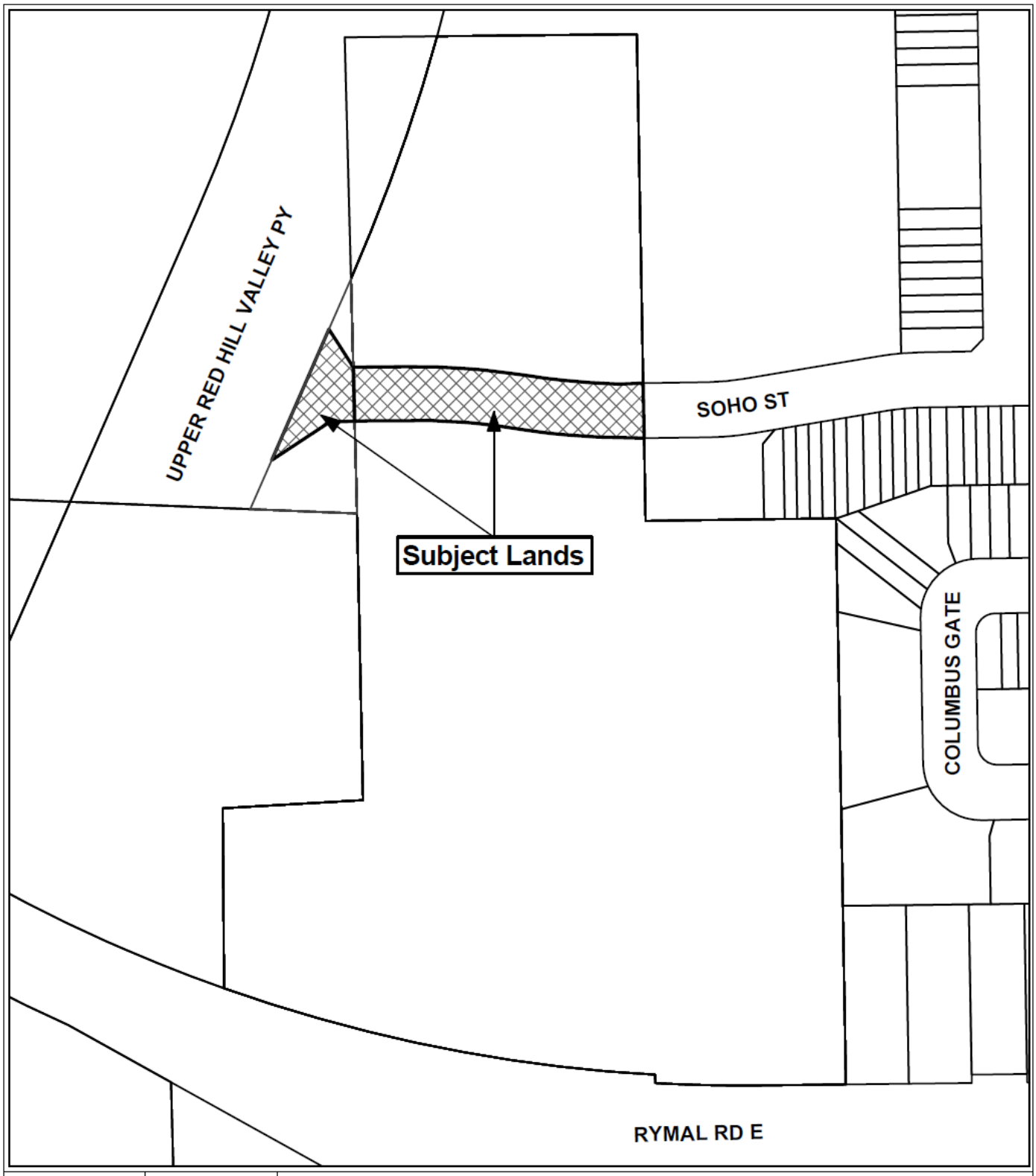
Built Environment and Infrastructure
Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

APPENDICES AND SCHEDULES ATTACHED

- Appendix "A" - Key Location Map
- Appendix "B" - By-law No. XX – To incorporate City lands designated as Parts 1,2, and 4 of 62R-20860 and Part 2 of Plan 62R-21053 into Soho Street.

:AC/ac

Appendix "A" to Report PED19079
Page 1 of 1



Hamilton

Date: March 1, 2019

N E S W

MAP NOT TO SCALE

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Soho Street

Legend

Subject Lands

Authority: Item 7, Economic Development and Planning Committee Report 10-005 (PED10051)
CM: March 10, 2010
Ward 9

Bill No.

CITY OF HAMILTON

BY-LAW NO. 19-

To Establish City of Hamilton Land Described as Parts 1, 2, and 4 of 62R-20860; and, Part 2 of Plan 62R-21053, as Part of Soho Street

WHEREAS sections 8, 9 and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular by-laws with respect to highways; and

WHEREAS section 31(2) of the *Municipal Act, 2001* provides that land may only become a highway by virtue of a by-law establishing the highway.

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

1. The land, owned by and located in the City of Hamilton, described as Parts 1, 2, and 4 of 62R-20860; and, Part 2 of Plan 62R-21053, is established as a public highway, forming part of Soho Street.

2. The General Manager of Public Works or their authorized agent is authorized to establish the said land as a public highway.

3. This By-law comes into force on the date of its registration in the Land Registry Office (No. 62).

PASSED this day of , 2019.

Fred Eisenberger
Mayor

Janet Pilon
Acting City Clerk

CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Growth Management Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	April 16, 2019
SUBJECT/REPORT NO:	To Incorporate City Lands into Upper Mount Albion Road by By-law (PED19080) (Ward 9)
WARD(S) AFFECTED:	Ward 9
PREPARED BY:	Alvin Chan (905) 546-2424 Ext. 2978
SUBMITTED BY: **SIGNATURE:**	Tony Sergi Senior Director, Growth Management Planning and Economic Development Department

RECOMMENDATION(S)

(a) That the following City lands designated as Parts 6 and 8 on Plan 62R-20860, be established as a public highway to form part of Upper Mount Albion Road;

(b) That the By-law to incorporate the City lands to form part of Upper Mount Albion Road be prepared to the satisfaction of Corporate Counsel and be enacted by Council;

(c) That the General Manager of Public Works be authorized and directed to register the By-law.

EXECUTIVE SUMMARY

On July 9, 2009 Council, adopted the Urban Hamilton Official Plan, which came into force and effect on August 16, 2013, save and except for, the policies, schedules, maps and appendices that are still under appeal to the Ontario Municipal Board (OMB) / Local Planning Appeal Tribunal (LPAT). In particular, the adoption of the Urban Hamilton Official Plan and the Trinity West Secondary Plan are not subject to any appeals to the OMB / LPAT; and, are in full force and effect.

Additionally, Council also adopted Official Plan Amendment No. 53 and Draft Approved Plans of Subdivision File No. 25T-201402 on April 26, 2016 (now registered as 62M-1250 as of June 7, 2018), and File No. 25T-201805, on September 26, 2018; all of

which, amended the Trinity West Secondary Plan to reflect the proposed development applications. In particular, the connection from "Upper Mount Albion Road" to "Rymal Road East" is to be removed and a cul-de-sac established.

As such, the proposed By-law seeks to implement the Secondary Plan in removing the connection of "Upper Mount Albion Road" to "Rymal Road East" in accordance with Council approvals and the Urban Hamilton Official Plan.

Alternatives for Consideration – See Page 3

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: There are no financial implications arising from this Report. The removal of the connection of Upper Mount Albion Road to Rymal Road East (the cul-de-sac) is being constructed by the developer as part of Registered Plan 62M-1250 and Draft Approved Plan of Subdivision File No. 25T-201805.

Staffing: There are no associated staffing implications.

Legal: The City of Hamilton is complying with the relevant legislation by enacting this By-law.

HISTORICAL BACKGROUND

On July 9, 2009, Council adopted the Urban Hamilton Official Plan, which came into force and effect on August 16, 2013, save and except for, the policies, schedules, maps and appendices that are still under appeal to the Ontario Municipal Board (OMB) / Local Planning Appeal Tribunal (LPAT). In particular, the adoption of the Urban Hamilton Official Plan and the Trinity West Secondary Plan are not subject to any appeals to the OMB / LPAT; and, are in full force and effect.

Additionally, Council also adopted Official Plan Amendment No. 53 and Draft Approved Plans of Subdivision File No. 25T-201402 on April 26, 2016 (now registered as 62M-1250 as of June 7, 2018), and File No. 25T-201805, on September 26, 2018; all of which, amended the Trinity West Secondary Plan to reflect the proposed development applications.

The removal of the connection of Upper Mount Albion Road to Rymal Road East (the cul-de-sac) is being constructed by the developer as part of Registered Plan 62M-1250 and the Draft Approved Plans of Subdivision File No. 25T-201805.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The recommendations do not bind the corporation to any policy matter.

RELEVANT CONSULTATION

Geomatics and Corridor Management of the Public Works Department and Legal Services of the City Manager's Office have been consulted.

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

Current Provincial legislation requires a Municipal By-law passed by Council to incorporate lands into the Municipal public highway system. This Report follows the requirements of that legislation.

ALTERNATIVES FOR CONSIDERATION

Not incorporating the lands into as a public highway to form part of Upper Mount Albion Road would bar legal access to abutting lands and the development of Registered Plan 62M-1250, and Draft Approved Plan of Subdivision File No. 25T-201805.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth
Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Healthy and Safe Communities
Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

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

APPENDICES AND SCHEDULES ATTACHED

- Appendix "A" - Key Location Map
- Appendix "B" - By-law No. XX – To incorporate City lands designated as Parts 6 and 8 of 62R-20860 into Upper Mount Albion Road

:AC/ac

Hamilton

Date: March 1, 2019

N E S W

MAP NOT TO SCALE

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Upper Mount Albion Rd

Legend

Subject Lands

Authority: Item 7, Economic Development and Planning Committee Report 10-005 (PED10051)
CM: March 10, 2010
Ward 9

Bill No.

CITY OF HAMILTON

BY-LAW NO. 19-

To Establish City of Hamilton Land Described as Parts 6 and 8 of 62R-20860, as Part of Upper Mount Albion Road

WHEREAS sections 8, 9 and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular by-laws with respect to highways; and

WHEREAS section 31(2) of the *Municipal Act, 2001* provides that land may only become a highway by virtue of a by-law establishing the highway.

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

1. The land, owned by and located in the City of Hamilton, described as Parts 6 and 8 of 62R-20860, is established as a public highway, forming part of Upper Mount Albion Road.

2. The General Manager of Public Works or their authorized agent is authorized to establish the said land as a public highway.

3. This By-law comes into force on the date of its registration in the Land Registry Office (No. 62).

PASSED this day of , 2019.

Fred Eisenberger
Mayor

Janet Pilon
Acting City Clerk

CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Growth Management Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	April 16, 2019
SUBJECT/REPORT NO:	To Incorporate City Lands into Columbus Gate by By-law (PED19081) (Ward 9)
WARD(S) AFFECTED:	Ward 9
PREPARED BY:	Alvin Chan (905) 546-2424 Ext. 2978
SUBMITTED BY: **SIGNATURE:**	Tony Sergi Senior Director, Growth Management Planning and Economic Development Department

RECOMMENDATION(S)

(a) That the following City lands designated as Part 7 on Plan 62R-20860, be established as a public highway to form part of Columbus Gate;

(b) That the By-law to incorporate the City lands to form part of Columbus Gate be prepared to the satisfaction of Corporate Counsel and be enacted by Council;

(c) That the General Manager of Public Works be authorized and directed to register the By-law.

EXECUTIVE SUMMARY

On July 9, 2009, Council adopted the Urban Hamilton Official Plan, which came into force and effect on August 16, 2013, save and except for, the policies, schedules, maps and appendices that are still under appeal to the Ontario Municipal Board (OMB) / Local Planning Appeal Tribunal (LPAT). In particular, the adoption of the Urban Hamilton Official Plan and the Trinity West Secondary Plan are not subject to any appeals to the OMB / LPAT; and, are in full force and effect.

Additionally, Council also adopted Official Plan Amendment No. 53 and Draft Approved Plans of Subdivision File No. 25T-201402 on April 26, 2016 (now registered as 62M-1250 as of June 7, 2018), and File No. 25T-201805, on September 26, 2018; all of

which, amended the Trinity West Secondary Plan to reflect the proposed development applications.

As such, the proposed By-law seeks to implement the Secondary Plan in establishing "Columbus Gate" in accordance with Council approvals and the Urban Hamilton Official Plan.

Alternatives for Consideration – See Page 3

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: There are no financial implications arising from this Report. Columbus Gate is being constructed by the developer as part of Registered Plan 62M-1250 and Draft Approved Plan of Subdivision File No. 25T-201805.

Staffing: There are no associated staffing implications.

Legal: The City of Hamilton is complying with the relevant legislation by enacting this By-law.

HISTORICAL BACKGROUND

On July 9, 2009, Council adopted the Urban Hamilton Official Plan, which came into force and effect on August 16, 2013, save and except for, the policies, schedules, maps and appendices that are still under appeal to the Ontario Municipal Board (OMB) / Local Planning Appeal Tribunal (LPAT). In particular, the adoption of the Urban Hamilton Official Plan and the Trinity West Secondary Plan are not subject to any appeals to the OMB / LPAT; and, are in full force and effect.

Additionally, Council also adopted Official Plan Amendment No. 53 and Draft Approved Plans of Subdivision File No. 25T-201402 on April 26, 2016 (now registered as 62M-1250 as of June 7, 2018), and File No. 25T-201805, on September 26, 2018; all of which, amended the Trinity West Secondary Plan to reflect the proposed development applications.

Columbus Gate is being constructed by the developer as part of Registered Plan 62M-1250 and the Draft Approved Plans of Subdivision File No. 25T-201805.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The recommendations do not bind the corporation to any policy matter.

RELEVANT CONSULTATION

Geomatics and Corridor Management of the Public Works Department and Legal Services of the City Manager's Office have been consulted.

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

Current Provincial legislation requires a Municipal By-law passed by Council to incorporate lands into the Municipal public highway system. This Report follows the requirements of that legislation.

ALTERNATIVES FOR CONSIDERATION

Not incorporating the lands into as a public highway to form part of Columbus Gate would bar legal access to abutting lands and the development of Registered Plan 62M-1250, and Draft Approved Plan of Subdivision File No. 25T-201805.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth
Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Healthy and Safe Communities
Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

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

APPENDICES AND SCHEDULES ATTACHED

- Appendix "A" - Key Location Map
- Appendix "B" - By-law No. XX – To incorporate City lands designated as Part 7 of 62R-20860 into Columbus Gate

:AC/ac

Appendix "A" to Report PED19081
Page 1 of 1

Hamilton

Date: March 1, 2019

N E S W

MAP NOT TO SCALE

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Columbus Gate

Legend

Subject Lands

Authority: Item 7, Economic Development and Planning Committee Report 10-005 (PED10051)
CM: March 10, 2010
Ward 9

Bill No.

CITY OF HAMILTON

BY-LAW NO. 19-

To Establish City of Hamilton Land Described as Part 7 of 62R-20860, as Part of Columbus Gate

WHEREAS sections 8, 9 and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular by-laws with respect to highways; and

WHEREAS section 31(2) of the *Municipal Act, 2001* provides that land may only become a highway by virtue of a by-law establishing the highway.

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

1. The land, owned by and located in the City of Hamilton, described as Part 7 of 62R-20860, is established as a public highway, forming part of Columbus Gate.

2. The General Manager of Public Works or their authorized agent is authorized to establish the said land as a public highway.

3. This By-law comes into force on the date of its registration in the Land Registry Office (No. 62).

PASSED this day of , 2019.

Fred Eisenberger
Mayor

Janet Pilon
Acting City Clerk

CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	April 16, 2019
SUBJECT/REPORT NO:	Applications to Amend the Urban Hamilton Official Plan, Zoning By-law Nos. 3692-92 and 05-200, and Approval of a Draft Plan of Subdivision "Midtown" for lands located at 1809, 1817, 1821 Rymal Road East, Stoney Creek (PED19030) (Ward 9)
WARD(S) AFFECTED:	Ward 9
PREPARED BY:	Yvette Rybensky (905) 546-2424 Ext. 5134
SUBMITTED BY: **SIGNATURE:**	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department

RECOMMENDATION(S)

(a) That **Amended Urban Hamilton Official Plan Amendment Application UHOPA-16-025 by Losani Homes Limited (Owner)**, for changes in land use designation in Volume 1 from Mixed Use – Medium Density to Neighbourhoods; from Arterial Commercial to Mixed Use – Medium Density; and Volume 2 from Mixed Use – Medium Density to Medium Density Residential 2; from Low Density Residential 2 to Medium Density Residential 2; to remove a public road from the Land Use Map; to add lands to Site Specific Policy Area "C" to permit a minimum residential density of 55 units per net hectare; to establish a Site Specific Policy Area to permit a minimum residential density of 50 units per net hectare; and, to establish a Site Specific Policy Area to permit a maximum of eight stories and a maximum residential density of 170 units per net hectare, in the Trinity West Secondary Plan, for lands located at 1809, 1817 and 1821 Rymal Road East, Stoney Creek, as shown on Appendix "A" to Report PED19030, be **APPROVED** on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED19030, be adopted by City Council;

(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2014), and conforms to the Growth Plan for the Greater Golden Horseshoe (2017).

(b) That **Amended Zoning By-law Amendment Application ZAC-16-064 by Losani Homes Limited (Owner)**, for a further modification to the Multiple Residential "RM3-57" Zone, Modified (Block 4)**;** and changes in zoning from Neighbourhood Development "ND" Zone to Multiple Residential "RM3-57" Zone, Modified (Block 5); Single Residential "R1" Zone to Single Residential "R3-41" Zone, Modified (Block 6); Single Residential "R1" Zone to Single Residential "R3-41a" Zone, Modified (Block 7); Neighbourhood Development "ND" Zone to Multiple Residential "RM3-67" Zone, Modified (Block 8); Multiple Residential "RM2-43" Zone to Multiple Residential "RM3-67" Zone, Modified (Block 9); and Service Commercial "CS-1" Zone, Modified, to Multiple Residential "RM3-67" Zone, Modified (Block 10), to permit an increased maximum density from 100 to 170 units per hectare and an increase in maximum height from 6 storeys to 8 storeys for multiple dwellings (Blocks 4 & 5), to permit a decrease in minimum density from 60 to 50 units per net hectare, consisting of townhouses, maisonette dwellings and stacked townhouses (Blocks 8, 9 and 10), and four single detached dwellings, to accommodate additional lands and reconfiguration of the road network as part of a residential community on lands located at 1809, 1817 and 1821 Rymal Road East (Stoney Creek), as shown on Appendix "A" to Report PED19030, be **APPROVED**, on the following basis:

(i) That the draft By-law, attached as Appendix "C" to Report PED19030, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2014), conform to the Growth Plan for the Greater Golden Horseshoe (2017), and comply with the intent of the Urban Hamilton Official Plan, upon finalization of Urban Hamilton Official Plan Amendment No.__.

(c) That **Amended Zoning By-law Amendment Application ZAC-16-064 by Losani Homes Limited (Owner)**, for changes in zoning from Service Commercial "CS-1" Zone, Modified to Mixed Use - Medium Density (C5) Zone (Block 1); Single Residential (R1) Zone to Mixed Use - Medium Density (C5) Zone (Block 2); and Neighbourhood Development (ND) Zone to Mixed Use - Medium Density (C5) Zone (Block 3), to permit reconfiguration of commercial

uses on lands located at 1809, 1816 and 1821 Rymal Road East (Stoney Creek), as shown on Appendix "A" to Report PED19030, be **APPROVED**, on the following basis:

(i) That the draft By-law, attached as Appendix "D" to Report PED19030, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2014), conform to the Growth Plan for the Greater Golden Horseshoe (2017), and comply with the intent of the Urban Hamilton Official Plan, upon finalization of Urban Hamilton Official Plan Amendment No. XX.

(d) That **Draft Plan of Subdivision Application 25T-201609 by Losani Homes Limited (Owner)**, to establish a Draft Plan of Subdivision known as "Midtown", on lands located at 1809, 1817 and 1821 Rymal Road East, Stoney Creek, as shown on Appendix "F" to Report PED19030, be **APPROVED** subject to the following:

(i) That this approval apply to the Draft Plan of Subdivision "Midtown", 25T-201609, prepared by MHBC and certified by D. McLaren, O.L.S., dated November 16, 2018, consisting of one block for multiple dwellings and street townhouses including karst spring SP-3 (Block 1), one block for commercial development (Block 2), and one block for the purpose of a right of way widening along Rymal Road East (Block 3), 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 PED19030.

(ii) Acknowledgement by the City of Hamilton of its responsibility for cost-sharing with respect to this development shall be in accordance with the City's Financial Policies and will be determined at the time of Development; and,

(iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the *Planning Act,* with the calculation for the payment to be based on the value of the lands on the day prior to the day of issuance of each building permit, for each said Block, and in the case of multiple residential blocks, prior to the issuance of the first building permit, all in

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

EXECUTIVE SUMMARY

The applicant is proposing adjustments and additional lands to a three phased residential community with commercial development, known collectively as "Central Park" and requires an Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision to complete the community. The Official Plan Amendment proposes to adjust and re-distribute minimum and maximum densities to a number of blocks to align with the surrounding subdivision, to designate a number of blocks for commercial and residential development to be consistent with the Trinity West Secondary Plan, and to remove a public road from the Trinity West Secondary Plan Land Use Plan Map. A housekeeping amendment is also proposed to align the density with the Zoning By-law for one block currently going through site plan approval (Block 11, Site Plan Application DA-16-170).

An amendment to the Zoning By-law is required to recognize existing and proposed commercial development blocks in By-law 05-200, to expand the residential land uses to include stacked townhouse dwellings and incorporate revised minimum and maximum densities, number of storeys and a maximum height to a number of residential blocks to be consistent with the surrounding subdivision as well as establish an outdoor amenity area and protection of karst spring SP-3. The Draft Plan of Subdivision is for three blocks consisting of one multiple residential block, one commercial block and one right of way widening to comprehensively develop additional lands acquired by the applicant. A number of site-specific zoning by-law amendments of a technical nature are also being proposed to recognize one site lot as an interior lot, rear and front yard setbacks, visitor parking ratio, and distance separation between parking spaces (see Appendix "I" to Report PED19030).

Specifically, the applicant intends to develop the subject lands as follows (see Appendix "A" to Report PED19030):

- a mix of commercial uses having a combined area of approximately 3000 sq m, fronting onto Rymal Road East (Blocks 1 to 3 and 12, inclusive);
- four multiple dwellings having a maximum residential density of 170 units per net hectare fronting on Highland Road West (Blocks 4 and 5);
- Four lots containing single detached dwellings on Columbus Gate (Blocks 6 and 7);

- townhouses, street townhouses, maisonettes and stacked townhouses having a minimum residential density of 50 units per net hectare fronting on Soho Street (Blocks 8, 9 and 10); and,
- townhouses, street townhouses and maisonettes having a minimum residential density of 55 units per net hectare fronting on Soho Street. (Block 11).

The applications have merit and can be supported as they are consistent with the Provincial Policy Statement (PPS, 2014), conform to the Growth Plan for the Greater Golden Horseshoe (the Growth Plan, 2017), and comply with the general intent of the policies of the UHOP and Trinity West Secondary Plan.

Alternatives for Consideration – See Page 41

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the Planning Act, Council shall hold at least one Public Meeting to consider applications for an Official Plan Amendment, Zoning By-law Amendment and for approval of a Draft Plan of Subdivision.

HISTORICAL BACKGROUND

Proposal:

The subject lands, 1809, 1817 and 1821 Rymal Road East, Stoney Creek, totalling approximately 8.04 ha, combined, are located on the north side of Rymal Road East, east of Upper Red Hill Valley Parkway (URHVP). These applications represent three phases of the development known collectively as “Central Park”. The applicant is proposing adjustments to the densities for a number of the blocks for all phases.

The applicant intends to develop the subject lands as follows (see Appendix “A” to Report PED19030):

- a mix of commercial uses having a combined area of approximately 3000 sq m, fronting onto Rymal Road East (Blocks 1 to 3 and 12, inclusive);
- four multiple dwellings having a maximum residential density of 170 units per net hectare fronting on Highland Road West (Blocks 4 and 5);

- Four lots containing single detached dwellings on Columbus Gate (Blocks 6 and 7);
- townhouses, street townhouses, maisonettes and stacked townhouses having a minimum residential density of 50 units per net hectare fronting on Soho Street (Blocks 8, 9 and 10); and,
- townhouses, street townhouses and maisonettes having a minimum residential density of 55 units per net hectare fronting on Soho Street (Block 11).

Urban Hamilton Official Plan Amendment

The applicant has applied for an Official Plan Amendment to amend the Trinity West Secondary Plan (Volume 2 of the UHOP) to create a Site Specific Policy Area to permit a maximum residential density of 170 units per hectare (Blocks 4 and 5); to create a Site Specific Policy Area to permit a minimum residential density of 50 units per hectare (Blocks 8, 9, and 10); and, to add lands to Site Specific Area "C" to permit a minimum residential density of 55 units per hectare (Block 11) (see Appendix "A" to Report PED19030).

In addition, staff have proposed amendments to the Urban Hamilton Official Plan (UHOP,Volume 1) to redesignate Blocks 8, 9 and 10 from Mixed Use – Medium Density to Neighbourhoods, and to redesignate Block 12 from Arterial Commercial to Mixed Use – Medium Density in the UHOP; and amendments to the Trinity West Secondary Plan (Volume 2) to redesignate Block 9 from Low Density Residential 2 to Medium Density Residential 2, to redesignate Block 10 from Mixed Use – Medium Density to Medium Density Residential 2, and to remove a public road from the Land Use Map in the Trinity West Secondary Plan (see Appendix "A" to Report PED19030). Block 12 requires this amendment in the UHOP for housekeeping purposes.

The City of Stoney Creek Zoning By-law No. 3692-92

The applicant has applied for a Zoning By-law Amendment for the following (see Appendix "A" to Report PED19030):

- To permit a maximum density of 170 dwellings per net hectare and to permit a maximum height of 32 metres and eight storeys for Blocks 4 and 5:

    - Block 4 – modifications to the Multiple Residential "RM3-57" Zone, Modified; and,
    - Block 5 – change in zoning from Neighbourhood Development "ND" Zone to Multiple Residential "RM3-57" Zone, Modified.

- To establish four lots for single detached dwellings and to make these lands consistent with surrounding existing zoning for Blocks 6 and 7:

    - Block 6 – change in zoning from Single Residential "R1" Zone to Single Residential "R3-41" Zone, Modified; and,
    - Block 7 – change in zoning from Single Residential "R1" Zone to Single Residential "R3-41a" Zone, Modified.

- To permit a maximum density of 50 units per net hectare, stacked townhouses, a maximum building height of 13.5 m, to reduce the size of the required yards, to reduce the minimum distance between buildings on the same lot, to remove the minimum privacy area requirement for maisonette units and stacked townhouses, and to provide a parking rate of two parking spaces and 0.25 visitor parking spaces per unit for Blocks 8, 9 and 10:

    - Block 8 – change in zoning from Neighbourhood Development "ND" Zone to Multiple Residential "RM3-67" Zone, Modified;
    - Block 9 – change in zoning from Multiple Residential "RM2-43" Zone, Modified to Multiple Residential "RM3-67" Zone, Modified; and,
    - Block 10 – change in zoning from Service Commercial "CS-1" Zone, Modified to Multiple Residential "RM3-67" Zone, Modified.

City of Hamilton Zoning By-law No. 05-200

At the time that the original application was submitted, the City of Stoney Creek Zoning By-law No. 3692-92 was in effect for commercial lands. The applicant proposed changes to the Service Commercial "CS" Zone for a portion of the subject lands. However, on November 16, 2018, By-law No. 17-240 came into force and effect, being a City initiated amendment to Zoning By-law No. 05-200 to establish the Commercial and Mixed Use (CMU) Zones. As a result, staff have proposed that these lands be removed from the City of Stoney Creek Zoning By-law No. 6392-92, and be added to the City of Hamilton Zoning By-law No. 05-200 and zoned Mixed Use – Medium Density (C5) Zone to permit commercial uses and be consistent with the Trinity West Secondary Plan.

SUBJECT: Applications to Amend the Urban Hamilton Official Plan, Zoning By-law Nos. 3692-92 and 05-200, and Approval of a Draft Plan of Subdivision "Midtown" for lands located at 1809, 1817, 1821 Rymal Road East, Stoney Creek (PED19030) (Ward 9) - Page 8 of 42

Draft Plan of Subdivision

The applicant has applied for a Draft Plan of Subdivision which proposes to create:

- One block for medium density residential, including karst spring SP-3 to be conserved (Block 1);
- One block for commercial uses (Block 2); and,
- One block for a right of way widening along Rymal Road East (Block 3).

Chronology:

October 7, 2016: Official Plan Amendment Application UHOPA-16-025, Zoning By-law Amendment Application ZAC-16-064 and Draft Plan of Subdivision Application 25T-201609 received.

November 23, 2016: Applications deemed complete.

December 8, 2016: Notice of Complete Applications and Preliminary Circulation sent to 18 property owners within 120 m of the subject lands.

December 12, 2016: Public Notice Sign was posted on the subject lands.

March 20, 2019: Public Notice Sign updated with Public Meeting date.

March 28, 2019: Circulation of the Notice of Public Meeting mailed to 36 property owners within 120 m of the subject property.

Details Of Submitted Applications

Owners: Losani Homes (1998) Limited (c/o Lorraine Roberts and William Liske)

Agent: MHBC (c/o Dave Aston and Stephanie Mirtitsch)

Location: Municipally known as 1809, 1817 and 1821 Rymal Road East (Stoney Creek)

Property Description:

Lot Area: 8.04 ha approximately, combined.

Frontage: 200 m approximately, along Highland Road West;

		75 m along Columbus Gate; 105 m approximately, along Soho Street; and, 346 m approximately, along Rymal Road East.
	Depth:	173 m approximately, fronting on Highland Road West; 41 m approximately, fronting on Columbus Gate; 127 m, fronting on Soho Street; and, 227 m approximately, fronting on Rymal Road East.

Services: Full Municipal Services

Existing Land Use And Zoning

	Existing Land Use	Existing Zoning
Subject Lands:	Vacant, Single Detached Dwellings, Commercial real estate sales building	Multiple Residential "RM3-57" Zone, Modified; Neighbourhood Development "ND" Zone; Multiple Residential "RM3-56" Zone, Modified; Single Residential "R1" Zone; Mixed Use – Medium Density (C5, 589) Zone; and, Service Commercial (CS-1) Zone, Modified.
Surrounding Lands:		
North of Blocks 4 and 5	Commercial buildings	District Commercial (C6, 349, H66, H67, H100, H101) Zone.
North of Blocks 1, 2, 3 and 6 to 12	Single Detached Dwellings, Townhouses, Maisonettes, Open Space Vacant	Prestige Business Park (M3, H28) Zone; Service Commercial "CS-1" Zone; Multiple Residential "RM3-56" Zone, Modified; Multiple Residential "RM2-43" Zone, Modified; Mixed Use Medium Density (C5, 589) Zone; Single Residential "R1-20" Zone, Modified.
South of Blocks	Commercial Buildings,	Major Institutional (I3) Zone; Community

1 to 3 and 6 to 12, inclusive	Bishop Ryan Secondary School	Commercial (C3, 589) Zone; Arterial Commercial (C7) Zone; Single Residential "R3-41" Zone, Modified.
South of Blocks 4 and 5	Future eco-corridor, regulated by HCA	Open Space (P4) Zone.
East of Blocks 1 to 3, and 6 to 12, inclusive	Residential dwellings	Multiple Residential "RM2-43" Zone, Modified; Multiple Residential "RM3-56" Zone, Modified; Community Institutional (I2, 615) Zone; Mixed Use Medium Density (C5, 589) Zone.
East of Blocks 4 and 5	Stormwater Management Pond	Conservation / Hazard Lands (P5) Zone.
West of Blocks 1 to 3, and 6 to 12, inclusive	Vacant	Prestige Business Park (M3, H28) Zone; Service Commercial "CS-1" Zone, Modified; Arterial Commercial (C7) Zone; Mixed Use Medium Density (C5, 589) Zone; Single Residential "R3-41" Zone, Modified.
West of Blocks 4 and 5	Vacant	Neighbourhood Development "ND" Zone.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2014)

The Provincial Planning Policy framework is established throught the *Planning Act* (Section 3) and the PPS 2014. The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS. The following policies, amongst others, apply to the proposal.

"1.1.1 Healthy, liveable and safe communities are sustained by:

a. promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;

b. accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;

e. promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;

1.1.3.2 Land use patterns within *settlement areas* shall be based on:

a. densities and a mix of land uses which:

1. efficiently use land and resources;

2. are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;

3. minimize negative impacts to air quality and climate change, and promote energy efficiency;

4. support *active transportation*;

5. transit-supportive, where transit is planned, exists or may be developed; and

6. are *freight-supportive*; and,

b. a range of uses and opportunities for *intensification* and *redevelopment* in accordance with the criteria in policy 1.1.3.3, where this can be accommodated."

The subject lands are located within a settlement area, proposing a complete community through a range of housing types as well as employment and recreational opportunities. The proposed development makes efficient use of existing and planned infrastructure, including the planned public rapid transit route along Rymal Road East. It provides for a land use pattern, density and mix of uses that will support use of transit and active transportation.

Noise

"1.2.6.1 *Major facilities* and *sensitive land uses* should be planned to ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate *adverse effects* from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of *major facilities*."

The applicants have submitted a Noise study titled "Functional Environmental Noise Assessment Report" prepared by S. Llewellyn and Associates Ltd., dated March, 2014, revised December, 2014 and revised November, 2016 for the proposed development. The study recommended noise barriers, warning clauses, air conditioning specifications, and building components to be implemented. These requirements have been included as Condition Nos. 17 and 18 of Appendix "G" to Report PED19030.

Natural Heritage

"2.1.2 The diversity and connectivity of natural features in an area, and the long-term *ecological function* and biodiversity of *natural heritage systems*, should be maintained, restored or, where possible, improved, recognizing linkages between and among *natural heritage features and areas*, *surface water features* and *ground water features*."

During previous applications of the "Central Park" development a number of hedgerows were identified on and near the subject lands, but have since been removed. An Environmental Impact Statement (EIS) prepared by Renovo Watershed Sciences Inc., dated January 2014 was provided with these applications. The subject lands contain natural heritage and hydrologic features, including buried Eramosa Escarpment (Blocks 4 and 5), karst spring SP-3 and a subsurface conduit (Blocks 8 and 10), and karst related sinkholes (Block 11) (see Appendix "A" to Report PED19030).

Blocks 4 and 5

The applicant has been advised that karst features may be located in the location of the underground parking areas. This will be further addressed at the Site Plan Control stage through additional Karst Assessments.

Blocks 8 and 10

This site also contains karst spring SP-3 that is proposed to be retained and protected through a minimum 5.0 m enhanced buffer, as proposed in the revised EIS, prepared by GeoProcess Research Associates Inc., dated November, 2016, submitted in support of these applications. A site specific geotechnical report will be required to refine and determine the required buffer for the karst spring, as well as a landscape plan identifying enhanced landscaping and conservation measures. Since development has been identified adjacent to the karst spring, an explanation of how it will be monitored and maintained, as well as an Educational / Stewardship Brochure that will be distributed to future owners will also be required. These matters will be addressed through Condition Nos. 11, 12 and 13 of Appendix "G" to Report PED19030.

Block 11

This portion of the subject lands contains karst sink holes. A Tree Protection Plan and a Karst Assessment were conducted through Draft Plan of Subdivision 25T-201805, and measures pertaining to these features are being addressed through Site Plan Control application DA-16-170.

Cultural Heritage and Archaeology

"2.6.2 *Development* and *site alteration* shall not be permitted on lands containing *archaeological resources* or *areas of archaeological potential* unless *significant archaeological resources* have been *conserved*."

The subject property meets five of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential:

1. Within 250 m of known archaeological sites;
2. Local knowledge associates areas with historic events / activities / occupations;
3. In an area of elevated topography;
4. In the vicinity of distinctive or unusual landforms; and,
5. Along historic transportation routes.

These criteria define the property as having archaeological potential. As part of previous application ZAC-14-002, two Stage 1-2 archaeological reports (P1024-0091-2015 and P1024-0002-2015), for the subject property were submitted to the City and the Ministry of Tourism, Culture and Sport. Both reports indicated no archaeological finds. It should be noted that the lands assessed in Report P1024-0002-2015 were identified as being

adjacent to three registered archaeological sites (AhGW-233, AhGW-234, AhGW-235). The Province has signed off on the two reports for compliance with licensing requirements for 1809, 1817 and 1821 Rymal Road East, Stoney Creek.

The applicant has indicated that all of the visible surface artefacts were taken from the site at the time of the original assessment. Given that this development is planned for the lands located nearby AhGw-235, a Stage 3 archaeological assessment was identified as a requirement for future applications. The Stage 1-2 archaeological reports note that the locations of these artefacts were marked on site so that a controlled surface collection could be conducted, at a later date. However, as the site has since been significantly disturbed, this controlled surface collection can no longer take place. As a result, Municipal interest related to archaeology has been deemed satisfied.

Therefore, subject to the proposed conditions of draft plan approval and Zoning By-law regulations, the proposed development is consistent with the policies of the PPS 2014.

Growth Plan for the Greater Golden Horseshoe (2017)

The following policies, amongst others, from the Growth Plan for the Greater Golden Horseshoe (the Growth Plan) are applicable to the proposal.

"2.2.1.2 Forecasted growth to the horizon of this Plan will be allocated based on the following:

a) the vast majority of growth will be directed to settlement areas that:

i. have a delineated built boundary;

ii. have existing or planned municipal water and wastewater systems; and,

iii. can support the achievement of complete communities.

c) within settlement areas, growth will be focused in:

iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and,

iv. areas with existing or planned public service facilities."

The subject lands are located within a settlement area, outside of the built boundary (see Appendix "G" – Boundaries Map of the UHOP). These applications propose a complete community through a range of housing types as well as employment opportunities, located where full municipal services are available. As part of the Registered Plan of Subdivision 62M-1250 and Site Plan Control Application DA-16-170, planned municipal water and wastewater systems were reviewed to ensure that sufficient municipal services are in place to support these applications.

Based on the above and subject to the proposed conditions of draft plan approval and Zoning By-law regulations, the proposal conforms to the Growth Plan.

Urban Hamilton Official Plan (UHOP)

The subject property is identified as "Neighbourhoods" and "Secondary Corridor" on Schedule 'E' – Urban Structure of the UHOP. The lands are designated on Schedule 'E-1' – Urban Land Use Designations of the UHOP, as follows (see Appendix "A" to Report PED19030):

- "Neighbourhoods" – Blocks 4, 5, 6 and 7;
- "Mixed Use – Medium Density" – Blocks 1 to 3 and Blocks 8 to 11; and,
- "Arterial Commercial" – Block 12.

The following policies, amongst others, are applicable to the proposal.

Neighbourhoods

"E.2.6.2 Neighbourhoods shall primarily consist of residential uses and complementary facilities and services intended to serve the residents. These facilities and services may include parks, schools, trails, recreation centres, places of worship, small retail stores, offices, restaurants, and personal and government services.

E.2.6.4 The Neighbourhoods element of the urban structure shall permit and provide the opportunity for a full range of housing forms, types and tenure, including *affordable* housing and *housing with supports*.

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

a) New *development* on large sites shall support a grid system of streets of pedestrian scale, short blocks, street oriented structures, and a safe and attractive public realm.

c) Adequate and direct pedestrian access and linkages to *community facilities/services* and local commercial uses shall be provided."

Blocks 4, 5, 6 and 7 are designated "Neighbourhoods" and permit residential development. Blocks 8, 9 and 10 are designated "Mixed Use – Medium Density", but are proposed for residential development which is consistent with, and a logical extension of surrounding residential uses. Therefore, staff recommend that Blocks 8, 9 and 10 be redesignated to "Neighbourhoods".

In accordance with policy E.3.2.7 a) and c) pedestrian connections and amenity area provide opportunity for walkability and ensure a safe, animated and attractive public realm. These provisions will be addressed through Condition Nos. 9 and 10 of Appendix "G" to Report PED19030 which require the establishment of Architectural and Urban Design Guidelines, prepared by a designated Design Architect (Condition No. 9 of Appendix "G" to Report PED19030). All architectural drawings prepared for applicable building permits shall be reviewed and approved by a separate Control Architect (Condition No. 10 of Appendix "G" to Report PED19030). The Architectural and Urban Design Guidelines will be further implemented at the Site Plan Control stage.

Medium Density Residential

"E.3.5.8 For medium density residential uses, the maximum height shall be six storeys."

Blocks 4 and 5 are proposed for four multiple residential dwellings having a maximum density of 170 residential units per net hectare. To allow for a more efficient and compact footprint to achieve the increase in density, the applicant is proposing an increase in building height from the permitted six storeys to eight storeys. This more compact footprint will enable greater opportunity for pedestrian circulation, outdoor amenity areas and adequate parking to serve future residents. This amendment will be discussed in greater detail in the Analysis and Rationale for Recommendation section.

Residential Greenfield Design

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

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

b) preserve existing trees and natural features; and,

E.3.7.7 Prior to registration of a plan of subdivision, the City may require the owner to prepare urban design and/or architectural guidelines to the satisfaction of the City. The City may undertake *architectural control* to ensure compliance with the approved urban design or architectural guidelines."

With the exception of the real estate sales centre located at 1809 Rymal Road East, the majority of the subject lands are vacant, having previously been used for agricultural purposes, and most recently for stockpiling of soils resulting from prior phases of the "Central Park" development. These applications propose development that is cohesive, and contributes to the character of the "Central Park" development. These developments allow for connection to the broader community with the layout of streets, trails and pedestrian connections. For Blocks 1, 2, 3, 8, 9, 10 and 12, Policies E.3.7.3 and E.3.7.7 will be implemented through Condition Nos. 9 and 10 of Appendix "G" to Report PED19030 through the requirement for an Urban Design Brief.

Based on the concept that has been provided (see Appendix "H-d" to Report PED19030), these applications have the opportunity to preserve the existing naturally occurring karst spring SP-3 located in Block 10 in accordance with Policy E.3.7.5. The details of how these features will be preserved will be addressed through Condition Nos. 11, 12 and 13 of Appendix "G" to Report PED19030 and through Site Plan Control.

Arterial Commercial

"E.4.2.6 A limited range and scale of retail and service commercial uses catering to the traveling consumer, are land extensive retail establishments, or cannot be appropriately accommodated in areas designated Mixed Use, shall be permitted in and directed to the Arterial Commercial designation."

The subject lands include a portion of land, located nearest to the intersection of Rymal Road East and URHVP, that is designated Arterial Commercial in Volume 1 of the UHOP (Block 12), whereas this portion of land is designated as Mixed Use – Medium Density in the Trinity West Secondary Plan. As the scale and form of development proposed for Block 12 is not proposed to reflect the Arterial Commercial designation in Volume 1, staff are recommending an amendment to redesignate these lands, as a housekeeping amendment, from Arterial Commercial to Mixed Use – Medium Density to reflect the Trinity West Secondary Plan (see Appendix "B" to Report PED19030). This amendment will be further discussed in the Analysis and Rationale for Recommendation Section of this Report.

Cultural Heritage

"B.3.4.4.2 In *areas of archaeological potential* identified on Appendix F-4 – Archaeological Potential, an archaeological assessment shall be required and submitted prior to or at the time of application submission for the following planning matters under the Planning Act, R.S.O., 1990 c. P.13:

a) official plan amendment or secondary plan amendment unless the *development* proposed in the application in question or other applications on the same property does not involve any *site alteration* or *soil disturbance*;

b) zoning by-law amendments unless the *development* proposed in the application in question or other applications on the same property does not involve any *site alteration* or *soil disturbance*; and,

c) plans of subdivision."

As previously discussed in the PPS section, municipal interest is deemed to be satisfied.

Transportation Network

"C.4.2.10 *Development* of *major transit generators* shall provide safe and convenient pedestrian and cycling environments and access through building orientation, site layout, traffic management, and the provision of facilities such as sidewalks, crosswalks, bike lanes and trails, bicycle parking and loading, and connections to transit service.

C.4.2.11 The City shall encourage new *development* to be located and designed to minimize walking distances to existing or planned transit and facilitate the efficient movement of goods where feasible."

These applications contribute to the broader "Central Park" development as a major transit generator due to the increase in residents to the area. Hamilton Street Rail currently operates the Route #44 Rymal buses past this subject lands, as well as Routes #21 and #43 Stone Church busses north of the subject lands with no planned changes in service. Ridership (modal split) will be promoted through the introduction of additional express bus service referred to as the "S" Line on the Rymal Road East BLAST corridor.

In accordance with Policy C.4.2.10 staff will seek facilities that minimize the walking distances and to provide safe and convenient pedestrian and cycling routes to existing and planned public transportation facilities at the Site Plan Control stage for Blocks 4 and 5, and through Condition Nos. 9 and 10 of Appendix "G" to Report PED19030 for Blocks 1, 2, 3, 8, 9, 10 and 12.

"C.4.5.2 The road network shall be planned and implemented according to the following functional classifications and right-of-way widths:

c) Major arterial roads, subject to the following policies:

i) The primary function of a major arterial road shall be to carry relatively high volumes of intra-municipal and inter-regional traffic through the City in association with other types of roads.

ii) Although land accesses are permitted, they shall generally be controlled /restricted.

iii) The basic maximum right-of-way widths for major arterial roads shall be 45.720 metres unless otherwise specifically described in Schedule C-2 – Future Right-of-Way Dedications.

e) Collector roads, subject to the following policies:

i) The function of a collector road shall be equally shared between providing direct land accesses and the movement of moderate volumes of traffic within and through designated Employment or Neighbourhood Areas.

C.4.5.8 The efficiency, safety and traffic carrying capacity of parkways, major arterial and minor arterial roads shall be protected by minimizing the number and spacing of intersecting streets and access points."

The subject lands are served by roads that are classified, in accordance with UHOP Schedule C – Functional Road Classification the road network, as follows:

- Rymal Road East – Major Arterial
- Upper Red Hill Valley Parkway (URHVP) – Major Arterial
- Highland Road West – Collector
- Upper Mount Albion Road – Collector

In accordance with Policy C.4.5.2 and C.4.5.8, Rymal Road East and URHVP have been protected for high volume traffic use by limiting access to one local access on Rymal Road East. Block 3 of the Draft Plan of Subdivision provides for a road widening along the Rymal Road East frontage, including widths that protect the future BLAST rapid transit "S" Line planned for Rymal Road East, and maintain the existing multi-use trail along Rymal Road East (Condition No. 2 of Appendix "G" to Report PED19030). Upper Mount Albion Road will be closed from accessing Rymal Road East as a result of the broader "Central Park" development, as planned by the Trinity West Secondary Plan.

Stormwater Management

"C.5.4.2 Any new *development* that occurs shall be responsible for submitting a detailed storm water management plan prior to *development* to properly address on site drainage and to ensure that new *development* has no negative impact on off site drainage."

Blocks 1, 2, 3, 8, 9 and 10

Infrastructure and stormwater management facilities were developed as part of prior phases of the "Central Park" development. The following issues will be addressed through Condition Nos. 3, 6, 7 and 8 of Appendix "G" to Report PED19030:

- Enhanced stormwater quality control will be provided;
- The impact of development on the existing watermain easement; and,
- The proposed stormwater management and impact to adjacent lands including a grading and drainage easement on adjacent City owned lands.

Trinity West Secondary Plan

The subject properties are designated on Map B.7.7-1 – Land Use Plan of the Trinity West Secondary Plan as follows (see Appendix "A" to Report PED19030):

- "Mixed Use – Medium Density" – Blocks 1, 2, 3, 8, 10 and 12;
- "Medium Density Residential 3" – Blocks 4 and 5;
- "Low Density Residential 1" – Blocks 6 and 7;
- "Low Density Residential 2", containing a public road – Block 9; and,
- "Medium Density Residential 2" – Block 11.

The following policies, amongst others, are applicable to the proposal.

"B.7.7.1 Development of the Trinity West Area shall be based on the following principles:

i) Provision of safe, continuous, and accessible public access throughout the neighbourhood and between adjacent neighbourhoods;

ii) Provision of a mixture of land uses, including a full range and mix of housing types. All built forms shall be designed at a human scale;

v) Integration of new parks and open spaces with existing natural open spaces to provide new passive and active recreational opportunities, and to establish linkages creating an interconnected system of parks and open space;

vi) Creation of a balanced multi-modal transportation system which facilitates public transit, cycling, and walking modes, in addition to automobiles, and provides accessibility to all users;

vii) Development of community structure based on a modified grid pattern of streets to maximize connectivity and permeability while respecting the natural topography of the land;

viii) Conservation and enhancement of significant natural heritage features within and adjacent to Trinity West, including the Eramosa Karst and other Environmentally Significant Areas;

B.7.7.2 b) Residential

ii) Ensure compatibility of adjacent residential areas by providing for a gradual transition of densities, which are lower adjacent to existing homes and open space, and higher along major arterial roads.

vi) Define functional classification and future ultimate right-of-way for existing and proposed roads in the area."

To satisfy Policy B.7.7.1 i), vi) and vii), continuous pedestrian access through the subject lands will be addressed (or for Block 11, has been addressed) at the Site Plan Control Stage, and / or through Condition Nos. 9 and 10 of Appendix "G" to Report PED19030 for Blocks 1-3 and Blocks 8 and 10, being the proposed Plan of subdivision.

In accordance with Policies B.7.7.1 ii) and B.7.7.2 b) ii), these applications propose a mix of uses including a range of housing types that contribute to the full range and mix of the broader "Central Park" development.

Per Policy B.7.7.1 v), active and passive open spaces have been broadly provided in the "Central Park" development. Shared private amenity space in Blocks 8, 9 and 10 will be required by the site specific Zoning By-law and conservation requirements will be achieved through Condition Nos. 11, 12 and 13 of Appendix "G" to Report PED19030, and at the Site Plan Control stage.

With respect to Policy B.7.7.2 b) vi) these applications propose to access the block via the planned road network. Block 11 includes a private road network that has been approved through Site Plan Control Application DA-16-170. Blocks 8, 9 and 10 include a proposed private road network which replaces the public road located within Block 9. The private road is necessary to accommodate the karts spring within the development. Details of the private road network will be determined at the Site Plan Control stage.

<u>Residential Designations</u>

The lands within Blocks 6 and 7 are designated Low Density Residential 1.

"B.7.7.3.4 Low Density Residential 1 Designation

In addition to Section E.3.4 - Low Density Residential Policies of Volume 1, for lands designated Low Density Residential 1 on Map B.7.7-1 - Trinity West - Land Use Plan, the following policies shall apply:

a) Notwithstanding Policy E.3.4.3, permitted uses shall include only single detached dwellings.

b) The maximum net residential density of development shall not exceed 20 units per hectare (uph).

c) Notwithstanding Policy E.3.4.5, the maximum building height shall be two storeys."

At the November 29, 2018 Committee of Adjustment meeting, Consent Application No. SC/B-18:123 was approved for Blocks 6 and 7 to facilitate the creation of four lots for single detached dwellings having a net residential density of 18.5 units per hectare. The consent is subject to a number of conditions, including approval of a zoning by-law amendment as Blocks 6 and 7 currently do not conform to the Zoning By-law. Therefore, to facilitate the four lots, modifications to the By-law are required in order to satisfy Condition No. 2 of the Consent Application. The maximum height as per Policy B.7.7.3.4 c) is established at 11 metres through the Zoning By-law.

The lands within Block 9 are designated Low Density Residential 2.

"7.7.3.5 Low Density Residential 2 Designation

In addition to Section E.3.4 - Low Density Residential Policies of Volume 1, for lands designated Low Density Residential 2 on Map B.7.7-1 - Trinity West - Land Use Plan, the following policy shall apply:

a) The net residential density of development shall be greater than 20 units per hectare, and shall not exceed 40 units per hectare (uph)."

These lands are proposed to be developed with a range of housing forms including townhouses, as a continuation of approved proposals for surrounding lands. Prior to previous UHOPA, Zoning By-law Amendment and Plan of Subdivision applications (see Report PED16072) these lands were designated Medium Density Residential 2. However, following approval of that UHOPA, approved Plan of Subdivision No. 25T-201401 incorporated a minor amendment that removed the public road from the Block 9 lands, thereby impacting how density is assessed for this area. The proposed townhouse development would have a minimum density of 50 units per hectare rather than the maximum 40 units per hectare permitted under the current designation. Therefore, staff recommend that these lands be redesignated to Medium Density Residential 2 with a Site Specific Policy to permit a minimum density of 50 units per

hectare. The amendment will be discussed in greater detail in the Analysis and Rationale for Recommendation Section of this Report.

The lands within Blocks 8 and 11 are designated Medium Density Residential 2.

"B.7.7.3.6 Medium Density Residential 2 Designation

In addition to Section E.3.5 - Medium Density Residential Policies of Volume 1, for lands designated Medium Density Residential 2 on Map B.7.7-1 - Trinity West - Land Use Plan, the following policies shall apply:

a) Notwithstanding Policies E.3.5.2 and E.3.5.3, uses permitted include multiple dwellings as well as street town houses.

b) The net residential density of development shall be greater than 60 units per hectare, and shall not exceed 75 units per hectare (uph)."

These lands are conditionally approved for residential development through Site Plan Control Application DA-16-170, and proposed to include a mix of townhouses and maisonettes. The applicant has proposed that these lands be added to Site Specific Policy Area "C", having a minimum residential density of 55 units per net hectare to provide flexibility and consistency with adjacent lands. The amendment will be discussed in greater detail in the Analysis and Rationale for Recommendation Section of this Report.

Block 10

These lands are currently designated Mixed Use – Medium Density and are proposed to be redesignated to Medium Density Residential 2, with a new Site Specific Policy Area to permit a minimum residential density of 50 units per net hectare. Commercial uses are not proposed on these lands, and therefore staff recommend that they be redesignated to reflect the proposed use. The amendment will be discussed in greater detail in the Analysis and Rationale for Recommendation Section of this Report.

The lands within blocks 4 and 5 are designated Medium Density Residential 3.

"B.7.7.3.7 Medium Density Residential 3 Designation

In addition to Section E.3.5 - Medium Density Residential Policies of Volume 1, for lands designated Medium Density Residential 3 on Map B.7.7-1 - Trinity West - Land Use Plan, the following policies shall apply:

a) The net residential density of development shall be greater than 75 units per hectare, and shall not exceed 100 units per hectare (uph).

b) Notwithstanding Policy E.3.5.9 a), the Upper Red Hill Valley Parkway shall function as a controlled access arterial. Direct access to the Medium Density Residential 3 land uses shall not be permitted from the Upper Red Hill Valley Parkway. Access to the Medium Density designated lands shall be provided by the adjacent collector and internal roads."

The applicant has proposed to establish a Site Specific Policy Area to permit increasing the maximum residential density from 100 units per hectare to 170 units per net hectare, to be accessed via the adjacent collector, Highland Road West, in accordance with Policy B.7.7.3.7 b). The increase in density will enable the applicants to provide smaller units, thereby offering a greater range of housing options in the "Central Park" community. The proposed amendment is discussed in greater detail in the Analysis and Rationale for Recommendation Section of this Report.

The lands contained in Blocks 1, 2, 3, 10 and 12 are designated Mixed-Use – Medium Density.

"B.7.7.4.1 Mixed-Use - Medium Density

In addition to Section E.4.6 - Mixed-Use - Medium Density of Volume 1, the following policies shall apply to the lands designated Mixed-Use - Medium Density on Map B.7.7-1 - Trinity West - Land Use Plan:

c) Notwithstanding Policy E.4.6.11, the amount of retail and service commercial space within each area designated Mixed-Use - Medium Density in Trinity West, may be less than 25,000 square meters of floor area.

d) Direct access to individual properties or units from Rymal Road shall be discouraged; shared or combined common access points and rear lane arrangements shall be provided, where possible, through land consolidation and/or rights-of-way."

Blocks 1, 2, 3 and 12

These blocks are proposed to be developed as single use commercial buildings, approximately 15,600 sq m in gross floor area, combined, in accordance with Policy B.7.7.4.1 c). Per Policy B.7.7.4.1 d), these blocks are proposed to have one shared access and front onto Rymal Rd East.

These proposed amendments are discussed in greater detail in the Analysis and Rationale for Recommendation Section of this Report.

Urban Design

"B.7.7.7.2 Streetscape and Built Form

f) The layout of streets, configuration of lots, and the sighting of buildings shall ensure that:

i) There is no reverse lotting adjacent to streets unless otherwise approved by the City;

ii) There is generally unobstructed road frontage adjacent to public open spaces;

iii) Streets and open spaces have an appropriate degree of continuity and enclosure, and opportunities are provided for the creation of views both within the community and to adjacent to natural heritage areas;

iv) Service and parking facilities are integrated into the design of buildings to minimize disruption to the safety and attractiveness of the adjacent public realm.

v) Pedestrian ease of access and enjoyment of public street and other outdoor spaces is encouraged; and,

vi) The safety and security for all persons in public places including streets, parks, and amenity areas are promoted through the design and sighting of buildings, entrances, walkways, amenity and parking areas to provide visibility and opportunities for informal surveillance.

B.7.7.7.3 Commercial and Mixed Use Areas

a) Buildings shall be located close to the street at grade, with main entrances on a street, with barrier free access at street level.

b) Principal entrances shall face the public street or an exterior space directly adjacent and visible from the public street.

e) Where possible, combined accesses shall be provided.

g) In order to maintain unimpeded views of the building façade and to enhance a pedestrian oriented environment, parking on corner sites shall be encouraged to locate in the rear yard, away from the street."

Blocks 1, 2, 3 and 12

As per Policy B.7.7.7.2 f) iv) and vi), connectivity will include integrated pedestrian facilities through the shared parking proposed on these lands and also carry north through the proposed residential development of Blocks 8, 9, 10 and 11 with safe, permanent, interconnected pedestrian facilities. Losani Homes have previously constructed a temporary sales office for the "Central Park" subdivision as a permanent building to be converted to an alternative commercial use upon the closure of the sales function. This building has a primary entrance and significant glazing facing Rymal Road East. In accordance with Policy B.7.7.7.3 architectural details for future buildings on the site, including entrances and glazing facing Rymal Road East, will be addressed at the Site Plan Control stage.

Blocks 4 and 5

The concept plan, attached as Appendix "H-a" to Report PED19030, shows surface parking located between the buildings and the public street. As per Policy B.7.7.7.2 f), iv), v) and vi), staff discourage this arrangement of spaces and will seek opportunities to minimize the provision of surface parking at this location; or, alternatively request multiple smaller parking areas distributed on site that include landscaped islands and maintain a close relationship between buildings and adjacent open spaces. Parking within this proposed development is to consider pedestrian convenience and safety as well as visual impact. This issue will be addressed in detail at the Site Plan Control stage.

Blocks 8, 9 and 10

The concept plan depicts an open space area within Block 10 containing a naturally occurring karst spring SP-3 (see Appendix “H-d” to Report PED19030). The size of the required buffer for spring SP-3 must be determined prior to registration of this block and will be addressed through Condition Nos. 11, 12 and 13 of Appendix “G” to Report PED19030. In accordance with Policy B.7.7.7.2 f) ii), the proposed open space area is depicted as having road frontage with 1.5 metre concrete sidewalks on two sides, and a row of visitor parking along the east side. These connections are to the commercial blocks to the south, and also include the broader “Central Park” community, and will be addressed through proposed Draft Plan Condition Nos. 9 and 10 in Appendix “G” to Report PED19030 and implemented at the Site Plan Control stage.

Block 11

With respect to Policy B.7.7.7.2 i), these lands propose reverse lotting where lots abut the URHVP. This lotting configuration will also require a noise wall to mitigate noise associated with the URHVP, as identified in the Functional Environmental Noise Assessment Report submitted by the applicant and reviewed by staff. The necessary noise wall will create acoustic and visual buffering from the public road, thereby eliminating the visual benefit of residential dwellings that front onto the URHVP. Similar lotting patterns can be found along the URHVP, such as adjacent to the Mud Street ramp. Thus, the proposed reverse lotting can be supported. The remaining provisions of Policy B.7.7.7.2 will be addressed in detail as part of the Site Plan Control process.

Natural Heritage System

“B.7.7.9.1 In addition to Section C.2.0 - Natural Heritage System of Volume 1, the following policies shall apply:

Subsurface Conduit Area Overlay

b) The area identified as Subsurface Conduit Overlay on Map B.7.7 - 2 - Trinity West - Natural Heritage System, contains subsurface flow conduits originating from the Eramosa Karst ANSI to a spring within the Trinity West Neighbourhood. The subsurface water flow function shall be maintained to sustain the drainage function of the conduit.

c) Prior to approval of development applications within the area subject to the Subsurface Conduit Overlay, the specific location and depth of

this conduit and an appropriate buffer width shall be determined through further detailed study. Once defined, development including building structures and deep buried services shall only be permitted on land over the conduit and within the recommended buffer if accompanied by a detailed study, prepared by a professional geoscientist with demonstrated expertise in karst environments, which demonstrates that the function of the conduit can be maintained.

d) In accordance with Policy 7.7.9.1 c), the study should include comprehensive tracer testing during several peak flow periods to be able to map out the main hydraulic conduit and its sub-conduits in sufficient detail such that the full extent of the hydraulic system and factors that contribute to its long-term functioning are well understood. Road crossings and shallow utilities may be permitted subject to the recommendations of the detailed study. Specific permitted uses may include amenity space, parks, recreation and open space uses, and those which are compatible with the planned residential neighbourhood and which shall maintain the conduit function. These uses shall be set out in the implementing Zoning By-law.

Buried Eramosa Escarpment

e) The area identified as “Buried Eramosa Escarpment” on Map B.7.7-2 - Trinity West - Natural Heritage System, is an area of shallow soil depth over karstic bedrock. Development of buildings and structures which require extensive intrusions into bedrock, such as multiple dwellings, shall be supported by a site-specific geotechnical study. The geotechnical study shall be prepared in support of Site Plan applications, and any specific design measures resulting from the study shall be implemented.

Springs

f) The location of Springs is identified on Map B.7.7-2 - Trinity West - Natural Heritage System. The function and geomorphology of these springs shall be maintained. Prior to approval of development applications, a geotechnical study shall be required to determine appropriate buffer widths and permitted uses.”

As discussed in the PPS section, an Environmental Impact Statement was provided relating to these applications, confirming that they contain natural hydrologic features, including buried Eramosa Escarpment, karst spring SP-3 and a subsurface conduit that is associated with the Escarpment. These features will be addressed in further detail as part of the detailed review and design of the Plan of Subdivision through Draft Plan Condition Nos. 4, 5, 11, 12 and 13 of Appendix "G" to Report PED19030, to both City and the Conservation Authority's satisfaction and incorporated into the Site Plan Control process through detailed design of the blocks.

Stoney Creek Zoning By-law No. 3692-92 and City of Hamilton Zoning By-law No. 05-200

The subject lands are currently Zoned as follows:

- Blocks 1 and 10 – Service Commercial "CS-1" Zone, Modified;
- Blocks 2, 6 and 7 – Single Residential "R1" Zone;
- Blocks 3, 5 and 8 – Neighbourhood Development "ND" Zone;
- Block 4 – Multiple Residential "RM3-57" Zone, Modified;
- Block 9 – Multiple Residential "RM2-43" Zone, Modified;
- Block 11 – Multiple Residential "RM3-56" Zone, Modified; and,
- Block 12 – Mixed Use - Medium Density (C5, 589) Zone.

These applications propose the following changes in zoning (see Appendix "C" and "E" to Report PED19030):

- Blocks 1, 2 and 3 – to be added to City of Hamilton Zoning By-law No. 05-200 and zoned Mixed Use – Medium Density (C5) Zone;
- Blocks 4 and 5 – to be zoned Multiple Residential "RM3-57" Zone, with modifications;
- Block 6 – to be zoned Multiple Residential "R3-41" Zone;
- Block 7 – to be zoned Multiple Residential "R3-41a" Zone;
- Blocks 8, 9 and 10 – to be zoned Multiple Residential "RM3-67" Zone; and,
- Blocks 11 and 12 – no change in zoning is proposed.

These modifications are identified and discussed in detail in Appendix "E" to Report PED19030.

RELEVANT CONSULTATION

The following Departments and Agencies had no comments or objections to the applications:

- Hydro One.

The following Departments and Agencies submitted the following comments:

Transportation Planning, Planning and Economic Development note that a right of way widening is required, to include widths that protect the future BLAST rapid transit "S" Line planned for Rymal Road East, and maintain the existing multi-use trail along Rymal Road East in addition to sidewalks, which are required along both sides of the right of way (see Condition No. 2 of Appendix "G" to Report PED19030). A Detailed Transportation Demand Management Report is to be submitted at the Site Plan Control stage.

Corporate Services Department requires that sanitary sewer and connection fees, totalling $27,616.76, based on 2018 rates, be paid by the owner / applicant, in accordance with By-law 07-299, and notes that these rates are subject to annual adjustment.

Forestry and Horticulture Section, Public Works has reviewed the proposal and noted that municipal trees will be impacted by the development. The applicant will be required to finalize the necessary tree removal permit along with associated tree replacement fees and any new tree street plantings.

Canada Post Corporation has reviewed the proposal and noted that the development will be serviced by a centralized mail box system. The applicant will be required to work with Canada Post Corporation in order to determine appropriate locations and designs for each mail box, per Condition Nos. 14 and 15 of Appendix "G" to Report PED19030.

Recycling and Waste Disposal, Environmental Services Division has advised that the residential portions of the proposed development are eligible for municipal waste collection and require sufficient area on each property to store waste containers without impeding sidewalks or movement of waste collection vehicles. Environmental Services advises that site design for multiple residential uses must accommodate a minimum of one 360 Litre recycling cart for every 10 units, and a minimum of one 120 litre green cart for every 15 units. The anticipated movement of waste collection vehicles shall be illustrated on the site plans and road layout must allow for continuous forward

movement for an 18 m straight head-on approach on multi-residential properties. These issues will be resolved at the Site Plan Control stage. Environmental Services Division advises that the proposed commercial portion is ineligible for municipal waste collection.

Public Health Services, Health Environment Division (PHS) requires a pest control plan be developed and implemented prior to construction, through to completions. PHS advise that any new cooling towers that are proposed with these proposed developments must be registered with PHS, and any new pool or spa must meet the requirements of RPO 1990, Reg. 565 and / or O.Reg 428/05 and the Medical Officer of Health must grant permission for use. Depending on future tenure, either individual homeowners or the future condominium Corporation would be responsible to meet the regulations associated with any new pool or spa.

Union Gas Limited has advised that there may be service lines running within the subject lands, which may or may not be affected by the proposed development, and that the applicant should contact Ontario One to conduct locates of natural gas pipelines prior to any activity on the subject lands.

Hamilton Conservation Authority (HCA) advises that the majority of the subject lands drain north as part of the Upper Davis Creek Subwatershed to the Red Hill Creek system, and, as such enhanced stormwater quality control should be provided. It is understood by HCA that stormwater drainage is being addressed through infrastructure and stormwater management facilities being developed as part of prior applications of “Central Park”, but notes that there are outstanding issues from those phases pertaining to runoff coefficients and stormwater modeling.

HCA advises that the subject property contains karst conditions and features, including a spring located in Block 10, and Sinkholes located within Block 11. The EIS makes recommendations for the protection of the spring, including a five metre buffer, in association with HCA permit applications to close-out two other sinkholes located in other lands of the “Central Park” development. HCA has requested revised Draft Plan of Subdivision drawings and servicing drawings which indicate the location of the spring and associated buffer along with details of the site-specific karst management, protection, implementation and monitoring plan to ensure the existing function of the spring is maintained. This is addressed through Condition No. 16 of Appendix “G” to Report PED19030.

PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was circulated to 18 property owners within 120 metres of the subject property on December 8, 2016. A Public Notice sign was posted on the subject property on December 12, 2016 and updated on March 20, 2019 with the Public Meeting date. Finally, Notice of the Public Meeting was circulated to 36 property owners on March 28, 2019. As of the writing of this Report, no communication from the public has been received pertaining to these applications.

Public Consultation Strategy

In accordance with the applicant's submitted Public Consultation Strategy, the applicants have liaised with the former Ward Councillor to determine if a Community Information Meeting would be required. To date, a community meeting has not been held.

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

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

   i) They are consistent with the PPS and conform to the Growth Plan; and,

   ii) They comply with the general intent of the UHOP and Secondary Plan in that the proposed development maintains sufficient gross floor area for Mixed Use – Medium Density lands, locates residential densities in accordance with the Trinity West Secondary Plan, and provides for a mixture of dwelling units.

2. The subject lands are located on the north east corner of Rymal Road East and URHVP, and portions extend north to Highland Road West, and east to Upper Mount Albion Road. These applications are proposing the following (see Appendix "A" to Report PED19030):

   - Blocks 1, 2 and 3 are proposed for approximately 1600 sq m of stand-alone commercial uses. A Zoning By-law Amendment is required to allow for

those uses permitted in the C5 Zone (see concept plan in Appendix “H-d” to Report PED19030);

- Block 12 is proposed for approximately 1400 sq m of stand-alone commercial. An Official Plan is required to designate Block 12 for mixed use development, and to allow for those uses permitted in the C5 Zone (see concept plan in Appendix “H-d” to Report PED19030). The original application did not propose changes to the UHOPA land use designation for any part of the subject lands. Staff have recommended to change the designation of Block 12 from Arterial Commercial to Mixed Use – Medium Density, consistent with Blocks 1, 2 and 3, in order to make them consistent with the Trinity West Secondary Plan designations and recognise the more local scale of commercial development being proposed;

- Blocks 4 and 5 are proposed for four multiple dwellings, having a density between 75 and 170 units per net hectare and a maximum height of 32.0 m or eight storeys, including surface and underground parking, which are located adjacent to a Community Node. These lands require UHOP and Zoning By-law Amendments to permit the proposed density (see concept plan in Appendix “H-a” to Report PED19030);

- Blocks 6 and 7 are comprised of four newly created single detached dwelling lots, established through an approved Consent Application. These lands require a Zoning By-law Amendment to establish zoning consistent with adjacent lands within the “Central Plan” development, and to establish site specific provisions recognizing the eastern most lot as an interior lot (see concept plan in Appendix “H-c” to Report PED19030);

- Blocks 8, 9 and 10 lands are proposed for residential uses, consisting of townhouses, maisonettes and stacked townhouses, having a density between 50 and 75 units per net hectare. UHOP and Zoning By-law Amendments are required to designate these lands for stand-alone residential use, to permit the density, to ensure appropriate shared private open space, and for other site specific provisions (see concept plan in Appendix “H-d” to Report PED19030); and,

- Block 11 is proposed for a mix of townhouses, street townhouses and maisonettes that have been conditionally approved through Site Plan Application DA-16-170. A UHOP Amendment is required to permit a

minimum density of 55 residential units per net hectare (see concept plan in Appendix “H-b” to Report PED19030).

Official Plan Amendments

Blocks 8, 9 and 10 are proposed to be redesignated from “Mixed Use-Medium Density” to “Neighbourhoods” in Volume 1 of the UHOP to permit exclusively residential uses. These amendments can be supported as the proposal complies with UHOP Policies E.3.4.1, E.3.4.2, E.3.4.3 and E.3.4.4 in that they centrally locate low density, grade oriented housing forms, including townhouses, maisonettes and stacked townhouses with a minimum density of 50 units per net hectare within the Trinity West Secondary Plan area. With respect to Policy E.4.6.11 staff are satisfied that the potential impact to retail and commercial space resulting from changing Blocks 8, 9 and 10 from Mixed Use – Medium Density to Neighbourhoods will be limited, as local commercial uses are permitted within the Neighbourhoods designation.

Block 12 is proposed to be redesignated from “Arterial Commercial” to “Mixed Use – Medium Density” in Volume 1 of the UHOP. The change is required to permit a range of pedestrian oriented commercial uses. Concept plans that have been submitted by the applicant indicate that these applications can comply with Policies E.4.6.1, E.4.6.3, E.4.6.9, E.4.6.21 pertaining to mid and low rise buildings for day-to-day commercial facilities, oriented to the street and capable of evolving over time (see Appendix “H-d” to Report PED19030). The commercial buildings are proposed to share parking in the rear of the block, and to share an access onto Rymal Road East, in accordance with Policies B.3.3.9.1 and B.3.3.10.2, B.3.3.10.4, B.3.3.10.5. Staff are supportive of designating the entire block as Mixed Use – Medium Density in order to ensure consistency of the UHOP with the Trinity West Secondary Plan, and can therefore be considered a Housekeeping Amendment.

Blocks 4 and 5 require a Policy amendment to the Trinity West Secondary Plan to establish a Site Specific Area to permit a maximum residential density of 170 units per net hectare, instead of 100 units her net hectare, and a maximum height of 32.0 m or eight storeys within the Medium Density Residential 3 Designation whereas six storeys are currently permitted. With respect to Residential Greenfield Design Policies E.3.7.2, E.3.7.3, E.3.7.5 and E.3.7.7, this amendment will contribute to the range and mix of housing within the Trinity West Secondary Plan. It will support the existing and planned public transportation system and will be developed so as to relate to planned amenity spaces. These applications

comply with UHOP Policies E.3.6.4, E.3.6.5 and E.3.6.6 with respect to higher density residential areas locating along an arterial road and abutting a community node, and having planned community facilities and services. Staff support the increase in density and height as these lands will contribute to a greater range of housing options within the Trinity West area.

Blocks 9 and 10 in the Trinity West Secondary Plan are further proposed to be redesignated to “Medium Density Residential 2” from “Low Density Residential 2” and “Mixed Use – Medium Density”, respectively. Blocks 8, 9 and 10 are proposed to have a Site Specific Policy Area added to the Trinity West Secondary Plan in order to permit a minimum residential density of 50 units per net hectare, instead of 60 units per hectare. Policy B.7.7.3.6 permits the housing types that are proposed by these applications, namely street townhouses and multiple dwellings. This lower density is required to ensure that sufficient open space and buffers can be provided for the conservation of a natural spring located within the site. Staff have proposed that a public road segment be removed from Block 9. This segment was previously established through approved Plan of Subdivision 25T-201401, but was subsequently removed as a minor revision to the approved plan. In these applications Blocks 8, 9 and 10 will be accessed via a private road. The amendment to remove the public road segment from the Trinity West Secondary Plan maintains consistency of the Secondary Plan with the previously approved Plan of Subdivision, as revised.

Block 11 is proposed to be added to the Site Specific Policy Area “C” of the Trinity West Secondary Plan to make these lands consistent with the adjacent lands, located to the north and east, and to permit a minimum density of 55 residential units per net hectare instead of 60 units per net hectare. These applications comply with UHOP Policy E.3.4 pertaining to low density residential development. Staff are satisfied with a modification to reduce the minimum density for these lands to provide consistency and continuity with the immediately adjacent lands, as they are a logical and sequential extension of housing typology.

3. **Zoning By-law Amendments**

The subject lands are subject to the City of Stoney Creek Zoning By-law No. 3692-92 and City of Hamilton Zoning By-law No. 05-200. These applications propose to add portions of the subject lands to the City of Hamilton Zoning By-law No. 05-200, and to rezone other portions of the subject lands to adjust the

density, permitted uses, and other site specific provisions as outlined in detail in Appendix “E” to Report PED19030.

Blocks 1, 2 and 3 are proposed to be added to City of Hamilton Zoning By-law No. 05-200. The change in zoning is to permit those uses within the Mixed Use – Medium Density (C5) Zone, such as various commercial uses as well as future potential residential uses. These blocks are proposed to be developed as single use commercial buildings which are intended to serve the day to day needs of local residents, and propose a more pedestrian focused urban design. The proposed layout of the buildings will allow the site to evolve over time for future mixed uses such as residential and other commercial uses. Therefore, staff support the change in zoning.

Blocks 4 is proposed to have further modification to the Multiple Residential “RM3-57” Zone, Modified, and Block 5 is proposed to be changed from Neighbourhood Development “ND” Zone to Multiple Residential “RM3-57” Zone, Modified, to permit four multiple dwellings having a maximum density of 170 units per hectare and maximum building height of 32.0 m or eight stories, whichever is less. The proposed increased density and height of the subject lands offsets the decrease in density of lands to the south, and are supported by planned and existing public transit and commercial and service uses. Therefore, staff support the modification.

Block 6 is proposed to be changed from Single Residential “R1” Zone to Single Residential “R3-41” Zone, Modified. Block 7 is to be changed from Single Residential “R1” Zone to Single Residential “R3-41a” Zone, Modified. The change in zoning is to permit a built form and site design that is consistent with the existing surrounding uses, and to recognize Block 7 as an interior lot. If the subject property was deemed to be a corner lot, zoning regulations would be prohibitively restrictive to the development of the lot due to adjacent lands to the east being developed as a cul du sac bulb. Therefore, the lot configuration will include four lots, all of which are considered to be interior lots, which front onto Columbus Gate. Therefore, staff support the modification.

Blocks 8, 9 and 10 are proposed to be changed from Neighbourhood Development “ND” Zone, Multiple Residential “RM2-43” Zone, Modified and Service Commercial “CS-1” Zone, Modified, to Multiple Residential “RM3-67” Zone, Modified in order to permit a minimum residential density of 50 units per net hectare, consisting of townhouses, maisonette dwellings and stacked townhouses, among other site specific amendments. These applications will be

subject to urban design considerations that will otherwise only affect the public realm, such as front yards and pedestrian connectivity, while also allowing for greater flexibility in the layout of residential units within the block to ensure that these blocks are able to achieve the proposed minimum density target while providing for sufficient open space and required infrastructure. Therefore, staff support the modification.

Draft By-laws are appended in Appendix “C” and “D” to Report PED19030.

4. The proposed Draft Plan of Subdivision will consist of three blocks (see Appendix “F” to Report PED19030), enabling a mix of townhouses, maisonette units and stacked townhouses (Block 1), commercial buildings (Block 2), and a right of way widening along Rymal Road East (Block 3). Block 1 lands will be subject to a future Draft Plan of Condominium.

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

(a) It is consistent with the Provincial Policy Statement, the Growth Plan, and with the general intent of the Urban Hamilton Official Plan including the Trinity West Secondary Plan;

(b) Through the phasing of development within the Trinity West Secondary Plan, the proposal represents a logical and timely extension of existing development and services and is in the public interest;

(c) It complies with the applicable policies of the Urban Hamilton Official Plan and the Trinity West Secondary Plan as well as the proposed Urban Hamilton Official Plan and the Trinity West Secondary Plan Amendments;

(d) The proposed Draft Plan of Subdivision can be appropriately subdivided and will not negatively impact the natural heritage features of the site;

(e) The proposed subdivision will be compatible with the “Central Park” road network and block pattern;

(f) It is in the public interest in that it implements the Trinity West Secondary Plan with respect to connectivity, shared amenity space and urban design;

(g) The dimensions and shape of the lots are appropriate;

(h) Restrictions and regulations for the development of the subdivision are included in the implementing Zoning By-law Amendment, conditions of draft approval and Subdivision Agreement;

(i) Adequate municipal services are available, the particulars of which will be determined as part of the conditions of draft approval and Subdivision Agreement; and,

(j) The applications will not have any negative impact on the city's finances.

Therefore, staff are supportive of the proposed Draft Plan of Subdivision and recommend its approval.

5. The following comments are provided by the Growth Management Division, and will be addressed as Draft Plan of Subdivision conditions, and at Site Plan Control stage:

General

- The Owner shall acquire the remaining portion of Part 20, Plan 62R-18064 (see Part 3 of Appendix "I" to Report PED19030). Acquisition of this parcel is an outstanding condition of Subdivision 25T-201401 that is being carried over to this proposal to allow portions of previously approved Plan of Subdivision 25T-201401 to proceed to registration, thereby allowing Site Plan Control application DA-16-170 to proceed, while maintaining our ability to ensure that this requirement is resolved (Condition No. 1 of Appendix "G" to Report PED19030).

- The Owner shall submit the necessary transfer deed to the City's Legal Department to convey the Rymal Road East road widening to the City (Condition No. 2 of Appendix "G" to Report PED19030).

- A 9.0 m watermain easement exists, which bisects the westerly limit of Blocks 1, which must be clearly shown on future site plan drawings. All proposed buildings, including stairs, balconies, decks and any other projections, must be shown a minimum of 1.0 metre outside of the limit of this easement (Condition No. 8 of Appendix "G" to Report PED19030).

Grading

- The Owner agrees, in writing, to obtain a grading and drainage easement over the adjacent lands, and to provide a cash payment to the City as a financial compensation for the required works to bring additional fill on the subject lands (Condition No. 8 of Appendix “G” to Report PED19030).

Stormwater, Water and Wastewater Servicing

- The Owner agrees to pay all outstanding servicing costs associated with the installation of the municipal and private services on Rymal Road East, adjacent to the subject lands (Condition No. 3 of Appendix “G” to Report PED19030).

- Services that were constructed under Phase 1 of the proposed development have not yet been assumed by the City. No servicing of remaining phases shall commence until these municipal services have been assumed by the City.

- The following updates are required of the Functional Servicing Brief, due to lack of information provided, outdated details, and due in part to revisions to the Draft Plan of Subdivision 25T-201805:

    - Geotechnical Report;
    - Storm drainage outlet details;
    - Grading and associated impacts to the existing spring feature;
    - An easement required for the storm sewer; and,
    - Establishment of a Joint Servicing Agreement.

Karst Features

- The Owner agrees to provide proof that all permits related to maintaining of karst spring SP-3, from the Hamilton Conservation Authority and / or the Ministry of Natural Resources are in place (Condition No. 4 of Appendix “G” to Report PED19030).

- The Owner agrees to develop a plan, and post adequate security deposit, to protect and maintain karst conduits as identified in specified reports provided by the applicant (Condition No. 5 of Appendix “G” to Report PED19030).

- The Owner agrees to address comments which the City has provided to the applicant, pertaining to the karst spring SP-3 and Hydrogeological Report (Condition Nos. 4, 11 of Appendix "G" to Report PED19030).

ALTERNATIVES FOR CONSIDERATION

Should these applications be denied, the subject lands could be developed in accordance with the range of uses and provisions of the current zoning, as follows (see Appendix "A" of Report PED19030):

- Block 1 and 10 – Service Commercial "CS-1" Zone, Modified;
- Block 2, Block 6 and Block 7 – Single Residential "R1" Zone;
- Block 3, Block 5 and Block 8 – Neighbourhood Development "ND" Zone;
- Block 4 – Multiple Residential "RM3-57" Zone, Modified; and,
- Block 9 – Multiple Residential "RM2-43" Zone, Modified.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth
Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Healthy and Safe Communities
Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

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

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

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" – Location Map
Appendix "B" – Draft Official Plan Amendment
Appendix "C" – Draft Zoning By-law No. 3692-92 Amendment
Appendix "D" – Draft Zoning By-law No. 05-200 Amendment

Appendix “E” – Zoning Modifications
Appendix “F” – Proposed Draft Plan of Subdivision 25T-201609
Appendix “G” – Draft Plan of Subdivision Conditions
Appendix “H-a” – Concept Plan for Blocks 4 and 5
Appendix “H-b” – Concept Plan for Block 11
Appendix “H-c” – Plan of Consent to sever for Blocks 6 and 7
Appendix “H-d” – Concept Plan for Blocks 1, 2, 3, 8, 9, 10 and 12
Appendix “I” – Part 20 of Plan 62R-18648

● Site Location

Key Map - Ward 9 N.T.S.

Location Map 1 of 2

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Hamilton

File Name/Number:	Date:	
ZAC-16-064	February 4, 2019	
Appendix "A"	**Scale:** N.T.S.	**Planner/Technician:** BN/AL

Subject Property

1809, 1817 & 1821 Rymal Road East

Block 1 – Lands to be added to City of Hamilton Zoning By-law No. 05-200 and zoned Mixed Use - Medium Density (C5) Zone

Block 2 – Lands to be added to City of Hamilton Zoning By-law No. 05-200 and Zoned Mixed Use – Medium Density (C5) Zone

Block 3 – Lands to be added to City of Hamilton Zoning By-law No. 05-200 and Zoned Mixed Use – Medium Density (C5) Zone

Block 4 – Modify the existing Multiple Residential "RM3-57" Zone, Modified

Block 5 – Change in zoning from Neighbourhood Development "ND" Zone to Multiple Residential "RM3-57" Zone, Modified

Block 6 – Change in zoning from Single Residential "R1" Zone to Single Residential "R3-41" Zone, Modified

● **Site Location**

Key Map - Ward 9 N.T.S.

Location Map 2 of 2

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Hamilton

File Name/Number:	Date:	
ZAC-16-064	February 4, 2019	
Appendix "A"	**Scale:** N.T.S.	**Planner/Technician:** BN/AL

Subject Property

1809, 1817 & 1821 Rymal Road East

Block 7 – Change in zoning from Single Residential "R1" Zone to Single Residential "R3-41a" Zone, Modified

Block 8 – Change in zoning from Neighbourhood Development "ND" Zone to Multiple Residential "RM3-67" Zone, Modified

Block 9 – Change in zoning from Multiple Residential "RM2-43" Zone to Multiple Residential "RM3-67" Zone, Modified

Block 10 – Change in zoning from Service Commercial "CS-1" Zone Modified to Multiple Residential "RM3-67" Zone, Modified

Block 11 – Other lands owned by the applicant

Block 12 – Other lands owned by the applicant

Schedule "1"

DRAFT Urban Hamilton Official Plan Amendment No. X

The following text, together with:

Appendix "A" – Volume 1, Schedule E-1 – Urban Land Use Designations; and,
Appendix "B" – Volume 2, Map B.7.7-1 – Trinity West Secondary Plan – Land Use Plan

attached hereto, constitutes Official Plan Amendment No. X to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to amend the Urban Hamilton Official Plan and Trinity West Secondary Plan by redesignating a portion of the subject lands from "Mixed Use – Medium Density" to "Medium Density Residential 2", incorporating additional lands within Site Specific Area C to permit the development of multiple dwellings and street townhouses having a minimum net residential density of 55 units per hectare, creating a new Site Specific Policy to apply to a portion of the subject lands to permit the development of multiple dwellings and street townhouses having a minimum net residential density of 50 units per hectare, and creating a new Site Specific Policy to apply to a portion of the subject lands to permit the development of multiple dwellings having a maximum net residential density of 170 units per hectare.

2.0 Location:

The lands affected by this Amendment are known municipally as 1809, 1817 and 1821 Rymal Road East, in the former City of Stoney Creek.

3.0 Basis:

The basis for permitting this Amendment is:

- The proposed development provides for a range of housing types within the Trinity West Secondary Plan and is supported by transportation and service infrastructure

- The proposed development considers the impact of the Karst feature and surrounding buffer within the subject lands.

- The proposed development is in keeping with the character of the surrounding neighbourhood.

- The proposed Amendment is consistent with the Provincial Policy Statement, 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2017.

4.0 Actual Changes:

4.1 Volume 1 – Parent Plan

Schedules and Appendices

4.1.2 Schedule

a. That Volume 1, Schedule E-1 – Urban Land Use Designations be amended by redesignating the subject lands as follows:

   i) from "Arterial Commercial" to "Mixed Use – Medium Density"; and,

   ii) from "Mixed Use – Medium Density" to "Neighbourhoods",

   as shown on Appendix "A", attached to this Amendment.

4.2 Volume 2 – Secondary Plans

Text

4.2.1 Chapter B.7 – Stoney Creek Secondary Plans – Section B.7.7 – Trinity West Secondary Plan

a. That Volume 2, Chapter B.7 – Stoney Creek Secondary Plans, Section B.7.7 – Trinity West Secondary Plan, Subsection B.7.7.13.4 – Site Specific Policy – Area C be amended by adding the words "1809, 1817, 1821 and" between the words "located at" and "1831 Rymal Road East", so that the policy reads as follows:

   "**Site Specific Policy – Area C**

   B.7.7.13.4 Notwithstanding Policy B.7.7.3.6 b), for the lands designated Medium Density Residential 2, located at the north east corner of Upper Red Hill Valley Parkway and Soho Street, the minimum net residential density of development shall not be less than 55 units per net hectare."

b. That Volume 2, Chapter B-7 – Stoney Creek Secondary Plans, Section B.7.7 – Trinity West Secondary Plan be amended by adding a new Site Specific Policy, as follows:

"Site Specific Policy – Area X

B.7.7.13.6 Nothwistanding Policy B.7.7.3.6 b), for the lands designated Medium Density Residential 2, located at the south east corner of Upper Red Hill Valley Parkway and Soho Street, the net residential density of development shall not be less than 50 units per hectare, and shall not exceed 75 units per hectare."

c. That Volume 2, Chapter B-7 – Stoney Creek Secondary Plans, Section B.7.7 – Trinity West Secondary Plan be amended by adding a new Site Specific Policy, as follows:

"Site Specific Policy – Area Y

B.7.7.13.7 For the lands identified as Site Specific Policy Area "Y", on Map B.7.7-1 – Trinity West Secondary Plan: Land Use Plan, designated "Medium Density Residential 3", located at the south east corner of Upper Red Hill Valley Parkway and Highland Road West, the following policy shall apply"

a) Nothwithstanding Section E.3.5.8 of Volume 1, the maximum height shall be 32.0 metres or eight storeys, whichever is less; and,

b) Nothwistanding Policy B.7.7.3.7 a), the net residential density of development shall be greater than 75 units per hectare, and shall not exceed 170 units per hectare."

Maps

4.2.2 Map

a. That Volume 2, Map B. 7.7-1 – Trinity West Secondary Plan – Land Use Plan be amended by:

i) redesignating lands from "Mixed Use – Medium Density" to "Medium Density Residential 2";

ii) deleting the proposed road and redesignating lands from "Low Density Residential 2" to "Medium Density Residential 2";

iii) identifying portions of the subject lands as Site Specific Policy Area "C";

iv) identifying portions of the subject lands as Site Specific Policy Area "X"; and,

v) identifying portions of the subject lands as Site Specific Policy Area "Y",

as shown on Appendix "B", attached to this Amendment.

5.0 Implementation:

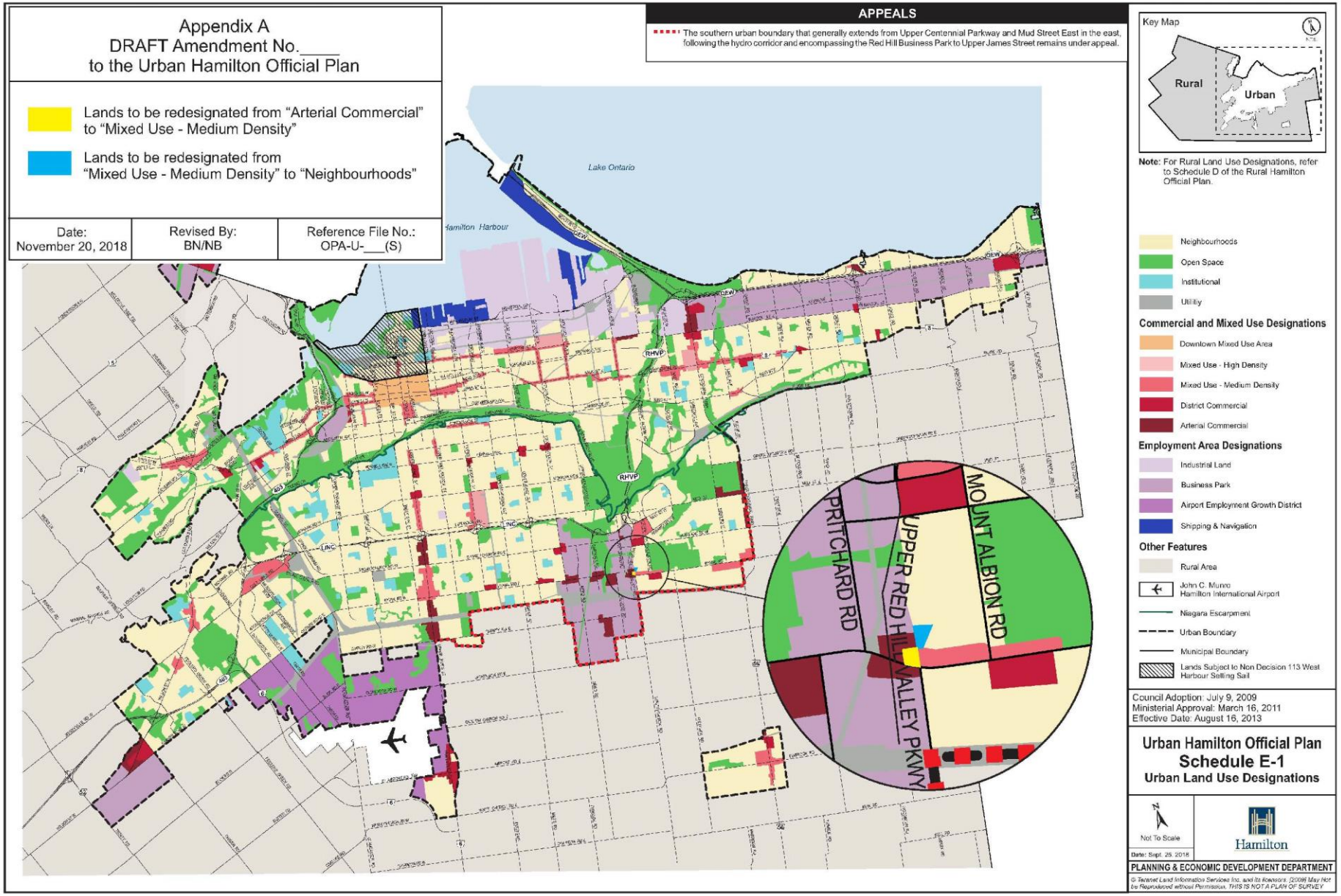
An implementing Zoning By-Law Amendment and Plan of Subdivision will give effect to the intended uses on the subject lands.

This Official Plan Amendment is Schedule "1" to By-law No. _____ passed on the ___th day of _____, 2019.

The
City of Hamilton

F. Eisenberger
MAYOR

J. Pilon
ACTING CITY CLERK


Appendix A
DRAFT Amendment No.____
to the Urban Hamilton Official Plan
Lands to be redesignated from "Arterial Commercial" to "Mixed Use - Medium Density"
Lands to be redesignated from "Mixed Use - Medium Density" to "Neighbourhoods"
Date: November 20, 2018
Revised By: BN/NB
Reference File No.: OPA-U-___(S)
APPEALS
The southern urban boundary that generally extends from Upper Centennial Parkway and Mud Street East in the east, following the hydro corridor and encompassing the Red Hill Business Park to Upper James Street remains under appeal.
Lake Ontario
Hamilton Harbour
RHVP
LINC
QEW
PRITCHARD RD
UPPER RED HILL VALLEY PKWY
MOUNT ALBION RD
Key Map
Rural
Urban
Note: For Rural Land Use Designations, refer to Schedule D of the Rural Hamilton Official Plan.
Neighbourhoods
Open Space
Institutional
Utility
Commercial and Mixed Use Designations
Downtown Mixed Use Area
Mixed Use - High Density
Mixed Use - Medium Density
District Commercial
Arterial Commercial
Employment Area Designations
Industrial Land
Business Park
Airport Employment Growth District
Shipping & Navigation
Other Features
Rural Area
John C. Munro Hamilton International Airport
Niagara Escarpment
Urban Boundary
Municipal Boundary
Lands Subject to Non Decision 113 West Harbour Setting Sail
Council Adoption: July 9, 2009
Ministerial Approval: March 16, 2011
Effective Date: August 16, 2013
Urban Hamilton Official Plan
Schedule E-1
Urban Land Use Designations
Not To Scale
Date: Sept. 25, 2018
Hamilton
PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT
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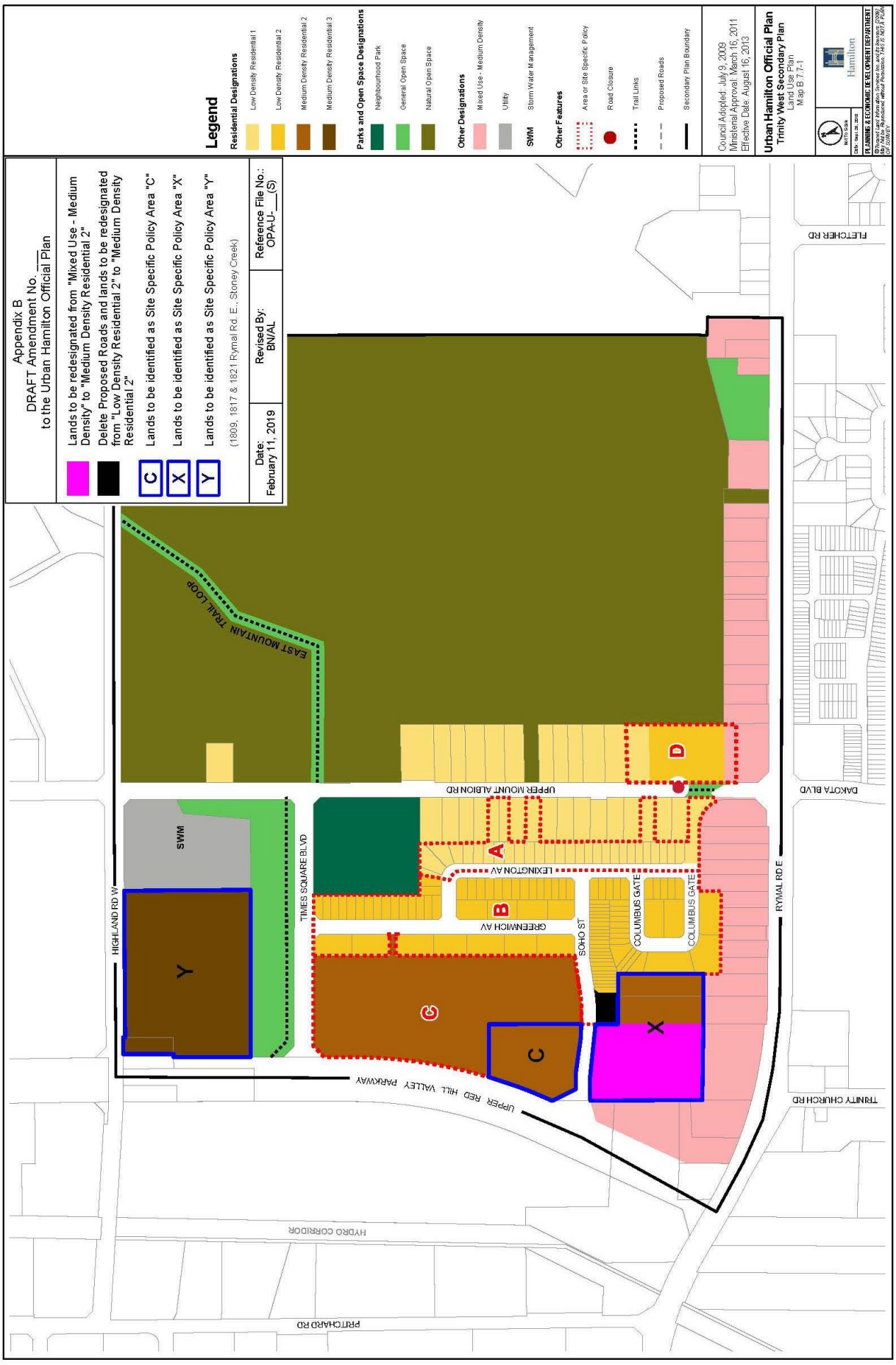

Appendix B
DRAFT Amendment No. ___
to the Urban Hamilton Official Plan
Lands to be redesignated from "Mixed Use - Medium Density" to "Medium Density Residential 2"
Delete Proposed Roads and lands to be redesignated from "Low Density Residential 2" to "Medium Density Residential 2"
Lands to be identified as Site Specific Policy Area "C"
Lands to be identified as Site Specific Policy Area "X"
Lands to be identified as Site Specific Policy Area "Y"
(1809, 1817 & 1821 Rymal Rd. E., Stoney Creek)
Date: February 11, 2019
Revised By: BN/AL
Reference File No.: OPA-U-__(S)
Legend
Residential Designations
Low Density Residential 1
Low Density Residential 2
Medium Density Residential 2
Medium Density Residential 3
Parks and Open Space Designations
Neighbourhood Park
General Open Space
Natural Open Space
Other Designations
Mixed Use - Medium Density
Utility
Storm Water Management
SWM
Other Features
Area or Site Specific Policy
Road Closure
Trail Links
Proposed Roads
Secondary Plan Boundary
Council Adopted: July 9, 2009
Ministerial Approval: March 16, 2011
Effective Date: August 16, 2013
Urban Hamilton Official Plan
Trinity West Secondary Plan
Land Use Plan
Map B.7.7-1
Hamilton
PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT
EAST MOUNTAIN TRAIL LOOP
UPPER MOUNT ALBION RD
FLETCHER RD
DAKOTA BLVD
RYMAL RD E
TRINITY CHURCH RD
HIGHLAND RD W
SWM
TIMES SQUARE BLVD
LEXINGTON AV
GREENWICH AV
SOHO ST
COLUMBUS GATE
COLUMBUS GATE
UPPER RED HILL VALLEY PARKWAY
HYDRO CORRIDOR
PRITCHARD RD
A
B
C
D
X
Y

Authority: Item XX, Planning Committee
Report PED19030
CM: April 16, 2019
Ward: 9
Bill No. XXX

CITY OF HAMILTON

BY-LAW NO. 19-XXX

To Amend Zoning By-law No. 3692-92 Respecting Lands Located at 1809, 1817 and 1821 Rymal Road East (Stoney Creek)

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 of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 3692-92 (Stoney Creek) was enacted on the 8th day of December, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1994;

AND WHEREAS the Council of the City of Hamilton, in adopting Item of Report PED19030 of the Planning Committee at its meeting held on the 16th day of April 2019, recommended that Zoning By-law No. 3692-92 (Stoney Creek), be amended as hereinafter provided; and,

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan, upon adoption of UHOPA No. _____;

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

1. That Map No. 1501 & 1548 of Schedule “A”, appended to and forming part of By-law No. 3692-92 (Stoney Creek), is amended as follows:

    (a) by changing the zoning from Neighbourhood Development “ND” Zone to Multiple Residential “RM3-57” Zone, Modified, on the lands to the extent

and boundaries of which are shown on a Plan hereto annexed as Schedule “A”– Block 5;

(b) by changing the zoning from Single Residential “R1” Zone to Single Residential “R3-41” Zone, Modified, on the lands to the extent and boundaries of which are shown on a Plan hereto annexed as Schedule “A”– Block 6;

(c) by changing the zoning from Single Residential “R1” Zone to Single Residential “R3-41a” Zone, Modified, on the lands to the extent and boundaries of which are shown on a Plan hereto annexed as Schedule “A”– Block 7;

(d) by changing the zoning from Neighbourhood Development “ND” Zone to Multiple Residential “RM3-67” Zone, Modified, on the lands to the extent and boundaries of which are shown on a Plan hereto annexed as Schedule “A”– Block 8;

(e) by changing the zoning from Multiple Residential “RM2-43” Zone, Modified, to Multiple Residential “RM3-67” Zone, Modified, on the lands to the extent and boundaries of which are shown on a Plan hereto annexed as Schedule “A”– Block 9; and,

(f) by changing the zoning from Service Commercial “CS-1” Zone, to Multiple Residential “RM3-67” Zone, Modified, on the lands to the extent and boundaries of which are shown on a Plan hereto annexed as Schedule “A”– Block 10.

2. That Subsection 6.4.7, “Special Exemptions” of Section 6.4 Single Residential “R3” Zone, of Zoning By-law No. 3692-92, be amended by adding a new Special Exemption, “R3-41a”, as follows:

R3 – 41a 16 Columbus Gate (Block 7), Schedule “A”, Map No. XX

For the purposes of this By-law, 16 Columbus Gate shall be considered an interior lot, with Columbus Gate being deemed Lot Line- Frontage.

All other provisions of the Single Residential “R3-41” Zone, Modified shall apply.

3. That Subsection 6.10.7, “Special Exemptions” of Section 6.10 Multiple Residential “RM3” Zone, of Zoning By-law No. 3692-92, be modified by changing the following provisions:

RM3-57 1809, 1817, 1821 and 1831 Rymal Road East (Blocks 4 and 5)

Notwithstanding Section 6.10.3, Multiple Residential “RM3” Zone, Paragraphs (i) and (j), “Zone Regulations”, the following shall apply:

REGULATIONS

(ii)	(i)	Density:	A minimum of 75 units per net residential hectare and a maximum of 170 units per net residential hectare shall be permitted.
	(j)	Maximum Building Height:	32.0 metres or 8 storeys, whichever is less.

4. That Subsection 6.10.7, “Special Exemptions” of Section 6.10 Multiple Residential “RM3” Zone, of Zoning By-law No. 3692-92, be amended by adding a new Special Exemption, “RM3-67”, as follows:

RM3 – 67 1809, 1817, 1821 and 1831 Rymal Road East (Blocks 8, 9 and 10)

Notwithstanding the provisions of Part 2 “Definitions” as it relates to the definition of “Highway” or “Street”, and in addition to Definition “Dwelling – Stacked Townhouses”, Section 6.10.2 “Permitted Uses”, Section 6.10.3 “Zone Regulations”, Paragraphs (c), (d), (f), (h), (i), (j), (l) and (m), Section 6.10.5 (a) 1., the following shall apply:

DEFINITIONS

Notwithstanding the definition of “Highway” or “Street” of Part 2 – Definitions of Zoning By-law No. 3692-92, the following shall apply:

“Highway” or “Street”

For the purpose of this By-law, a condominium road shall be deemed to be a “Highway” or “Street”, and visitor parking, landscaping and amenity areas for the dwellings are permitted within the Highway or Street.

The following additional definition shall be added to Part 2-Definitions of Zoning By-law No. 3692-92:

“Dwelling - Stacked Townhouses”

Means a “Dwelling - Street Townhouse” containing a maximum of three dwelling units on one lot, where each unit shall have a separate entrance from the Street.

To Amend Zoning By-law No. 3692-92
Respecting Lands Located at 1809, 1817 and 1821 Rymal Road West (Stoney Creek)

In addition to the permitted uses of Subsection 6.10.2 for the Multiple Residential “RM3” Zone, those lands zoned “RM3-67” by this By-law, Stacked Townhouses shall also be permitted.

ZONE REGULATIONS

(c)	Minimum Front Yard:	3.0 metres
(d)	Minimum Side Yard for Maisonettes, Townhouses, Stacked Townhouses and Dwelling Groups:	1.2 metres, except for 7.5 metres for a flankage yard, 7.5 metres abutting a zone permitting a single detached, semi-detached or duplex dwellings and 3 metres where an end unit abuts any lot line of a street townhouse.
(f)	Minimum Rear Yard for a Townhouse or Stacked Townhouses:	6.0 metres.
(h)	Minimum Distance Between Buildings on the Same Lot:	1. 3.0 metres between end walls; and, 2. 13.5 metres between front walls.
(i)	Density:	1. Minimum of 50 units per hectare. 2. Maximum of 75 units per hectare.
(j)	Maximum Building Height:	13.5 metres or 3 storeys, whichever is the less of the two.
(l)	Privacy Area:	Notwithstanding the yard requirements, privacy area requirements shall not apply to maisonette units.
(m)	Minimum Landscaped Open Space:	1. Not less than 38% of the lot area for

		maisonettes, townhouses, stacked townhouses and dwelling groups shall be landscaped including privacy areas.
	2.	No landscaped strip is required adjacent to every portion of any lot that abuts a street.
	3.	One outdoor amenity space, having a minimum area of 480 square metres, shall be provided, and thereafter maintained, excluding easements and excluding the area containing a natural spring and required buffer associated with said spring.
PARKING		
(a) Minimum Number of Parking Spaces:		2 parking spaces and 0.25 visitor parking spaces for each maisonette and townhouse dwelling unit. Tandem parking is permitted for non-visitor parking spaces.

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 Multiple Residential “RM3-41” Zone, Multiple Residential “RM3-41a” Zone, Multiple Residential “RM3-57” Zone and Multiple Residential “RM3-67” Zone provisions, subject to the special requirements referred to in Section 2 of this By-law.

6. 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 this th day of , 2019.

Fred Eisenberger
MAYOR

Janet Pilon,
ACTING CITY CLERK

ZAC-16-064

This is Schedule "A" to By-law No. 19-

Passed the .... day of ...., 2019

_ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _
Mayor

_ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _
Clerk

Schedule "A"

Map Forming Part of
By-law No. 19-_____

to Amend By-law No. 3692-92

Scale: N.T.S.	File Name/Number: ZAC-16-064	Hamilton
Date: Jan. 16, 2019	Planner/Technician: BN/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

Subject Property

1809, 1817 & 1821 Rymal Road East

Block 4 – Modify the existing Multiple Residential "RM3-57" Zone, Modified

Block 5 – Change in zoning from Neighbourhood Development "ND" Zone to Multiple Residential "RM3-57" Zone, Modified

Block 6 – Change in zoning form Single Residential "R1" Zone to Single Residential "R3-41" Zone, Modified

Block 7 – Change in zoning from Single Residential "R1" Zone to Single Residential "R3-41a" Zone, Modified

Block 8 – Change in zoning from Neighbourhood Development "ND" Zone to Multiple Residential "RM3-67" Zone, Modified

2-43"

S-1"
ified

Authority: Item , Planning Committee Report (PED19030)
CM: April 16, 2019
Ward 9

Bill No.

CITY OF HAMILTON

To Amend Zoning By-law No. 05-200 Respecting Lands Located at 1809, 1817 and 1821 Rymal Road East, Stoney Creek

WHEREAS Council approved Item __ of Report _____ of the Planning Committee, at its meeting held on April 16, 2019;

WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan upon approval of Official Plan No.

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

1. That Map Nos. 1501 and 1548 of Schedule “A” – Zoning Maps of Zoning By-law No. 05-200 be amended by adding lands to City of Hamilton Zoning By-law No. 05-200 and Zoned Mixed Use – Medium Density (C5) Zone on lands described as 1809, 1817 and 1821 Rymal Road East, to the extent and boundaries of which are shown as Blocks 1, 2 and 3 on Schedule “A” annexed hereto and forming part of this By-law.

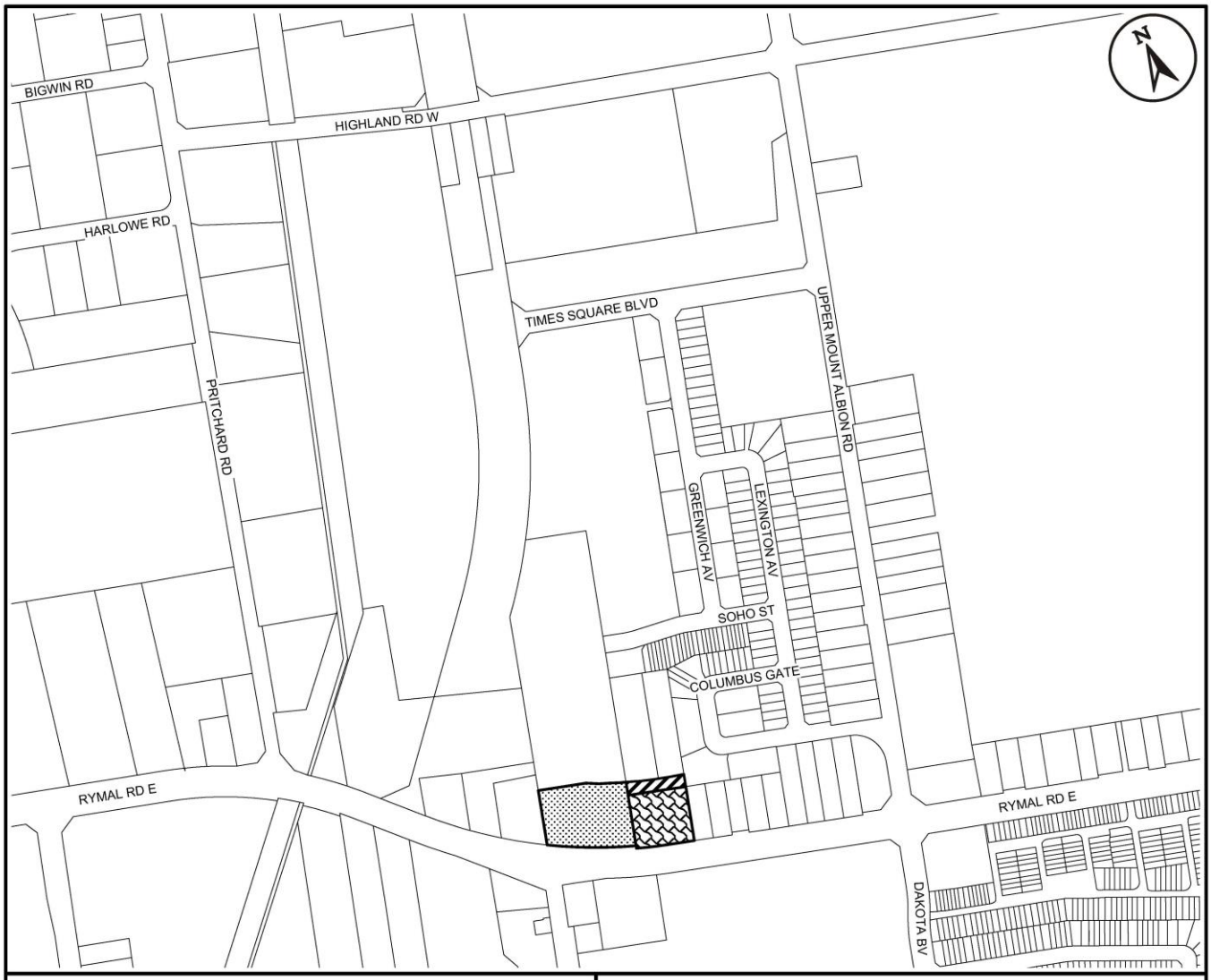
2. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act.*

3. That this By-law No. XXX shall come into force and deemed to come into force in accordance with Subsection 34(21) of the *Planning Act*, either upon the date of passage of the By-law or as otherwise provided by the said subsection.

PASSED this th day of , 2019.

Fred Eisenberger
MAYOR

Janet Pilon,
ACTING CITY CLERK



This is Schedule "A" to By-law No. 19-

Passed the ..... day of ....., 2019

Mayor

Clerk

Schedule "A"

Map Forming Part of
By-law No. 19-_____

to Amend By-law No. 05-200
Maps 1501 & 1548

Scale:	File Name/Number:
N.T.S.	ZAC-16-064
Date:	**Planner/Technician:**
March 13, 2019	BN/AL

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Hamilton

Subject Property

1809, 1817 & 1821 Rymal Road East

Block 1 – Lands to be added to City of Hamilton Zoning By-law No. 05-200 and zoned Mixed Use – Medium Density (C5) Zone

Block 2 – Lands to be added to City of Hamilton Zoning By-law No. 05-200 and Zoned Mixed Use – Medium Density (C5) Zone

Block 3 – Lands to be added to City of Hamilton Zoning By-law No. 05-200 and Zoned Mixed Use – Medium Density (C5) Zone

Block 7 - Site Specific Modifications to the Single Residential (R3-41a) Zone, Modified

Regulation	Required	Modification	Analysis
Subsection 6.4.3 and R3-41, Modified (By-law 16-094) Zone Regulations	Minimum lot area of 340 square metres for a corner lot. Minimum lot frontage of 11.7 metres for a corner lot. Minimum side yard of 6.0 metres if the garage is facing the flankage lot line, minimum 2.4 metres if the non-garage side is abutting the flankage lot line.	The lot shall be considered an interior lot for the purposes of this by-law, with Columbus Court deemed as the frontage and shall be subject to the regulations of the "R3-41" zone, Modified.	While this lot is the eastern most end lot of properties facing Columbus Gate, it previously formed the front portion of a larger lot which faced Upper Mount Albion Road. Upper Mount Albion Road previously connected to Rymal Road East, but in accordance with the Trinity West Secondary Plan, Upper Mount Albion Road will be terminated in a cul de sac, north of where it would otherwise intersect with the newly created Columbus Gate. As such, lands located to the east of the subject property will be developed as a cul de sac bulb that will significantly impact the eastern property line and side yard of the subject property. If the subject property was deemed to be a corner lot, zoning regulations would be prohibitively restrictive to the development of the lot. Therefore, the lot configuration will include four lots, all of which are considered to be interior lots, which front onto Columbus Gate. Therefore, staff support the modification.

Blocks 4 and 5 - Amendment to the Site Specific Modification Multiple Residential (RM3-57) Zone, Modified

Regulation	Required	Modification	Analysis
Subsection 6.10.7 Density	A minimum of 75 units per net residential hectare and a maximum of 100 units per net	A minimum of 75 units per net residential hectare and a maximum of 170 units per net	The subject lands are located at the intersection of Upper Red Hill Valley Parkway and Highland Road West, and are proposed to be developed with four multiple dwellings including one and two bedroom units. Lands immediately north of the subject property are served by District Commercial uses, as well as public transportation routes along Highland Road West, both conveniently located to

	residential hectare.	residential hectare.	the subject lands. Residential lands located to the south of the subject lands are being redesignated so as to permit a lower density than is otherwise permitted by the Trinity West Secondary Plan, and provide a mix of ground-oriented housing types. This is to allow for considerations and impacts of kart features located within the Secondary Plan area. The proposed increased density of the subject lands offsets the decreased density of lands to the south, and are supported by public transit and commercial and service uses. Therefore, staff support the modification.
Subsection 6.10.7 Building Height	24.0 metres or 6 storeys.	32.0 metres or 8 storeys, whichever is less.	The increase in density will be achieved through an increase in building height, thereby allowing for a small building footprint on the subject lands. This will enable greater opportunity for pedestrian circulation, outdoor amenity areas and adequate parking to serve future residents. The proposed height will be permitted by the UHOP, upon adoption of the proposed amendment as seen in Appendix "B" of Report PED19030. Therefore, staff support the modification.

Blocks 8, 9 and 10 - Site Specific Modifications to the Single Residential (RM3-67) Zone, Modified

Regulation	Required	Modification	Analysis
Part 2 Definition of "Highway" or "Street"	Means a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, designed and intended for, or	Private driveway(s) or condominium road(s) are deemed to be a street(s), and parking, and landscaping are permitted within	By recognizing the private / condominium roads as streets, these applications will allow for greater flexibility in the layout of residential units within the block, including Street Townhouses located on separate lots and the inclusion of visitor parking, amenity area and landscaping within the streets. These features will be implemented through the site plan approval process to also include urban design considerations that will otherwise only affect the public realm, such as front yards and pedestrian connectivity. Therefore, staff support the modification.

	used by, the general public for the passage of motor vehicles and which has been assumed for public use as a public highway.	the street(s).	
Part 2 and Subsection 6.10.2 Definition of "Dwelling – Stacked Townhouses" to be added as a permitted use	None	Means a Street Townhouse Dwelling containing a maximum of three dwelling units on one lot, where each unit shall have a separate entrance from the street.	These applications have been amended by staff to permit stacked townhouses on Blocks 8, 9 and 10 in order to ensure that these blocks are able to achieve the proposed minimum density target while providing for sufficient open space and required infrastructure. The addition of this form of housing is supportable due to the proximity of nearby amenities, including open space areas, public transportation and commercial uses that exist or are planned. Therefore, staff support the modification.
Subsection 6.10.3 (c) Front Yard for Maisonettes, Townhouses and Dwelling Groups	7.5 metres.	3.0 metres.	The purpose of yard regulations is to provide for adequate open space for the functions such as stormwater management, amenity space, buffering from traffic and landscaping. Traffic impacts within this block will be limited to the residential units within the block, and road patterns will not create through traffic unassociated with these units. Further, these applications propose an open space centrally located in the block in the vicinity of the naturally occurring spring (see Appendix "H-d" to Report

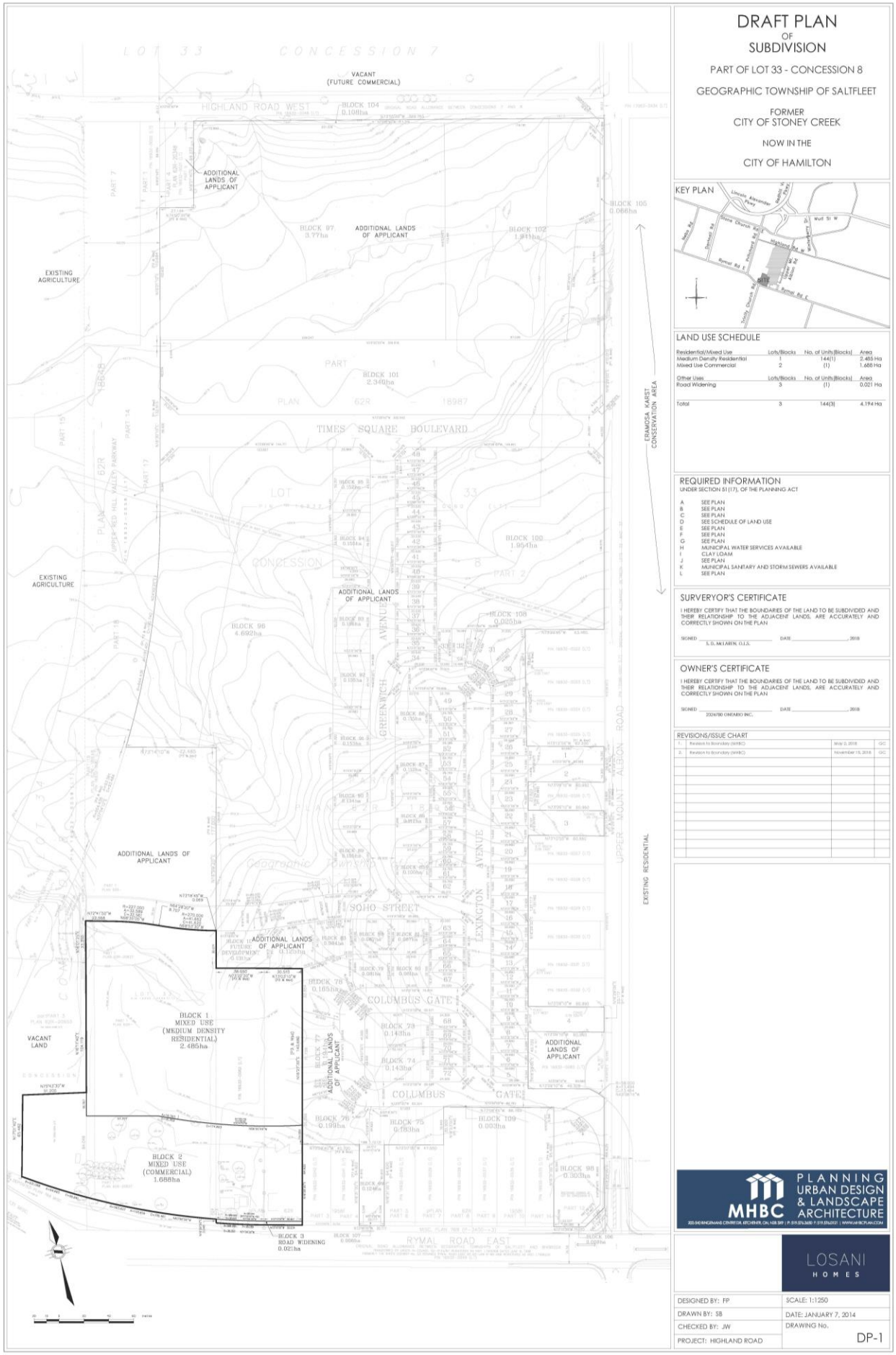
Subsection 6.10.3 (d) Minimum Side Yard for Maisonettes, Townhouses and Dwelling Groups	6 metres.	1.2 metres.	PED19030). The minimum distances between buildings reflects safe separation distances between buildings located on the same lot, upholding requirements of the Ontario Building Code and allowing for sufficient space for vehicle and pedestrian circulation. The central open spaces will provide for those functions that might otherwise be provided within larger yards and permit a greater number of dwellings conveniently located to this open space, as well as in proximity to commercial, service, and public transportation facilities that are or will be located immediately south of the subject lands. Therefore, staff support the modifications.
Subsection 6.10.3 (f) Minimum Rear Yard for Maisonettes, Townhouses and Dwelling Groups	6 metres, except 7.5 metres abutting a zone for single, semi-detached or duplexes dwellings, or a street.	6.0 metres.	

Subsection 6.10.3 (h) Minimum Distance Between Buildings on the Same Lot	15 metres, except 3 metres between end walls and 9 metres between an end wall and a rear wall.	3.0 metres between end walls. 13.5 metres between front walls.	(As above) The purpose of yard regulations is to provide for adequate open space for the functions such as stormwater management, amenity space, buffering from traffic and landscaping. Traffic impacts within this block will be limited to the residential units within the block, and road patterns will not create through traffic unassociated with these units. Further, these applications propose an open space centrally located in the block in the vicinity of the naturally occurring spring (see Appendix "H-d" to Report PED19030). The minimum distances between buildings reflects safe separation distances between buildings located on the same lot, upholding requirements of the Ontario Building Code and allowing for sufficient space for vehicle and pedestrian circulation. The central open spaces will provide for those functions that might otherwise be provided within larger yards and permit a greater number of dwellings conveniently located to this open space, as well as in proximity to commercial, service, and public transportation facilities that are or will be located immediately south of the subject lands. The minimum required amenity area of 480 square metres excludes the natural feature. The natural feature, as delineated on the concept plan is approximately 240 square metres. Therefore, staff support the modifications.
Subsection 6.10.3 (l) Privacy Area for maisonette and town house units	Nothwithstanding the yard requirements, At least one area which shall be adjacent to the dwelling unit and shall have a minimum depth of 4.5 metres.	At least one area which shall be adjacent to the dwelling unit and shall have a minimum depth of 4.5 metres. No privacy areas shall be required for maisonette units.	
Subsection 6.10.3 (m) Minimum Landscaped Open Space for maisonettes, townhouses and dwelling groups	50% of the lot area. Not less than 1.5 metres of landscaped strip shall be provided between any privacy area and any lot line.	Not less than 38% of the lot area for maisonettes, townhouses and dwelling groups shall be landscaped, including privacy areas. No landscaped	

	A minimum width of 4.5 metres shall be provided and thereafter maintained adjacent to evry portion of any lot that abuts a street except for points of ingress and egress.	strip is required between any privacy area and any lot line for maisonettes. No landscaped strip is required adjacent to every portion of any lot that abuts a street. One outdoor amenity space, having a minimum area of 480 square metres, shall be provided, and thereafter maintained, excluding easements and excluding the area containing a natural spring and required buffer associated with said spring.	

Subsection 6.10.3 (i) Density	Maximum Density 1. 40 units per hectare 2. 49 units per hectare if 100 percent of required tenant parking is underground or enclosed within the main building.	Minimum Density of 50 units per hectare. Maximum Density 1. 40 units per hectare 2. 49 units per hectare if 100 percent of required tenant parking is underground or enclosed within the main building.	The amendment reduces the minimum density from 60 to 50 units per hectare to allow for more flexibility in design and housing form to accommodate a natural heritage feature located on site, being natural spring SP-3. The reduced density also provides for greater opportunity for pedestrian circulation and outdoor amenity areas in conjunction with the natural Spring and aligns the proposed minimum density with a proposed UHOP amendment. Therefore, staff support the modification.
Subsection 6.10.3 (j) Maximum Building Height	11 metres.	13.5 metres or 3 storeys, whichever is less.	The proposed mix of ground oriented housing types are proposed to be located in buildings having a narrow frontage in order to achieve the proposed density targets aments of the UHOP. The 11 metre height regulation would limit the potential range of dwelling unit sizes, and be too restrictive for units having a greater number of bedrooms. The proposed increase in height will allow for a greater range of housing types, supporting units having a larger number of

			bedrooms while maintaining a height that is recognized as conventional for ground oriented dwellings. Therefore, staff support the modification.
Subsection 6.10.5 Minimum Number of Parking Spaces	2 parking spaces and 0.5 visitor parking spaces for each maisonette and townhouse dwelling unit. Tandem parking is permitted for non-visitor parking spaces.	2 parking spaces and 0.25 visitor parking spaces for each maisonette and townhouse dwelling unit. Tandem parking is permitted for non-visitor parking spaces.	Required visitor parking is 0.5 spaces per unit, and the site is proposing 0.25 visitor parking spaces per unit. This equates to a reduction from 73 required visitor spaces to 37 visitor spaces. This reduction is an acceptable urban ratio given the provision of two parking spaces per unit, the availability and proximity of public transit and the opportunity for provision of alternate transportation facilities, such as bike racks, at the site plan approval stage. Blocks 8, 9 and 10 are located in proximity to Rymal Road East, along which public transit routes currently operate, and on which the "S" line of the BLAST rapid transit network will run. Convenient, safe and attractive pedestrian connectivity will be provided to Rymal Road East as a condition of the Draft Plan of Subdivision. Therefore, staff support the modification.



DRAFT PLAN OF SUBDIVISION

PART OF LOT 33 - CONCESSION 8

GEOGRAPHIC TOWNSHIP OF SALTFLEET

FORMER CITY OF STONEY CREEK

NOW IN THE

CITY OF HAMILTON

KEY PLAN

LAND USE SCHEDULE

Residential/Mixed Use	Lots/Blocks	No. of Units (Blocks)	Area
Medium Density Residential	1	144(1)	2.485 Ha
Mixed Use Commercial	2	(1)	1.688 Ha
Other Uses	**Lots/Blocks**	**No. of Units (Blocks)**	**Area**
Road Widening	3	(1)	0.021 Ha
Total	3	144(3)	4.194 Ha

REQUIRED INFORMATION

UNDER SECTION 51 (17), OF THE PLANNING ACT

A	SEE PLAN
B	SEE PLAN
C	SEE PLAN
D	SEE SCHEDULE OF LAND USE
E	SEE PLAN
F	SEE PLAN
G	SEE PLAN
H	MUNICIPAL WATER SERVICES AVAILABLE
I	CLAY LOAM
J	SEE PLAN
K	MUNICIPAL SANITARY AND STORM SEWERS AVAILABLE
L	SEE PLAN

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LAND TO BE SUBDIVIDED AND THEIR RELATIONSHIP TO THE ADJACENT LANDS, ARE ACCURATELY AND CORRECTLY SHOWN ON THE PLAN

SIGNED _____ DATE _____, 2018
S. D. MCLAREN, O.L.S.

OWNER'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LAND TO BE SUBDIVIDED AND THEIR RELATIONSHIP TO THE ADJACENT LANDS, ARE ACCURATELY AND CORRECTLY SHOWN ON THE PLAN

SIGNED _____ DATE _____, 2018
2324780 ONTARIO INC.

REVISIONS/ISSUE CHART

1.	Revision to Boundary (MHBC)	Mar 5, 2018	GC
2.	Revision to Boundary (MHBC)	November 15, 2018	GC

MHBC PLANNING URBAN DESIGN & LANDSCAPE ARCHITECTURE

LOSANI HOMES

DESIGNED BY: FP	SCALE: 1:1250
DRAWN BY: SB	DATE: JANUARY 7, 2014
CHECKED BY: JW	DRAWING No. DP-1
PROJECT: HIGHLAND ROAD	

**Conditions of Draft Plan of Subdivision Approval for
25T-201609, 1819, 1817 and 1821 Rymal Road East**

That this approval apply to the Revised Draft Plan of Subdivision, 25T-201609, 1819, 1817 and 1821 Rymal Road East, “Midtown”, prepared by MHBC and certified by D. McLaren, O.L.S., dated, November 15, 2018, consisting of one block for multiple dwellings and street townhouses (Block 1), one block for commercial development (Block 2), and one block for a Right Of Way widening (Block 3), subject to the owner entering into a Standard Form Subdivision Agreement, received, and approved by City Council with the following special conditions.

Growth Planning

1. That, **prior to registration of the plan of subdivision**, the Owner agrees to acquire from the City the remaining portion of Part 20, Plan 62R-18648 lying south of Street B where it intersects with Upper Red Hill Valley Parkway on the Draft Plan on the basis of value in contribution, as determined by a qualified (A.A.C.I.) appraiser, the terms of reference of which will be agreed upon by the Owner and the City, and to the satisfaction of the Senior Director of Growth Management.

Development Engineering

2. That, **prior to registration of the plan of subdivision**, the Owner shall submit the necessary transfer deed to the City’s Legal Department to convey Block 3 of the plan to the City for road widening purposes, to the satisfaction of the Senior Director, Growth Management Division.

3. That, **prior to registration of the plan of subdivision**, the Owner agrees to pay all outstanding servicing costs associated with the installation of the municipal and private services on Rymal Road East, adjacent to the subject lands, to the satisfaction of the Senior Director, Growth Management Division.

4. That, **prior to registration of the plan of subdivision**, the Owner agrees to provide proof of clearance of the Karst design and protection of karst spring SP-3, from the External Agencies such as from HCA and/or MNR and to the satisfaction of the Senior Director, Growth Management Division.

5. That, **prior to registration of the plan of subdivision**, the Owner agrees to develop a plan and post adequate security deposit to protect and maintain Karst conduits as identified in the Report dated January 20, 2014 and the additional brief dated June 22, 2016 both by Terra Dynamics Consulting Inc. to the satisfaction of the Senior Director, Growth Management Division.

6. That, **prior to servicing**, the Owner agrees in writing that no servicing works are going to be permitted within Block 1 on the draft plan until the municipal services constructed under Central Park Phase 1 Subdivision (25T-201401R) have been assumed by the City of Hamilton, to the satisfaction of the Senior Director, Growth Management Division.

7. That, **prior to servicing,** the Owner agrees in writing, to establish a 9.0m wide storm drainage easement over Block 1 in the City’s favour, from Soho Street to the existing karst spring SP-3 prior to receiving conditional Site Plan approval, and to the satisfaction of the Senior Director, Growth Management Division.

8. That, **prior to preliminary grading,** the Owner agrees, in writing, to obtain a grading and drainage easement over the adjacent City Owned lands described as Part 3 on 62R-20603, or to identify an alternative drainage route via Block 1. Furthermore, the Owner agrees to provide a cash payment to the City as a financial compensation for the any required works on City Owned lands to bring additional fill on the subject lands, all to the satisfaction of the Senior Director, Growth Management Division.

Development Planning

9. That, **prior to registration of the final plan of subdivision**, and at the Owner’s expense, the Owner shall submit Architectural and Urban Design Guidelines, including north-south pedestrian connections between the blocks which are aligned with internal north-south streets, internal pedestrian connections and private amenity space, prepared by a qualified architect or urban designer (referred to as the “Design Architect”), to the satisfaction of the Manager of Development Planning, Heritage and Design.

10. That, **prior to registration of the final plan of subdivision**, and at the Owner’s expense, the Owner shall have a “Control Architect”, independent of the “Design Architect” firm or individual retained, to the satisfaction of the Manager of Development Planning, Heritage and Design, and whose function shall be to certify, through stamping and signing, all drawings for the development of each lot and or block subject to the design guidelines prior to the issuance of any building permit(s).

Natural Heritage

11. That, **prior to registration of the draft plan of subdivision**, the owner / developer provide a site specific geotechnical report, prepared by a qualified engineer, to determine appropriate buffer widths, and a Landscape Plan prepared by a certified Landscape Architect, that identifies conservation measures within the identified buffer of SP-3, to the satisfaction of the Director of Planning and Chief Planner.

12. That, **prior to pre-grading**, the owner / developer prepare a Monitoring Plan for the karst feature, and a Maintenance and Monitoring Plan pertaining to SP-3, to the satisfaction of the Director of Planning and Chief Planner.

13. That **prior to occupancy**, the applicant will prepare an Education / Stewardship Brochure to the satisfaction of the Director of Planning and Chief Planner. The Stewardship Brochure will be distributed to all future homeowners and will describe the importance of the natural feature and its functions and how the homeowner can minimize their impact on this feature.

CANADA POST

14. That the home / business mail delivery will be from a designated Centralized Mail Box.

15. That the developer / owner be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sale.

Hamilton Conservation Authority

16. **That prior to preliminary grading or servicing,** the Owner prepares a revised Draft Plan of Subdivision to indicate the location of any and all sinkholes and springs, as well as buffer limits associated with these features, and to include site specific karst management, protection, implementation and monitoring plans to the satisfaction of the Hamilton Conservation Authority.

Environmental Noise Provision

17. That **prior to the issuance of building permits,** the applicant/owner provide an addendum to the submitted Noise Assessment Report dated March 2014, revised December 2014 and revised November 2016, to address the specific building components required for Blocks A-D, F, H, and J-S as shown on Figure 5 of the study, to meet the requirements of Table C-2 of NPC-200, to the satisfaction of the Manager of Development Planning, Heritage and Design.

18. That **prior to the registration of the Draft Plan of Subdivision**, the owner shall include in said registration a warning clause regarding Environmental Noise Impacts to properties as described in the submitted Noise Assessment Report dated March 2014, revised December 2014 and revised November 2016, to the satisfaction of the Director of Planning and Chief Planner.

NOTES TO DRAFT PLAN APPROVAL

The following note should be included in the City’s draft plan approval letter:

Pursuant to Section 51(32) of the Planning Act, draft approval shall lapse if the plan is not given final approval within 3 years. However, extensions will be considered if a written request is received before the draft approval lapses.

Appendix "H-a" to Report PED19030
Page 1 of 1

SITE

SITE STATISTICS			
DESCRIPTION	AREA (SM)	AREA (SF)	PERCENTAGE
HARD LANDSCAPE			
ASPHALT	9696.88 m²	104376 ft²	37.2%
CURB	344.52 m²	3708 ft²	1.3%
SIDEWALK	2668.99 m²	28729 ft²	10.2%
	12710.39 m²	136814 ft²	48.7%
SOFT LANDSCAPE			
GRASS	13369.96 m²	143913 ft²	51.3%
	13369.96 m²	143913 ft²	51.3%
	26080.35 m²	280727 ft²	100.0%

OVERALL SITE AREA			
DESCRIPTION	AREA (SM)	AREA (SF)	PERCENTAGE
SITE TOTAL			
SITE TOTAL	40278.95 m²	433559 ft²	100.0%

ROOM MATRIX

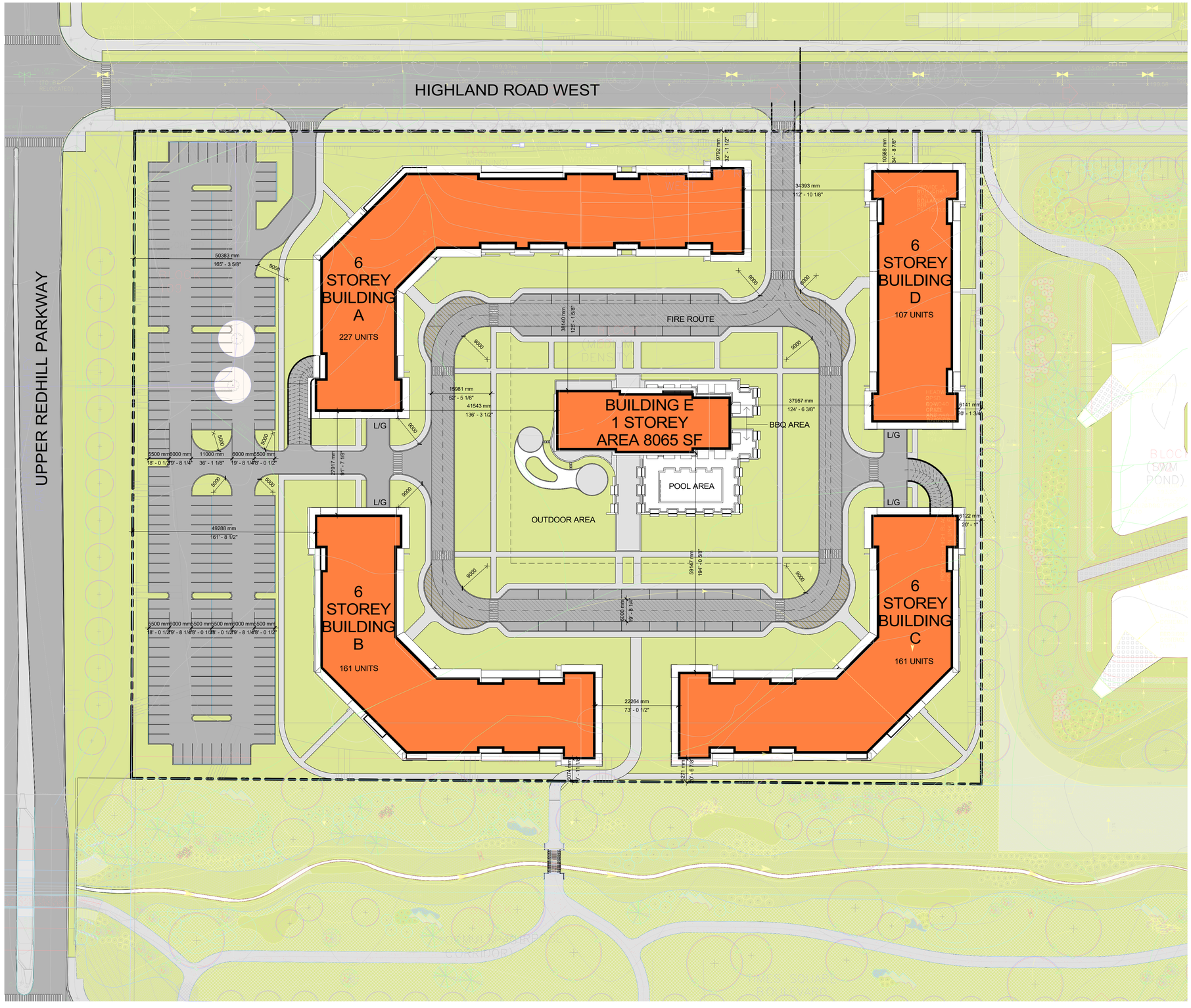
Room Schedule		
Name	Area	Count
1 BR		
1 BR	557 SF ... 804 SF	164
1 BR + DEN		
1 BR + DEN	649 SF ... 804 SF	320
2 BR		
2 BR	695 SF ... 1040 SF	131
2 BR LRG		
2 BR LRG	897 SF ... 1040 SF	41
		656

PARKING

REQUIRED PARKING
- 1.25 / UNIT 820
- 0.25 / VISITOR 164
TOTAL 984

PROPOSED PARKING
- 1.0 / UNIT 656
- 0.25 / VISITOR 164
TOTAL 820

PARKING SCHEDULE		
Mark	Type Mark	COUNT
GROUND PARKING		243
UG PARKING		569
UG PARKING - ADA		9
		821



1 / A001 Site Plan
1 : 500

Chamberlain Architects Constructors Managers

Chamberlain Architect Services Limited

4671 Palladium Way (Unit 1)
Burlington, Ontario. L7M 0W9
CANADA

Phone: 905.631.7777

www.chamberlainIPD.com

NO.	ISSUED	DATE
1	CLIENT REVIEW	APR. 18-2018
2	CLIENT REVIEW	MAY. 02-2018
3	CLIENT REVIEW	JUN. 26-2018

SEAL

CONSTRUCTION NORTH TRUE NORTH

LOSANI HOMES SOHO

UPPER RED HILL VALLEY PARKWAY / HIGH LAND ROAD WEST

SHEET NAME

SITE PLAN

START DATE	Issue Date
DRAWN BY	CMC, ME, DM
CHECKED BY	JM
SCALE	1 : 500
PROJECT NO.	118018
DRAWING	A001

D:\Documents\118018 - Losani Upper Red Hill - REVIT2019 - Oct 2 - SITE & Buildings_Mo-Elsayed.rvt
6/26/2018 9:19:28 AM

PLANT LIST

QNTY.	BOTANICAL NAME	COMMON NAME	CAL.	SIZE	COND.	MATURE HEIGHT (m)	MATURE SPREAD (m)	O.C. SPACING (m)
	TREES							
3	Acer campestre	Hedge Maple	60mm		W.B.	10.0	10.0	10.0
7	Acer rubrum	Red Maple	60mm		W.B.	15.0	12.0	10.0
7	Acer rubrum 'Armstrong'	Armstrong Maple	50mm		W.B.	15.0	6.0	7.0
8	Carpinus caroliniana	Blue Beech / Musclewood	50mm		W.B.	10.0	10.0	10.0
8	Carya ovata	Shagbark Hickory	50mm		W.B.	22.0	15.0	10.0
7	Ginkgo biloba 'Golden Colonnade'	Golden Colonnade Maidenhair Tree	50mm		W.B.	12.0	7.0	7.0
2	Ostrya virginiana	Ironwood	50mm		W.B.	10.0	8.0	7.0
9	Picea glauca	White Spruce		250cm	W.B.	20.0	6.0	7.0
8	Pyrus calleryana 'Chanticleer'	Chanticleer Ornamental Pear	50mm		W.B.	11.0	5.0	7.0
10	Quercus rubra	Red Oak	50mm		W.B.	20.0	17.0	10.0
11	Tilia americana 'Boulevard'	Boulevard Basswood	60mm		W.B.	13.0	6.0	10.0
3	Ulmus x "Homestead"	Homestead Elm	60mm		W.B.	15.0	12.0	10.0
11	Ulmus x "Frontier"	Frontier Elm	60mm		W.B.	10.0	9.0	10.0
	SHRUBS							
56	Cornus sericea	Red Osier Dogwood		40cm	#3 cont.	1.75	2.0	1.8
64	Ribes aureum	Golden Currant		50cm	#3 cont.	2.0	1.5	1.3
15	Rosa setigera	Prairie Rose		40cm	#3 cont.	1.0	2.5	1.8

north

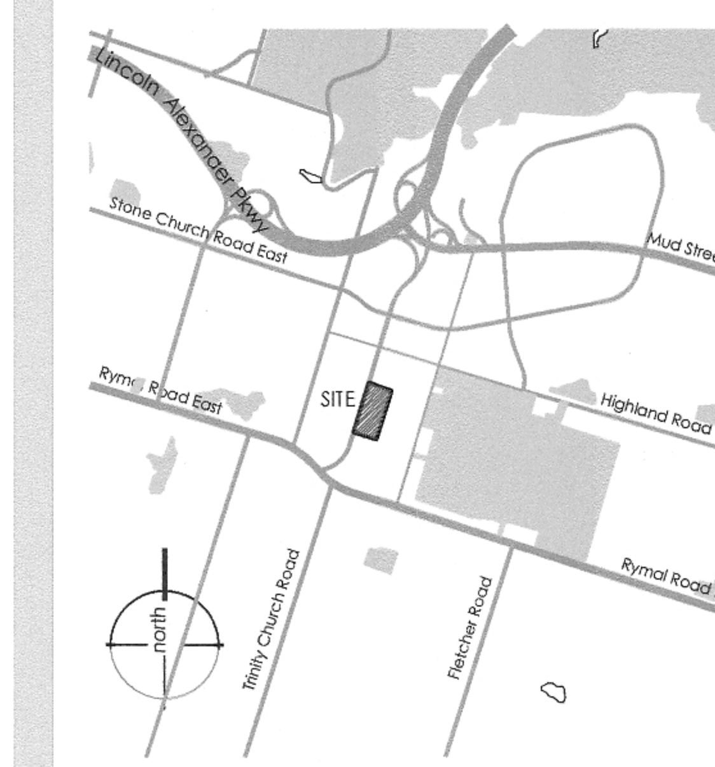
5 2 0 5 10 15
1:400 (m)

LANDSCAPE NOTES:

1. All work to be carried out in accordance with by-laws and codes having jurisdiction over site location.
2. Complete all work to the satisfaction of the Landscape Architect.
3. Report any changes, discrepancies or substitutions to the Landscape Architect for review. Obtain approval from the Landscape Architect before proceeding.
4. It is the contractor's responsibility to determine existing service locations.
5. Exact locations of plant material will be determined by placement of site services such as hydro vaults, meters, utilities roof rain water leaders, driveways, light standards, etc.
6. All plant material locations to be staked or marked out and approved by Landscape Architect prior to installation.
7. Supply all plant material in accordance with the Canadian Standards for Nursery Stock (8th ed.).
8. Install plant material according to details shown.
9. Supply and place mulch in accordance with Canadian Landscape Standard (Section 10, Mulching). Disturbed soil areas around trees and shrubs are to be covered with shredded conifer bark mulch such as 'Canada Red' or 'Gro-Bark' mulch, or approved equivalent. Alternative mulches must be approved by the Landscape Architect.
10. Contractor to utilize layout dimensions where provided
11. Provide planting bed area as noted on the drawing or to accommodate mature size of plant material.
12. All support systems must be removed by the contractor at time of final acceptance. No extras will be paid to complete this work
13. Supply and place topsoil in accordance with Canadian Landscape Standard (Section 4, Grading & Drainage and Section 6, Growing Medium) to a minimum depth of 150mm unless otherwise specified.
14. Supply and place sod in accordance with Canadian Landscape Standard (Section 7, Lawns & Grass and Section 8, Turfgrass Sod)unless otherwise specified.
15. Supply and place seed in accordance with Canadian Landscape Standard (Section 4, Grading & Drainage and Section 6, Growing Medium) unless otherwise specified. All 5:1 or greater slopes to be seeded with tacifier. Contractor to provide necessary erosion control protection as required to ensure soil stabilization and proper seed germination.
16. All dimensions in meters unless otherwise noted.
17. If discrepancies arise between plant material count shown on drawing and plant list, the drawing shall be considered correct.
18. Contractor to provide minimum one (1) year warranty (including trees on municipal property) from date accepted on all work unless otherwise specified.
19. Any site plan or grading and servicing shown is for information only. Refer to approved drawings.
20. Not for construction unless stamped, signed and dated by Landscape Architect.
21. Drawings not to be reproduced without written consent from Landscape Architect.
22. Approval of landscape plan to be obtained from municipality.
23. All plant material to be planted a minimum of 1.0m from any swales or ditches.
24. For grading and servicing information refer to the consulting Engineer's drawings.
25. For lighting information and power distribution refer to the electrical consultant's drawings.

THE CITY OF HAMILTON
Plans and drawings approved pursuant to Section 41 of the Planning Act.
Oct 13, 201
Date of Approval
Manager, Development Planning
Planning & Economic Development Department

KEY MAP - N.T.S.



LEGEND

- proposed deciduous tree
- previously proposed deciduous tree
  - refer to Highland Subdivision 25T-201-401
  - trees in City ROW to be planted by City Forces
- proposed coniferous tree
- proposed shrubs
- proposed perennial
- min. 150mm topsoil, fine grade & sod
- 1.8m high wooden privacy fence
  - see detail D5, L-3
- wood noise fence
  - see detail D8, L-5
  - for fence heights, refer to acoustical report
- existing light standard
  - refer to electrical drawings
- proposed light standard
  - refer to electrical drawings
- proposed transformer
  - refer to electrical drawings

NOT FOR CONSTRUCTION
ISSUED FOR REVIEW & COMMENTS ONLY

REVISIONS/ SUBMISSIONS

#	DATE	DESCRIPTION
1	2017-03-27	Issued for review
2	2018-04-18	Issued for review
3	2018-04-20	Issued for review
4	2018-04-25	Issued for submission
5	2018-08-08	Issued for submission
6	2018-09-20	Issued for submission
7	2018-10-02	Issued for submission

STAMP

ONTARIO ASSOCIATION OF LANDSCAPE ARCHITECTS
SCOTT PB HENDERSON
MEMBER

CLIENT
Losani

MUNICIPALITY
City of Hamilton

PROJECT
Madison
30 Times Square Boulevard

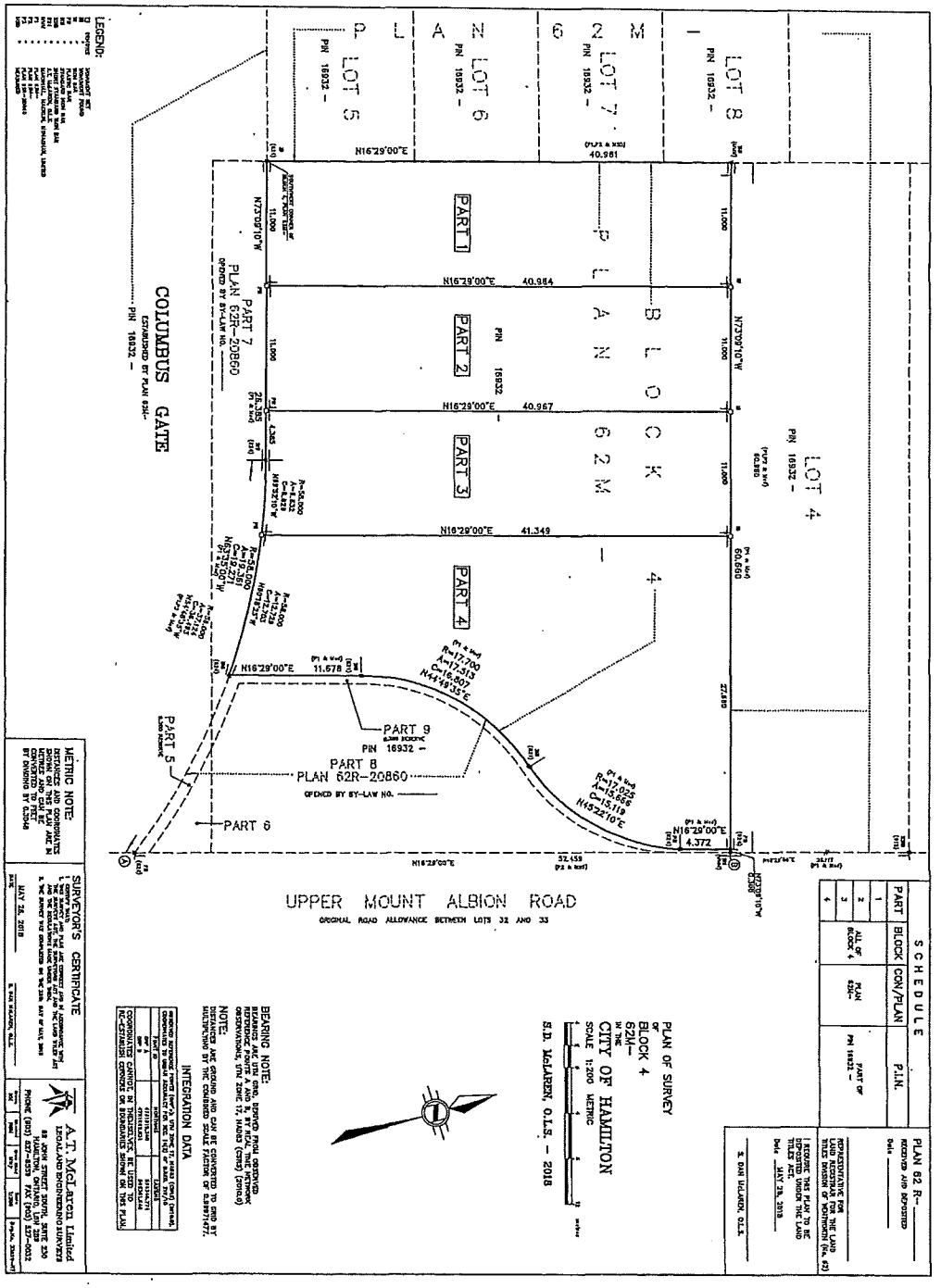
MUNICIPAL FILE NUMBER
DA 16-170

SHEET
Landscape Plan
L-1

adesso design inc.
landscape architecture

218 Locke Street South, 2nd Floor
Hamilton, ON L8P 4B4
t. 905.526.8876
www.adessodesigninc.ca

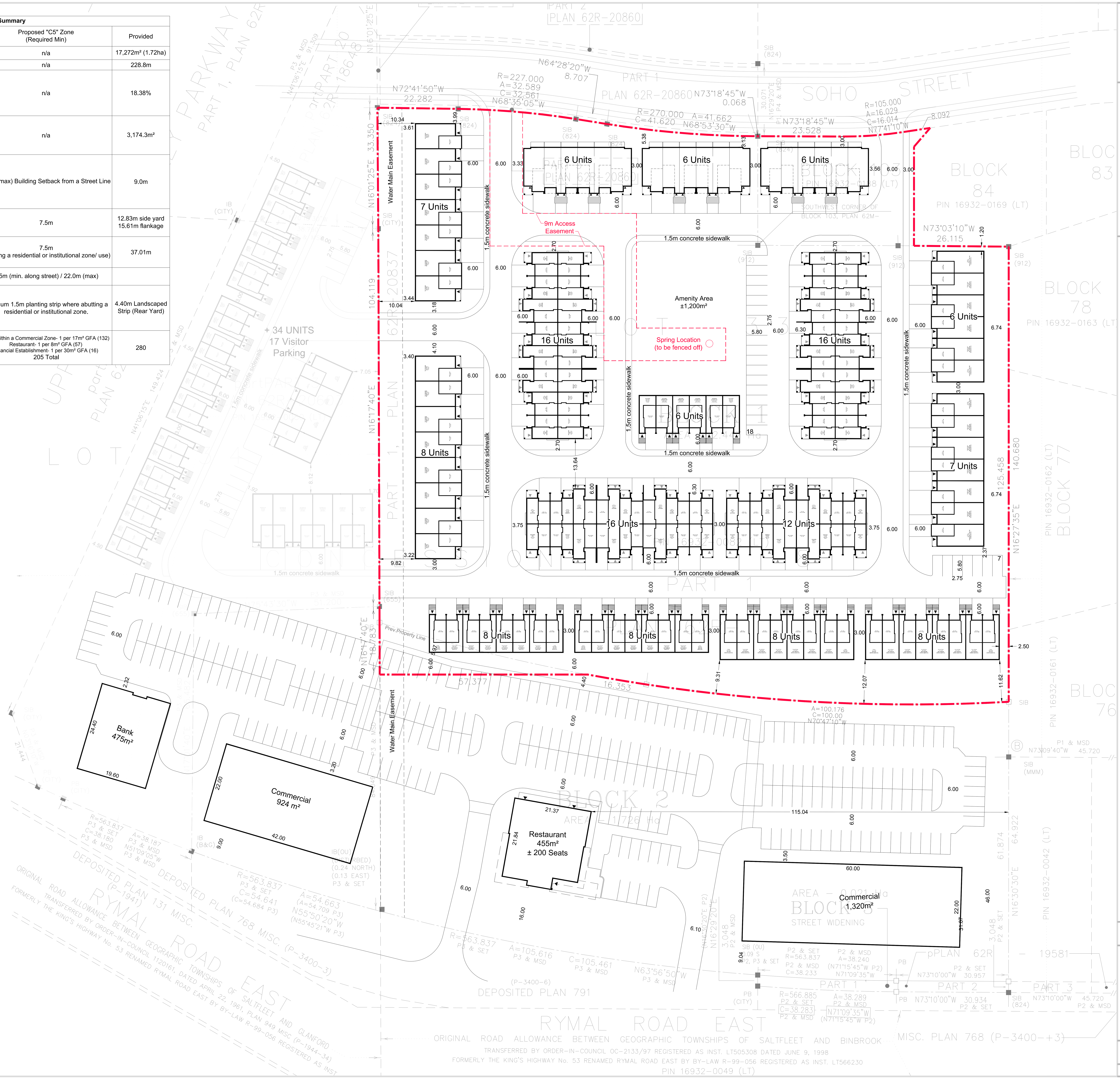
FILE:Z:\Project_files\Projects_2016\16-068_Madison-Central Park\01-Current_Drawings\16-068Ldwg LAYOUT:1_Landscape
LAST SAVED BY:Station08, October 2, 2018 2:41:07 PM PLOTTED BY:Station08 October 2, 2018 2:41:22 PM



Sc 18-18:123
Sc 18-18:124
Sc 18-18:125
Sketch.

Commercial Zoning Summary

	Existing "MUC" Zone (Required Min)	Proposed "C5" Zone (Required Min)	Provided
Lot Area	1,500m² (0.15ha)	n/a	17,272m² (1.72ha)
Frontage	30m	n/a	228.8m
Lot Coverage	30% (max)	n/a	18.38%
Gross Leasable Commercial Floor Area	7,500m² (max)	n/a	3,174.3m²
Front Yard	9.0m	4.5m (max) Building Setback from a Street Line	9.0m
Side Yard	9.0m / 12.0m for a flankage yard	7.5m	12.83m side yard 15.61m flankage
Rear Yard	9.0m	7.5m (abutting a residential or institutional zone/ use)	37.01m
Building Height	20.0m	7.5m (min. along street) / 22.0m (max)	
Landscaped Open Space	Minimum 4.0m wide landscaped strip adjacent to lot lines abutting a zone other than commercial or industrial.	Minimum 1.5m planting strip where abutting a residential or institutional zone.	4.40m Landscaped Strip (Rear Yard)
Required Parking Spaces	Shopping Centre- 1 per 20.5 GFA (110) Restaurant- 1 per 4 seats (50) Bank- 1 per 15m² GFA (32) 192 Total	Retail within a Commercial Zone- 1 per 17m² GFA (132) Restaurant- 1 per 8m² GFA (57) Financial Establishment- 1 per 30m² GFA (16) 205 Total	280



Legal Description
1831 Rymal Road
CITY OF HAMILTON

Key Plan

Source: City of Hamilton

Residential Lands 26,161m² (2.61ha)

Residential Zoning Summary

	Required (min)	Provided
Lot Area	4,000m² (0.04ha)	26,161m² (2.61ha)
Front Yard	7.5m	3.0m
Side Yard	6.0m, except 7.5m for a flankage yard, 7.5m abutting a zone for single detached, semi-detached or duplex dwellings and 3m where an end unit abuts a lot line of a street townhouse	1.2m
Rear Yard	6.0m, except 7.5m for a flankage yard, 7.5m abutting a zone for single, semi-detached or duplex dwellings, or a street	6.0m
Distance Between Buildings	15m	3.0m between end walls 13.64m between buildings
Units	103.2 (max. density)	144
Max. Density	40 units/ ha	55.17 units/ ha
Max. Building Height	11m	3 storeys
Max. Lot Coverage	35%	31%
Privacy Area	Min. Depth of 4.5m adjacent to dwelling	3.22m
Landscaped Open Space	50% (including privacy areas)	38%
Required Parking Spaces	360 (288 + 72 visitor) 2 per unit + 0.5 visitor per unit	313 (288 + 25 visitor) 25 visitor = 0.17 per unit

NOTES:
- All dimensions are in metres unless otherwise noted
- Fire route to be designated by by-law
- Dimensions from face of curb to face of curb

Rev. No.	Date	Issued / Revision	By
3.	Jan 23, 2019	Revisions to plan	GC
2.	July 11, 2018	Revisions to plan	GC
1.	Mar 21, 2018	For Preliminary Submission to City	GC

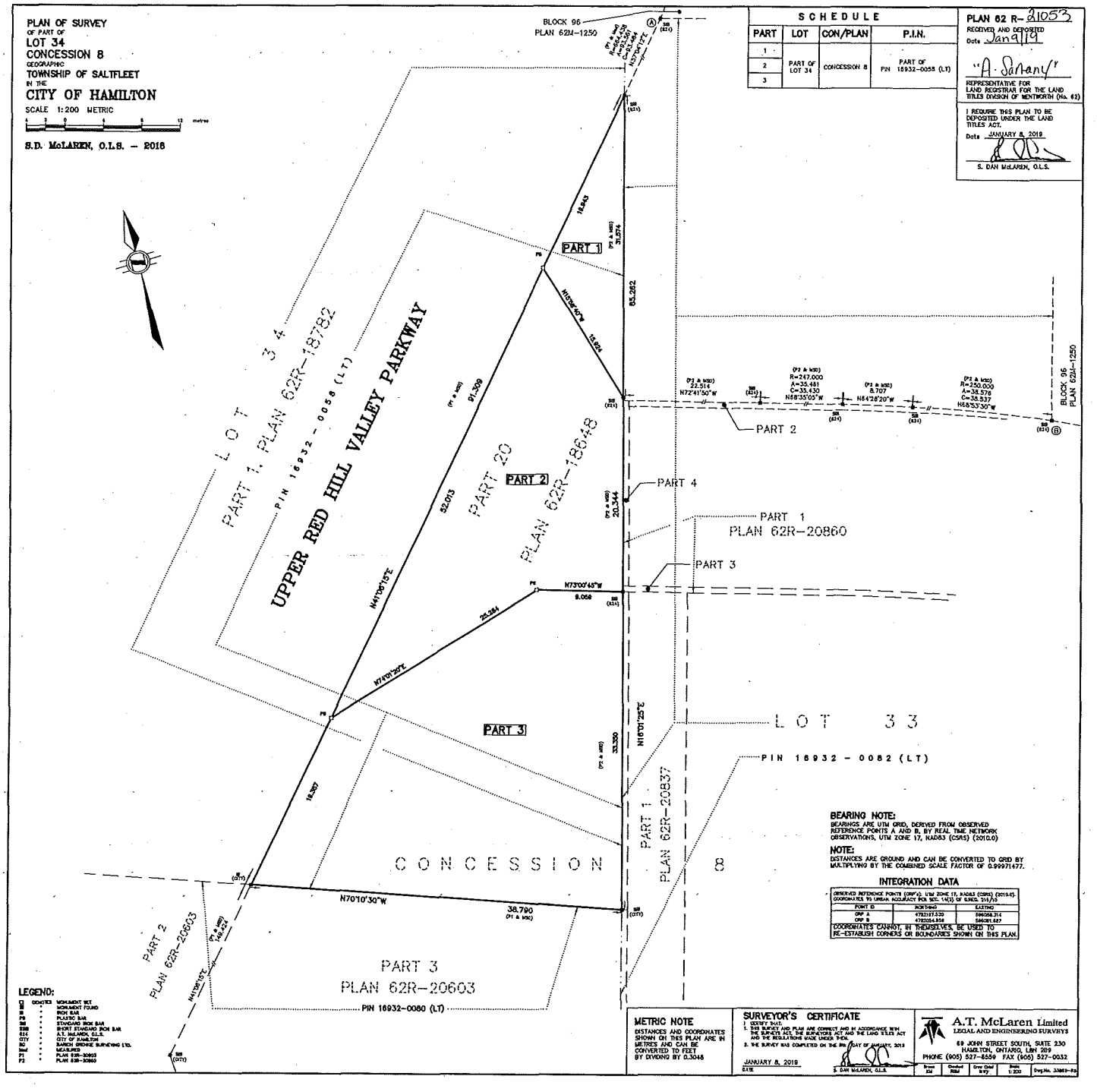
MHBC PLANNING URBAN DESIGN & LANDSCAPE ARCHITECTURE

200-540 BINGEMANS CENTRE DR. KITCHENER, ON, N2B 3X9 | P: 519.576.3650 F: 519.576.0121 | WWW.MHBCPLAN.COM

Approval Stamp

Date January 23, 2019
Drawn By GC
Plan Scale 1:500 (36x24)
File No. 14196AO
Project 1831 RYMAL ROAD
Checked By D.A.
Client
Other
File Name MIDTOWN RESIDENTIAL & COMMERCIAL CONCEPT
Dwg No. 1 of 1

K:\14196AO- Central Park Midtown\SP\Consolidated Plans January 23 2019.dwg


PLAN OF SURVEY
OF PART OF
LOT 34
CONCESSION 8
GEOGRAPHIC
TOWNSHIP OF SALTFLEET
IN THE
CITY OF HAMILTON
SCALE 1:200 METRIC
S.D. McLAREN, O.L.S. – 2018
SCHEDULE
PART | LOT | CON/PLAN | P.I.N.
1
2 | PART OF LOT 34 | CONCESSION 8 | PART OF PIN 16932-0058 (LT)
3
PLAN 62 R-21053
RECEIVED AND DEPOSITED
Date Jan 9/19
REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF WENTWORTH (No. 62)
I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.
Date JANUARY 8, 2019
S. DAN McLAREN, O.L.S.
BLOCK 96
PLAN 62M-1250
LOT 34
PART 1, PLAN 62R-18782
PIN 16932-0058 (LT)
UPPER RED HILL VALLEY PARKWAY
PART 1
PART 2
PART 3
PART 4
PART 20
PLAN 62R-18648
PART 1
PLAN 62R-20860
LOT 33
PIN 16932-0082 (LT)
PART 1
PLAN 62R-20837
CONCESSION 8
PART 2
PLAN 62R-20603
PART 3
PLAN 62R-20603
PIN 16932-0080 (LT)
N70°10'30"W
38.790
BEARING NOTE:
BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010.0)
NOTE:
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.99971477.
INTEGRATION DATA
METRIC NOTE
DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048
SURVEYOR'S CERTIFICATE
JANUARY 8, 2019
S. DAN McLAREN, O.L.S.
A.T. McLaren Limited
LEGAL AND ENGINEERING SURVEYS
69 JOHN STREET SOUTH, SUITE 230
HAMILTON, ONTARIO, L8N 2B9
PHONE (905) 527-8559 FAX (905) 527-0032
LEGEND:

GOOD MORNING

(First Slide)

THE REASON FOR OUR PRESENTATION TODAY IS THREEFOLD

1. QUICKLY CLEAR UP SOME MISCONCEPTIONS REGARDING THE HISTORY AND PROVIDE YOU WITH OUR VERSION OF THE BACKGROUND USING INFORMATION WE PULLED FROM CITY RECORDS.
2. SHARE WITH YOU THE TOOLS THAT YOU HAVE AT YOUR DISPOSAL. WHAT YOU OPTIONS ARE ACCORDING TO OUR CONSULATIONS WITH OUR LEGAL TEAM; AND
3. WHAT WE BELIEVE ARE THE REASONS FOR YOU TO USE THE TOOL BAG AVAILABLE TO YOU.

ALTHOUGH THE PREVIOUS ZONING HAD NO HEIGHT RESTRICTIONS, .THERE WAS A MAXIMUM DENSITY IN ORDER TO INDIRECTLY CONTROL THE HEIGHT

In addition, we're guessing the minimum density was put in place to indirectly control the form of housing. The Parent RM5 Zoning allows for townhomes & maissonettes, but by putting in a minimum density, the previously approved City of Stoney Creek zoning basically "locked – in" an apartment building for this site.

This Neighbourhood Plan has resurfaced. NP in OP do have official status, however, this plan was never approved by Council. Either this Council or the City of SC Council. We're puzzled why it gets referenced for our area when it has no status as a planning tool and is really nothing more than a Land Use Plan that gets updated as zonings get changed. Regardless, the subdivision agreement was approved. It was approved for a total of 11 apartments (my opinion reasonable & respectful to the area & the environment)

In 2010, The City of Hamilton Council approved a complete community. A waterfront development that would provide:
911 Housing Units,
2 Hectares of Land for Institutional uses
1,400 sq ms (minimum) to a max of 14,000 sq ms for Commercial/Retail; and
1.34 hectares for a new additional Neighbourhood Park.

Without Council's oversight at Site Plan stages, a bedroom community has been built.
993 housing units
Zero hectares left for Institutional uses
Zero Commercial/retail built so far

On the table at Site Plan right now, is an application for:
1,842 additional housing units (from 1BRs to 3 BRs); with only
400 sq ms Commercial/retail space.

The full build out of the Waterfront will end up being:
2,735 Housing Units (not 911 Council & the public was told in 2010);
Zero – Institutional
400 sq ms of Commercial, maybe, instead of somewhere between 1,400 to 14,000sq ms
And NO additional neighbourhood park.

Highlights,

It is interesting that in 2010 Council approved a minimum density of 585 units on this site.
The land is just shy of 2 hectares, so Council approved @ 300 units / hectare.
It's interesting because although we don't have a Secondary Plan, we do have maximum densities city-wide in our Neighbourhoods.
That max density is 200 units / hectare; yet 300 units were approved here. To the best of our knowledge, no studies were submitted in 2010 to support that zoning change.
That is our version of the historical background.
Now we'll move on to the Site Plan application on the table.

Council has Options. To the best of our knowledge, 3 options (besides do nothing)

1. Oversee the Site Plan process
2. Give Staff Direction
3. Implement an Interim Control Bylaw.

In regards to the Site Plan provincial regulations.

Not only is it entirely appropriate for this massive build to face significant scrutiny to ensure good planning; the Planning Act makes it clear, it is **Council's** responsibility.

Just because Council has delegated your authority under Section 40.13, that doesn't mean you have to relinquish here; or for every application.

As an aside, our legal team had some comments here if you don't take back control . No slight against the sole person who you've relinquished your authority to. According to the city's website, you've given delegated authority for approval to the Manager, Development Planning. I don't even know who that person is – want to ensure no one takes offence. No matter how great that person may be, a build of this significance should be overseen by Council as a whole.

Your 2nd option, is giving Staff Direction to 'pause'. Pause for some much needed Peer Review work on the Studies provided.

We haven't gone thru them in detail, but on the surface there are major gaps & issues.

Starting with the Traffic Study.
I'd like you to think of a number in your head of how many vehicles you think will be exiting this complex after full build out. Somewhere between 1 and say 3500 estimated vehicles owned.
Got that # in your head? Does it come anywhere close to the 422 the engineers are predicting?
We think @ 400 vehicles is a gross under estimation.
In addition to that, the Traffic Study is only showing 10% or 42 of those vehicles will travel down Frances Avenue to Grays Road.
For those that don't know, Frances to Grays is the only route that will take you to – the gas station to fill up your car, to Timmies, to the high school grade school, library, grocery store, pharmacy, etc.
It will also be the quickest most convenient route to take to the new Confed GO when that opens.
Although experts, experts who don't live in our area don't know how we go about our daily activities.

In regards to the Wind Study, this was an interesting tidbit we picked up when we attended the Design Review Panel meeting last week. We had no idea that Wind Study fail when it comes to an EDI lens. According to one of the professionals on our DRP, those studies use a male in the base modelling. No elderly (tom are you listening); no children, and no female parents pushing a baby stroller.

The Sun/Shadow – the new residents in the townhomes can kiss the sun good-bye. No sun in Winter months ; which is a safety & energy consumption concern, but also no sun in their front or back yards in the summer.
The parkland is just as inadequate. The justification report is stating a new North Service Road park will be built, but this is factual incorrect. There will be no active park. It is a protected woodlot.

And lastly, the parking study is completely unreasonable. The applicant is applying for a reduction of hundreds of spaces. The justification is using a Proxy site in Burlington. (next slide)

Shown with the black dot. As a reminder, we do not have conventional public transit in our area. We have TransCab. Which means another 2 vehicle trips – arrival to pick up and drive back down Frances Ave to the Drop off location.

Lastly, your 3 rd option.

Implement an Interim Control By-law.

An ICB moved today will put a ‘pause’ on all development applications in the area (or just this site) until an unbiased comprehensive study is completed. A study of your choosing, but a Transportatiion Demand Study, incl all modes of traffic, is our recommendation

ICB aren’t as drastic as they use to be and are becoming more common. This year Newmarket passed an ICB on all residential builds on vacant lots in established areas. Oakville, did one for Glen Abbey, and we did one in 2015 for LRT/Transit corridor. We need an Interim Control By-law approved before this application gets approval (which by all indication will be in 2 weeks).

If we didn't get you at "HELLO", we have just a few additional reasons we feel you, as a Member of Council, should care enough to act.

For surrounding citizens –

not going to dwell on lack of trust & community engagement. A *possible* Letter to Residents after the Site Plan application receives approval is quite honestly extremely disrespectful. Trust is an uncomfortable topic, but it's a reality. A reality we have to acknowledge. We do think that a more transparent process will be an opportunity to rebuild some trust & follow our engagement policies.

Interesting, DRP comments:

For future residents – lack of amenities (only 'close' muni service we have is Saltfleet Library

Lack of 'walkability' - commercial reduced down to 400 sq ms & plaza across the st is in planning for a residential only build.

For your own constituents & the city as a whole - This is a greenfield development. 1,842 units here means pressure to build 3,684 units within the urban boundary.

We strongly believe this application is Precedent Setting & not in a good way – suburban neighbourhood – dead end of local road – infills at 950 units/hectare on a floodplain to boot!

We can't imagine how legal staff will be able to go before LPAT on any denials. We also think any Secondary Plans approved before 2010 won't pass the test.

And lastly, Infrastructure Costs – This site is in unplanned growth area. It exceeds the # of units planned for at Pier 8. And There are Zero $ in the City's Projected Budgets to accommodate this growth.

In closing, we would just like to emphasize we are not anti-development.

Not everything has to be black & white, or yes and no, or us vs. them.

As a member of this Committee, and of Council, you have the ability, the authority & the responsibility to make this a process other than the status quo to ensure we build responsibly.

Thank you for your time and consideration today.


© 2018 Google
© SPOT IMAGE
2005
Imagery Date: 6/30/2018 43°14'22.24" N 79

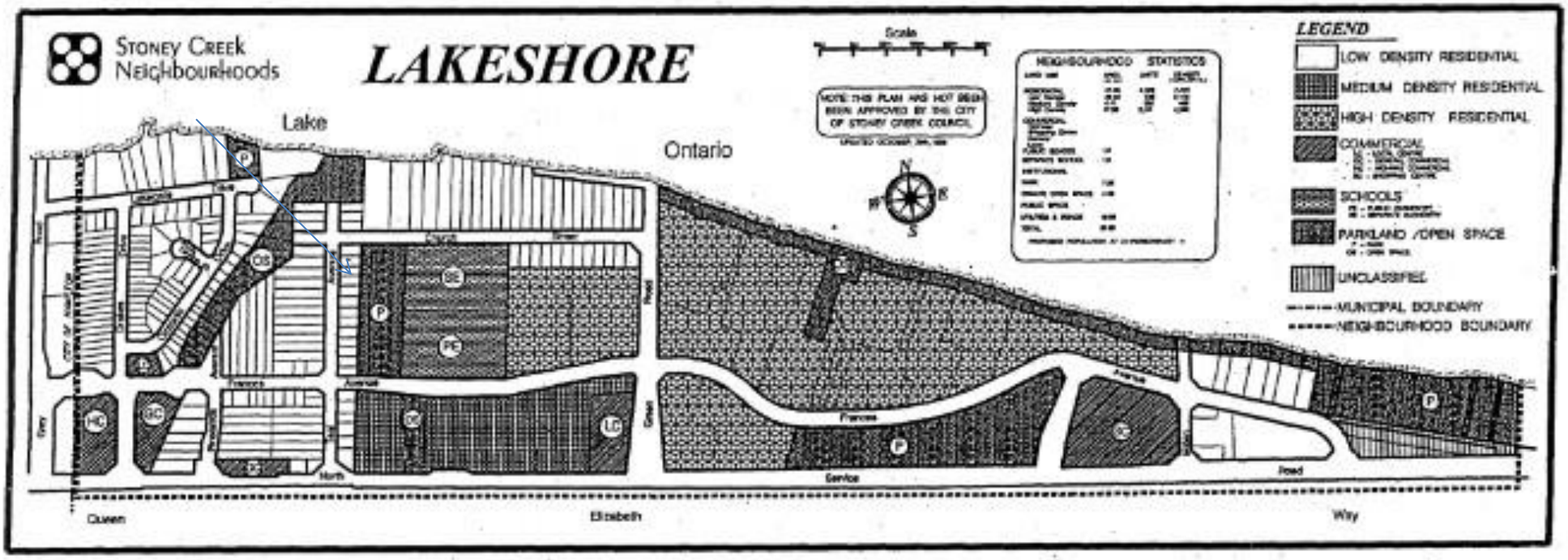
PREVIOUS ZONING BYLAW PRIOR TO 2006-2010 Term Of COUNCIL

NO HEIGHT RESTRICTIONS

MINIMUM DENSITY OF 80 UNITS / HECTARE

HOWEVER:

MAXIMUM DENSITY OF 150 UNITS / HECTARE



NOTE THIS PLAN HAS NOT BEEN

BEEN APPROVED BY THE CITY

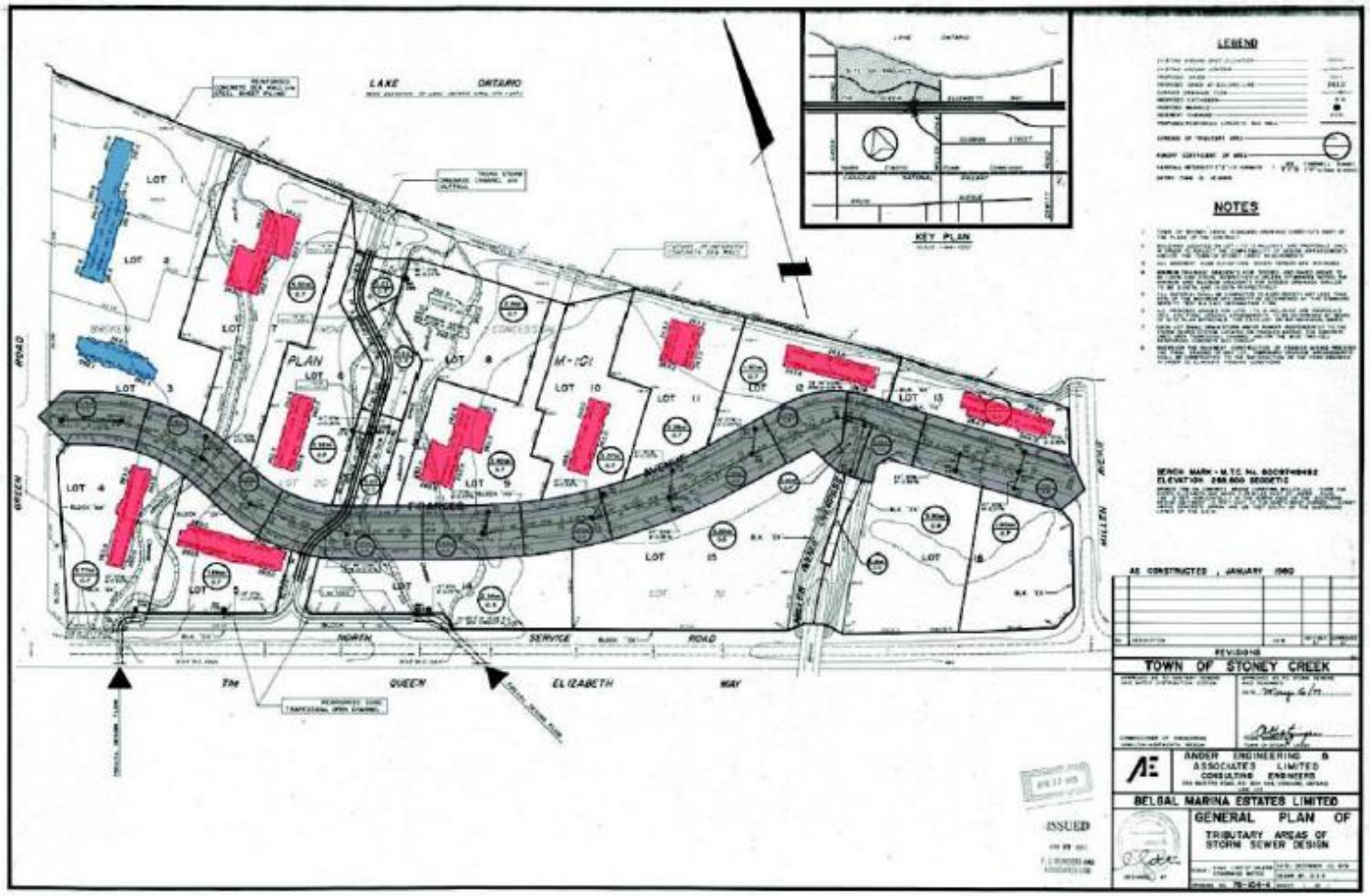
OF STONEY CREEK COUNCIL

~~CURRENT~~ APPROVED PLAN – HIGH DENSITY RESIDENTIAL (FROM 1976)

EXISTING HIGH RISE RESIDENTIAL

FUTURE HIGH RISE RESIDENTIAL

FRANCES AVENUE



SOUTH SHORES ESTATES REGISTERED PLAN OF SUBDIVISION 62M-101

ZBA

APPROVED

APRIL 2010

BY COUNCIL

By-law 10-027 **MUC-4 310 Frances Avenue, Schedule "A", Map No. 1**

Notwithstanding the provisions of Subsection 8.8.2 of the Mixed Use Commercial "MUC" Zone, on those lands zoned "MUC-67 by this By-law, Nursing Homes, Homes for the Aged, and Residential Care Facilities shall also be permitted. Notwithstanding the provisions of Paragraphs (a), (c), (d), (e), (f), (g), (h), (i) and (k) of Subsection 8.8.3 of the Mixed Use Commercial "MUC" Zone, on those lands zoned "MUC-4" by this By-law, the following shall apply:

(a)	Minimum Lot Area	-	19,400 square metres
(c)	Maximum Lot Coverage	-	None
(d)	Maximum Gross Leasable Commercial Floor Area	-	7,000 square metres
(e)	Minimum Front Yard	-	0 metres
(f)	Minimum Side Yard	-	3 metres, except 0 metres for a flankage yard
(g)	Minimum Rear Yard	-	3 metres, except 0 metres for a through lot
(h)	Minimum Residential Density	-	585 units
(i)	Maximum Building Height	-	None
(k)	Maximum Number of Buildings Per Lot	-	No maximum
(p)	Minimum Distance Between Buildings on the Same Lot	-	15 metres

(q) Location of Residential Care Facilities

(i) Every Residential Care Facility shall be situated on a lot having a minimum radial separation distance of 300 metres from any lot line of such lot measured to the lot line of any other lot occupied by a Residential Care Facility.

HIGHLIGHTS:

PARAGRAPH (H) OF THE MUC PARENT BY-LAW

(WHICH NORMALLY APPLIES TO MAXIMUM DENSITY)

WAS CHANGED TO A MINIMUM RESIDENTIAL DENSITY OF 585 UNITS

(ON THE WHOLE LOT)

PRESENT DAY

1,842 UNITS

(ON 2 HECTARES OF LAND)

& ADDITIONAL VARIANCES

NOT A

"DONE DEAL"

COUNCIL

HAS OPTIONS

Approval of plans or drawings

(4) No person shall undertake any development in an area designated under subsection (2) unless the council of the municipality or, where a referral has been made under subsection (12), the Tribunal has approved one or both, as the council may determine, of the following . . .

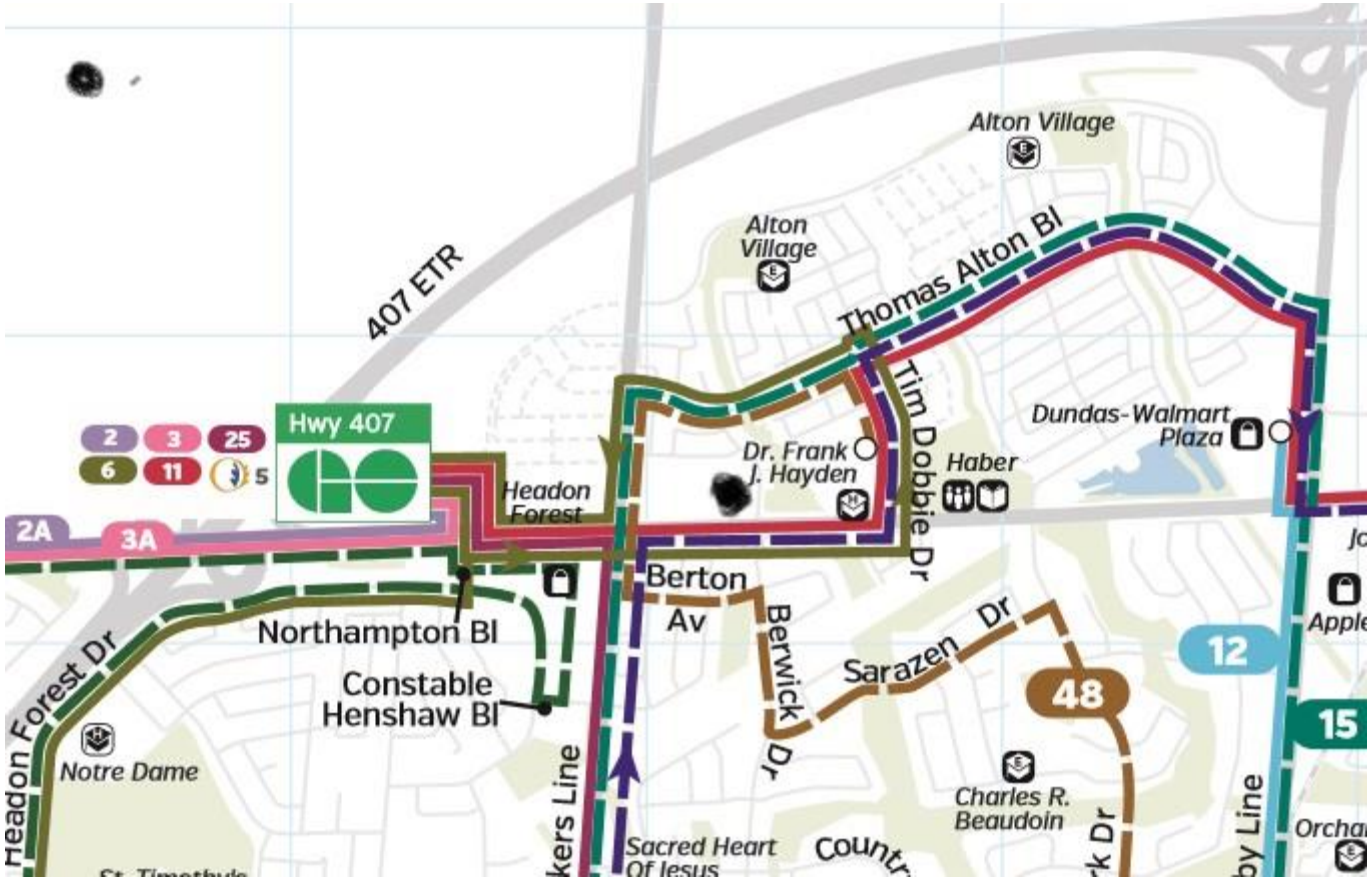
TRAFFIC IMPACT STUDY

WIND STUDY

SUN/SHADOW STUDY

PLANNING JUSTIFICATION REPORT

TRANSPORTATION DEMAND MANAGEMENT : PARKING & BIKE STORAGE


Alton Village
Alton Village
407 ETR
Thomas Alton Bl
Tim Dobbie Dr
Hwy 407
2
3
25
6
11
5
Headon Forest
Dr. Frank J. Hayden
Haber
Dundas-Walmart Plaza
2A
3A
Berton Av
Northampton Bl
Constable Henshaw Bl
Berwick Dr
Sarazen Dr
12
48
15
Notre Dame
Charles R. Beaudoin
Sacred Heart Of Jesus

REASONS TO INVOKE COUNCIL'S AUTHORITY

Jen Davis' Delegated Time

Regulatory Flood Plain for Stoney Creek Numbered Watercourse 1 & 2

Thank you for your time, your consideration and we hope your help.

Respectfully submitted,

Lakewood Beach Community Council

April 16, 2019 Presentation to Planning Committee

CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	March 19, 2019
SUBJECT/REPORT NO:	Durand Neighbourhood Character Study Review (PED19017) (Ward 2)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Madeleine Giroux (905) 546-2424 ext. 2664
SUBMITTED BY: **SIGNATURE:**	Stephen Robichaud Director of Planning and Chief Planner Planning and Economic Development Division

RECOMMENDATION(S)

(a) That Appendix “A” attached to Report PED19017 respecting the Peer Review and Recommendations on Zoning: Durand Neighbourhood Character Study be **RECEIVED**;

(b) That the recommendations of the Peer Review of the Durand Neighbourhood Character Study Final Report be referred to the new Residential Zoning project;

(c) That staff be directed to use the Durand Neighbourhood Character Study Final Report as a tool for assessing character within *Planning Act* applications in the Durand Neighbourhood, until such time as a Durand Neighbourhood Secondary Plan and new zoning are adopted.

EXECUTIVE SUMMARY

The Durand Neighbourhood Association (DNA) has a strong interest in protecting and preserving neighbourhood character and has dedicated substantial resources to ensuring that there is community oversight in decisions that affect the neighbourhood. The DNA has conducted thorough background research on streetscape character preservation and the planning tools available, and through this exercise, their planning team has identified a number of streetscape character elements that Planning staff will weigh heavily in developing the new Residential Zones for Zoning By-law No. 05-200.

Civicplan was retained by the DNA to prepare a report on zoning and neighbourhood character. The report is entitled "Durand Neighbourhood Character Study Final Report". City of Hamilton Planning staff have retained GSP Group to conduct a Peer Review of Civicplan's report to evaluate the applicability of the Ottawa SCA tool. The Peer Review focused on areas zoned "C" (Urban Protected Residential, Etc.) District, "D" (Urban Protected Residential – One and Two Family Dwellings) District, and "DE" (Low Density Multiple Dwellings) District and excluded review of areas zoned "E" (Multiple Dwellings, Lodges, Clubs, Etc.) District, "E-1" (Multiple Dwellings, Lodges, Clubs, Etc.) District, and "E-3" (Multiple Dwellings) District, as well as any lands currently zoned under Zoning By-law No. 05-200. The purpose of these exclusions is related to meeting Provincial policy requirements for intensification, as discussed in greater detail in the Policy Implications and Legislated Requirements Section of this Report.

Through this Peer Review, it was determined that a Streetscape Character Analysis tool and zoning overlay similar to the City of Ottawa's approach is not appropriate for the Durand Neighbourhood at this time.

However, it was determined that there is strong merit to a character-based zoning approach. There is significant opportunity to review established neighbourhood patterns, built form, and character, and to develop context-specific zone regulations which would guide appropriate infill development and redevelopment. This exercise would be undertaken through the development and implementation of Residential Zones in Zoning By-law No. 05-200 which is occurring at the present time. In addition, the work undertaken by the DNA through this process will be used to support staff evaluation of *Planning Act* applications within the Durand Neighbourhood in advance of the new Residential Zoning and the adoption of any other planned municipal policy documents (eg. a future Secondary Plan).

Alternatives for Consideration – See Page 13

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

Council Direction

At the Planning Committee meeting of September 5, 2017, members of the Durand Neighbourhood Association presented the "Durand Neighbourhood Character Study

Final Report". The Study, prepared by Civicplan, is intended to identify the Durand Neighbourhood context and make recommendations for future policy to help maintain character through periods of change (see Appendix "B" to Report PED19017). The following Motion was approved by Planning Committee:

"(a) That the Durand Neighbourhood Character Study prepared for the Durand Neighbourhood Association be received and referred to Planning staff to review and for inclusion as a resource associated with the pending Durand Neighbourhood Association Secondary Plan work plan;

(b) That after consultation with the Ward Councillor on the results of Planning staff's review of the study, if immediate changes to Zoning By-law No. 6593 applicable to the Durand Neighbourhood are warranted to create a zoning overlay to maintain neighbourhood character, then Planning staff be directed and authorized to schedule a Public Meeting of the Planning Committee, no later than Q1/2018, to consider proposed Zoning By-law changes."

Planning staff subsequently commissioned a Peer Review of the Durand Neighbourhood Character Study Final Report. The Peer Review was conducted by GSP Group and the conclusions and recommendations are outlined below (see also Appendix "A" to Report PED19017).

Following completion of the Peer Review, the DNA opted not to pursue the implementation of a zoning overlay at this time. Instead, it requested that the Character Study be endorsed by Council and that Council direct staff to use the study as a tool to evaluate future planning applications in the Durand Neighbourhood as per the resolution below.

"That Durand Neighbourhood Association request that Councillor Farr (Ward 2) formally present the Durand Neighbourhood Character Project to Planning staff as a Planning tool for assessing all future City of Hamilton Planning applications in the Durand Neighbourhood effective immediately and until such time as the Durand Neighbourhood Secondary Plan be officially completed and ultimately adopted."

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Policy Framework

The Provincial Policy Statement (PPS) 2014 and the Growth Plan for the Greater Golden Horseshoe 2017 do not expressly address infill development or redevelopment requirements. However, they contain policies that direct the City to accommodate more residential uses in existing urban areas (through intensification). Through Policies 1.4.3 e) and 1.7.1 c) and d), the PPS calls for a balance between meeting projected density

requirements and ensuring that new development contributes to the well-being of the area as a whole:

"1.4.3 Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the *regional market area* by:

e) establishing development standards for *residential intensification, redevelopment* and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

1.7.1 Long-term economic prosperity should be supported by:

c) maintaining and, where possible, enhancing the vitality and viability of downtowns and main streets;

d) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including *built heritage resources* and *cultural heritage landscapes.*"

More detailed policies regarding intensification are defined by the municipality through the Official Plan. Accordingly, the Urban Hamilton Official Plan contains specific policies to address the location and compatibility for how this intensification should occur.

Any proposed changes in zoning must be consistent with the PPS, 2014 and conform to the Growth Plan, 2017.

Urban Hamilton Official Plan (UHOP)

The Durand Neighbourhood is subject to the following designations on Schedule "E-1":

- "Downtown Mixed Use Area" for the portion south of Main Street West, north of Hunter Street West, east of Queen Street South, and west of James Street South. This portion is also subject to the Downtown Hamilton Secondary Plan (DHSP);

- "Downtown Mixed Use Area" for the properties fronting James Street South between Hunter Street West and Charlton Avenue West. This portion is also now subject to the DHSP pursuant to the 2018 DHSP updates;

- "Neighbourhoods" for the remainder of the developed area.

This Peer Review focussed only on lands within the Neighbourhoods Designation; changes will not be made to the new zoning which was recently approved for the DHSP area.

When preparing new zones or amending existing zones, support for the changes can be derived from UHOP policies as follows:

Residential Intensification

"B.2.4.1.4 *Residential intensification* developments shall be evaluated based on the following criteria:

a) a balanced evaluation of the criteria in b) through g) as follows;

b) the relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;

c) the development's contribution to maintaining and achieving a range of dwelling types and tenures;

d) the *compatible* integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;

e) the development's contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;

f) infrastructure and transportation capacity; and,

g) the ability of the development to comply with all applicable policies.

B.2.4.2.2 When considering an application for a residential intensification *development* within the Neighbourhoods designation, the following matters shall be evaluated:

b) c*ompatibility* with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;

c) the relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;

d) the consideration of transitions in height and density to adjacent residential buildings;

g) the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;"

Built Form

With respect to built form, the following policies are referenced:

"B.3.3.3.2 New *development* shall be designed to minimize the impact on neighbouring buildings and public spaces by:

a) creating transitions in scale to neighbouring buildings;

b) ensuring adequate privacy and sunlight to neighbouring properties; and,

c) minimizing the impacts of shadows and wind conditions.

B.3.3.3.3 New *development* shall be massed to respect existing and planned street proportions.

B.3.3.3.4 New *development* shall define the street through consistent setbacks and building elevations."

The policies of the UHOP direct that new development is to be compatible with and complementary to established neighbourhood patterns, built form, and character. The UHOP defines "compatibility" to mean "land uses and building forms that are mutually tolerant and capable of existing together in harmony within an area. *Compatibility* or *compatible* should not be narrowly interpreted to mean 'the same as' or even as 'being similar to'".

The UHOP speaks to compatibility in terms of the building's location on the lot and integration of the building into the existing streetscape through use, scale, form and character (staff note that this should not be interpreted to mean that new built form should be identical to existing built form). Staff also note that the policies of the UHOP support diversity in building materials, landscaping, architectural design (eg. roof pitches), etc. as these features facilitate the use of innovative and creative urban design techniques.

There is significant opportunity to establish regulations in the implementing Zoning By-law to address the relationship between new and existing built form. This approach includes consideration of height, massing, scale, block lengths, setbacks, and

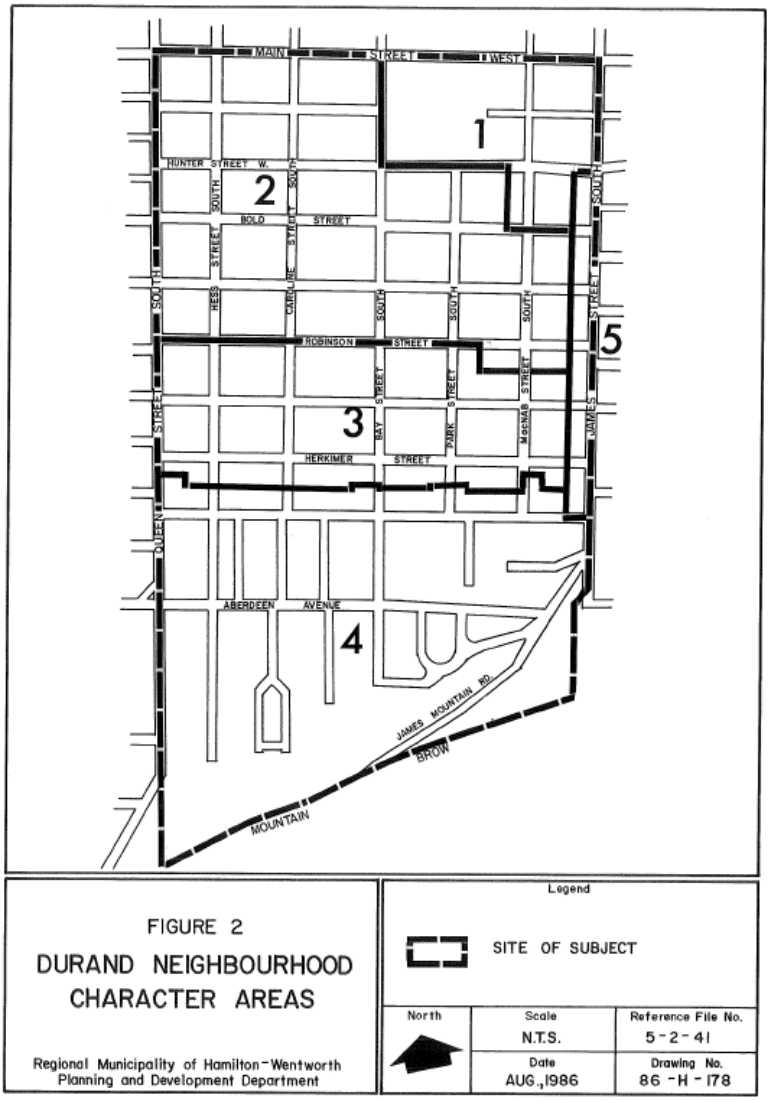
appropriate building separations. It also means that where higher-density land use permissions exist as-of-right adjacent to lower density built forms, an appropriate transition can be established between the two types of uses / built forms to ensure that infill development and redevelopment are compatible with the character of the neighbourhood.

It should be noted, however, that the Municipal policy framework implements Provincial direction in terms of density requirements (among other things). The Provincial policy framework establishes minimum density targets, and the UHOP establishes how and where intensification should occur (eg. low density uses should be directed to the interior of neighbourhoods (Policy E.3.4.1), medium density uses should be directed to the periphery of neighbourhoods in proximity to major or minor arterial roads, or within the interior of neighbourhoods fronting on collector roads (Policy E.3.5.1), and high density uses should be directed to the periphery of neighbourhoods in proximity to major or minor arterial roads (Policy E.3.6.1)). Staff will develop new residential zones in the context of the UHOP.

The UHOP supports a character-based zoning approach. Accordingly, when developing the new Residential Zones in Zoning By-law No. 05-200, direction can be taken from the UHOP to create regulations that respond to established neighbourhood patterns, built form, and character.

<u>Durand Neighbourhood Plan</u>

The Durand Neighbourhood Plan sets out five distinct areas of land use and character (see Figure 2 below). Areas 1 and 5 consist predominantly of existing civic, commercial and institutional uses. Area 2 consists of high density residential uses constructed in the 1960s and 1970s (generally extending from Main Street south to Robinson Street). This



area is predominantly zoned “E” and “E-1” (Multiple Dwellings, Lodges, Clubs, etc.) Districts and “E-3” (High Density Multiple Dwellings) District in Zoning By-law No. 6593.

Area 3 consists of a transition area between Robinson Street and just south of Herkimer Street. This area is intended to serve as a medium density residential transition area between the high density area to the north and the low density area to the south. Lastly, Area 4 consists of a low density area, predominantly comprised of single detached, semi-detached and street townhouse dwellings. This area extends from south of Herkimer Street to the Niagara Escarpment and is predominantly zoned “C” (Urban Protected Residential, Etc.) District and “D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District in Zoning By-law No. 6593.

The goals of the Neighbourhood Plan include providing a mix of housing types and densities to meet the needs of all components of housing demand, including providing high density residential opportunities and preserving low density residential uses in areas which are currently zoned for high density residential uses.

The Neighbourhood Plan further sets policies to achieve a variety of housing densities and types. These policies include encouraging higher densities to be located on the periphery of the neighbourhood (where possible), maintaining low density residential areas south of Charlton Avenue, promoting a variety of housing types including single detached, townhouse, and apartment units, and preserving the stability of existing residential neighbourhoods by ensuring that development proposals are compatible with the existing character of the neighbourhood.

Staff generally take direction from the Council-adopted Durand Neighbourhood Plan when evaluating proposals for development and redevelopment.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Durand Neighbourhood Character Study Final Report (Civicplan)

The Durand Neighbourhood Association (DNA) has a strong interest in protecting and preserving neighbourhood character. It has dedicated substantial resources (both financial and time) to ensuring that there is both community oversight in decisions that affect the neighbourhood, and a fair and objective way to avoid one-size-fits-all Zoning By-law regulations which detract from historic built form and development patterns. Planning staff commend the DNA for their background research on streetscape character preservation, and their familiarity with the planning tools available. The DNA and their planning team have identified a number of streetscape character elements that Planning staff will weigh heavily in the development of the new Residential Zones for Zoning By-law No. 05-200.

Civicplan prepared the Durand Neighbourhood Character Study Final Report on behalf of the DNA (see appendix "B" to Report PED19017). The purpose of the report is to present a neighbourhood street audit and resident survey related to maintaining neighbourhood character.

The Civicplan Report recommends the following:

- Establishing a new Durand Neighbourhood Secondary Plan;

- Reviewing the existing zoning under Zoning By-law Nos. 6593 and 05-200 to determine whether any immediate amendments should occur; and.

- Evaluating the Ottawa Streetscape Character Analysis (SCA) tool (zoning overlay) with the intent of applying it in the Durand Neighbourhood's context.

A primary neighbourhood concern was that some of the applicable zones within Zoning By-law No. 6593 permit heights that would significantly alter the character of neighbourhood streets (eg. the "E" and "E-1" (Multiple Dwellings, Lodges, Clubs, Etc.) Districts, "E-2" (Multiple Dwellings) District and "E-3" (High Density Multiple Dwellings) District which permit single detached dwellings at 2.5 storeys, but also permit multiple dwellings ranging from eight (8) to 18 storeys). The neighbourhood concern appears to relate primarily to where existing single detached dwellings could be demolished and the lands could be redeveloped as-of-right with multiple dwellings.

The Civicplan Report particularly focuses on Ottawa's SCA tool and applies a modified version to portions of the Durand Neighbourhood to demonstrate how it would function in the local context. The SCA tool was accordingly the primary focus of GSP's Peer Review, as discussed below.

Peer Review and Recommendations on Zoning (GSP Group)

GSP Group was retained by the City's Planning staff to undertake a Peer Review of the Durand Neighbourhood Character Study Final Report (see Appendix "A" to Report PED19017). The purpose of the Peer Review is to critically evaluate the suitability of the Ottawa SCA tool (zoning overlay) within the Durand Neighbourhood context. The Peer Review uses modelling and graphics to visually demonstrate the function of the Ottawa SCA tool, as well as the weaknesses of the existing zoning with respect to character preservation. It provides the following conclusions on the applicability of Ottawa's model to Durand:

- Ottawa's SCA tool inherently offers many benefits. It offers a level of transparency and flexibility in the Zoning By-law because it does not provide a one-size-fits-all approach. Regulations would depend on existing prevailing landscape patterns surrounding the property (eg. "your street gives you your

rules"). It also provides a level of design control for development which would not otherwise be controlled through a *Planning Act* mechanism.

- The Peer Review perceives the Durand Neighbourhood's primary concern to be the location and design of taller and more intense residential forms within the neighbourhood fabric rather than concerns related to inappropriate low-rise infill development. The latter is the focus of Ottawa's SCA tool. The SCA tool only applies to low-rise residential buildings of four storeys or less, in any zone where residential uses are permitted. It does not apply to any part of a mid-rise or high-rise apartment dwelling that is four storeys (14.5 m) or less.

- There have not been levels of low-rise infill development similar to levels experienced in Ottawa. Therefore, a character-based zoning approach in Durand would be proactive rather than reactive. Character-based zoning does have benefits as a tool for directing low-rise infill development and redevelopment in Durand. However, an effective character-based zoning approach does not mean a recommendation for Ottawa's overlay approach.

- The context of the Durand Neighbourhood and Ottawa's overlay area are different:

    - The overlay targets specific low-rise infill development issues that were significantly out of character with the neighbourhood. Characteristics include garage-dominated facades and driveway-dominated front yards among other similar things (see pp 10-11 of Appendix "A" to Report PED19017). Similar infill developments have not been observed in Durand.

    - The Ottawa Overlay applies to a broad geographical extent (including the downtown core) and surrounding urban residential neighbourhoods). The overlay's extent includes neighbourhoods with different compositions of housing age, forms and patterns. This diversity presents a logical application of an overlay because establishing neighbourhood-specific zoning regulations is difficult on such a scale.

    - The Ottawa overlay functions with a parking exemption for residential buildings with 12 units or less. This exemption was applied based on walkability, transit service levels, and car ownership rates. Hamilton's Zoning By-law has higher parking rates than Ottawa's Zoning By-law. If the predominant streetscape character prohibits a front driveway, Hamilton's parking requirements (which range from 0.8 to 2.0 spaces or more per dwelling unit depending on location, type of dwelling unit, and number of habitable rooms) would preclude development on lots that do

not abut rear lanes. This preclusion undermines the strengths of the SCA overlay approach.

- The Peer Review finds that given the above conditions, a zoning overlay and SCA tools is not appropriate for the Durand Neighbourhood. However, certain character-based zoning regulations are appropriate for the Durand Neighbourhood to ensure that streetscape character is maintained in future:

    - *Front Yard Setback:* pronounce differences in front yard setback between abutting properties can be detrimental to the streetscape. A degree of variation is positive; however, differences resulting from buildings setback considerably closer to or farther from the street can be undesirable.

    - *Front Yard Patterns:* maximum driveway widths and minimum front yard landscaping widths relative to the width of the lot are a strong tool to preserve streetscape character.

    - *Garage Orientation:* there is opportunity to investigate feasibility of garages only being accessed from the rear lot line for lots abutting a "travelled" rear lane. There is also merit to requiring that front-facing garages reduce prominence by being aligned with the front wall of the dwelling, or recessed further than the front wall of the dwelling.

It is important to note that the Ottawa SCA tool does not regulate architectural design, landscaping materials, or construction materials, as a Zoning By-law does not have authority to regulate these things under the *Planning Act*. All of these elements inform neighbourhood character but are outside the realm of what a municipality is permitted to control.

Residential Zones in Zoning By-law Nos. 6593 and 05-200

As discussed above, there is merit to establishing character-based zoning to protect existing streetscape character and to ensure that the future development is compatible and complementary to existing development within the Durand Neighbourhood.

Currently, the City of Hamilton Zoning By-law No. 6593 establishes provisions for building setbacks, parking location, and front yard landscaping, among other things. Required parking for a single detached, semi-detached or triplex dwelling constructed after December 1971 is not permitted in a required front yard. However, required parking for the same uses constructed prior to December 1971 is permitted within the front yard. In both cases, a minimum of 50 percent of the front yard shall be used for landscaping.

Additionally, the “C” (Urban Protected Residential, Etc.) and “D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) Districts both require a minimum front yard depth of 6.0 metres. Section 18 (3) (iii) of the Zoning By-law facilitates some character-based performance standards by permitting infill development to take the average yard depth of the two adjacent properties to a maximum of 30 percent. This regulation would require a minimum front yard depth of 4.2 metres even if the adjacent properties had no front yard setback.

Further, as discussed above, Zoning By-law No. 6593 requires a minimum of 0.8 to 2.0 parking spaces per dwelling unit, depending on the location and type of residential use (more than 2.0 if a single detached dwelling has more than 8 habitable rooms). These parking rates require further investigation to determine whether they continue to meet the parking needs of the Durand Neighbourhood. Parking rates and the parking location requirements on the lot impact front yard setback and landscaping opportunities in the Zoning By-law because not all properties have rear lane access or even the ability to provide parking on-site.

Although it was determined that an SCA tool / zoning overlay similar to Ottawa’s approach is not considered appropriate for the Durand Neighbourhood, there is significant opportunity to review established neighbourhood patterns, built form, and character, and to develop context-specific zoning regulations which would guide appropriate infill development or redevelopment. This character-based zoning approach will be a key component of the Residential Zoning project in Zoning By-law No. 05-200, and significant direction can be taken from the work that the DNA has conducted to-date. Character-based zoning will ensure that development proposals will integrate better into the existing neighbourhood fabric than the current Zoning By-law No. 6593 regulations afford.

Staff are also concerned that developing an interim overlay in advance of the new residential zones will detract from staff’s time and resources that are set aside for the residential zoning project, and would ultimately duplicate the work that would be done.

In this regard, it is premature to facilitate a change to Zoning By-law No. 6593 specifically for the Durand Neighbourhood in the interim because the number of future residential zones, the format of the zones, and the regulations to be included in the zones are unknown. Part of the Residential Zoning project will evaluate what uses will be permitted in each zone category (eg. some zones will only permit certain types of dwellings). Significant consultation will occur as part of the Residential Zoning project and will afford neighbourhood residents the opportunity to actively participate in the zones’ development.

Durand Neighbourhood Character Study and Proposed Development

The Durand Neighbourhood Character Study Final Report provides a number of recommendations to address compatible infill development and character preservation. These principles can be codified through future Secondary Plan policies. However, in the current absence of a Secondary Plan, there is still opportunity for Planning staff to apply these general principles when reviewing development proposals within the neighbourhood until such time as a Secondary Plan is adopted. The Study included a neighbourhood audit to identify building stock and location with respect to building heights (1, 1.5, 2, 2.5, 3, 3.5 and 4-6 storeys), housing types (single detached, semi-detached, rowhouses / townhouses, multiple dwellings), façade material (brick, stone, stucco, wood, vinyl siding), front door orientation, landscaping and location of mature trees, and the impact of parking and garages on streetscapes. The Study also engaged citizens on their neighbourhood character perceptions related to the above-mentioned character features. The outcomes of these audits and the citizen survey can inform various development review and planning decisions.

Accordingly, it is recommended that Council direct staff to use the Character Study as a planning tool when evaluating *Planning Act* applications within the Durand Neighbourhood to ensure that a balance is struck between character preservation, Provincial policy direction, and resident interest.

ALTERNATIVES FOR CONSIDERATION

Option 1: Planning Committee / City Council could recommend the development of a Zoning Overlay similar to the City of Ottawa's Streetscape Character Analysis for the existing City of Hamilton Zoning By-law No. 6593.

Option 2: Planning Committee / Council could recommend that the existing zones that apply to the Durand Neighbourhood be amended directly to integrate character zoning.

Option 3: Planning Committee / City Council could recommend that no changes be made to the existing zones. The existing zones contained within the City of Hamilton Zoning By-law No. 6593 would remain in effect.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

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

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

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" – Peer Review and Recommendations on Zoning: Durand Neighbourhood Character Study (Prepared by GSP Group)
Appendix "B" – Durand Neighbourhood Character Study Final Report (Prepared by Civicplan)

Peer Review and Recommendations on Zoning

Durand Neighbourhood Character Study

City of Hamilton

January 2019

GSP group

Contents

1. Introduction

1.1 Background and Purpose

GSP Group was retained by the City of Hamilton to undertake a Peer Review of the Durand Neighbourhood Character Study prepared by Civicplan dated April 2017 (referenced throughout this Peer Review as the "Character Study"). The Durand Neighbourhood is an older neighbourhood in central Hamilton that is bounded by Main Street to the north, Queen Street to the west, James Street to the east, and the Escarpment to the south (**see Figures 1 and 2**). The Character Study was prepared on behalf of the Durand Neighbourhood Association to "*understand the neighbourhood context and make recommendations for future policy to help maintain neighbourhood character through periods of change*".

The Character Study describes the context, character and planning and development issues with the Durand Neighbourhood. It provides a comprehensive description of the history and context of the Durand Neighbourhood, outlines the applicable planning policy and regulatory framework directing growth and development in the area, and it summarizes an inventory of existing conditions and audit of neighbourhood preferences in the area. The Character Study culminates with a series of recommendations related to the planning documents and mechanisms applicable to the Durand Neighbourhood, which includes recommendations concerning official plan policy and zoning for the area.

Specific to zoning, the Character Study recommends considerations for the formulation of the residential zones as part of the City's ongoing comprehensive zoning by-law process. This includes recommendations for the use of a recent City of Ottawa zoning tool related to streetscape character zoning and analysis for low-rise residential forms, which provides additional considerations for established neighbourhoods where sensitivity to existing character is particularly pronounced. The purpose of this Peer Review is to review the suitability of the Ottawa approach applied to the Durand Neighbourhood context and provide recommendations to the City of Hamilton to inform the comprehensive zoning update process relating to the formulation of residential zones for the Durand context.

1.2 Area of Study

This Peer Review focuses on those areas of the Durand Neighbourhood zoned "C" (Urban Protected Residential) District, "D" (Urban Protected Residential – One and Two Family Dwellings) District or "DE" (Low Density Multiple Dwellings) District in City of Hamilton Zoning By-law No. 6593. These areas are where low-rise residential redevelopment or infill development would be principally expected, ensuring a comparable assessment to that of the Ottawa character zoning approach. Areas that are subject to the "E" (Multiple Dwellings, Lodges, Clubs, Etc) District, the "E-1" (Multiple Dwellings, Lodges, Clubs, Etc) District, the "E-2" (Multiple Dwellings) District, or the "E-3" (High Density Multiple Dwellings) District within By-

law No. 6593 are excluded as they have been largely developed as mid-rise and high-rise residential developments. Areas that are subject to the City of Hamilton's Comprehensive Zoning By-law No. 05-200 have been excluded as these areas are either within the downtown zones that are not intended for low-rise residential infill development or institutional and park zones that do not permit residential uses (**see Figure 3**).

1.3 Scope

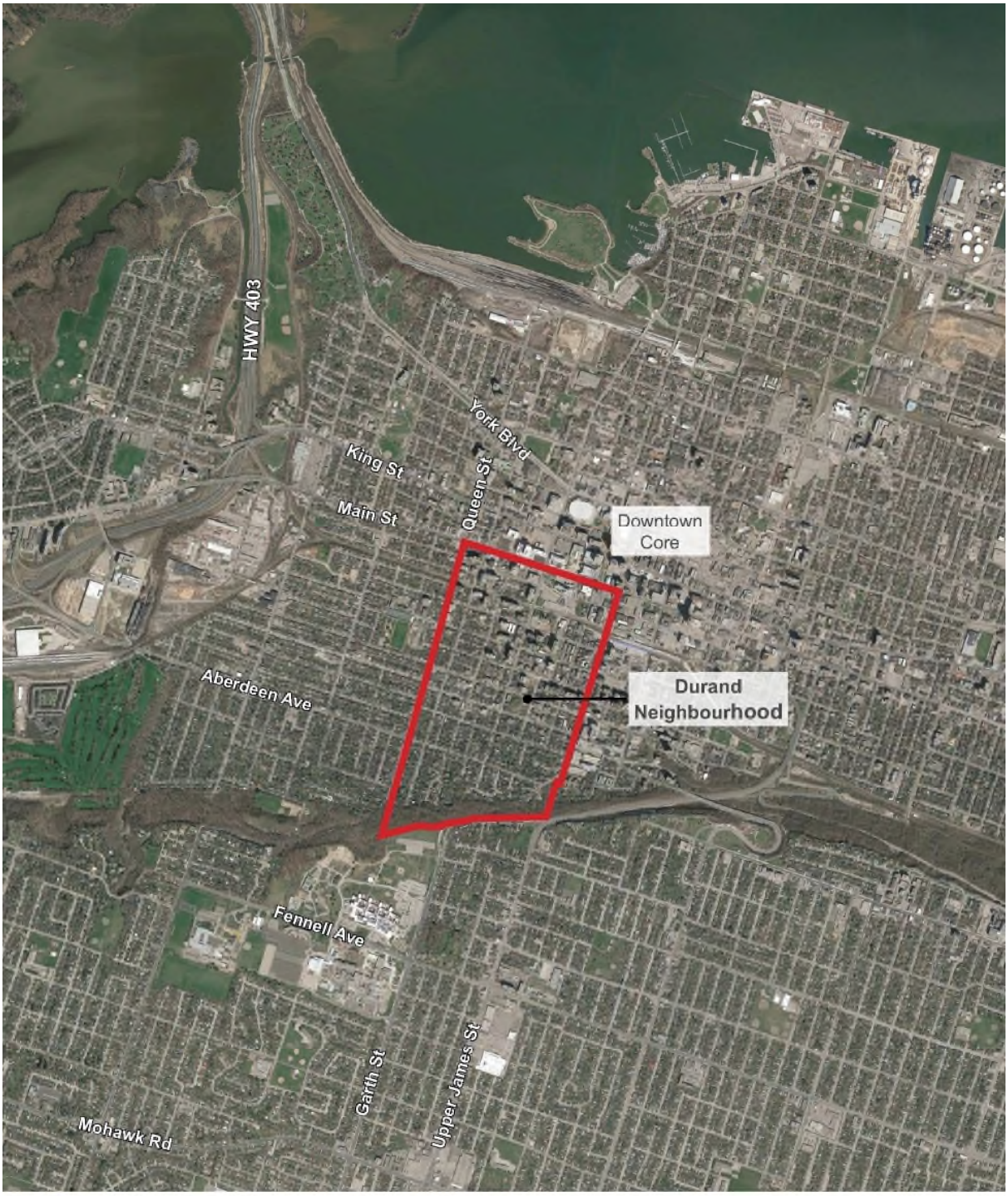
This Peer Review focuses on those sections of the Character Study related to zoning and the application of the Ottawa character zoning approach. This includes Section 2.0 ("The Ottawa Approach) describing Ottawa's approach and its application to Durand; Section 4.3 ("Resident Survey") which outlines factors influencing streetscape character; and Section 5.2 ("Zoning") concerning zoning recommendations and Ottawa's Streetscape Character Analysis tool. There are five general questions that this Peer Review specifically explores per direction from City of Hamilton staff:

1. Appropriate Characteristics: which of the characteristics identified in the Character Study would be appropriate to add as additional zoning requirements for use in the Durand Context?
2. Applicable Dwelling Types: which areas and what types of buildings should be subject to these characteristics?
3. Parking: how should required parking be dealt with for subject properties where there is no accommodation for parking in the front or rear yards?
4. Evaluation Extent: how far should the character evaluation extend around subject properties, and should it solely include residentially zoned properties?
5. Heritage Influences: should any additional requirements apply for lands that are within the Durand-Markland Heritage Conservation District?

1.4 Contents

This Peer Review is organized with the following structure:

- Section 2 summarizes the key findings of the Character Study as they inform zoning,
- Section 3 outlines the mechanics of Ottawa's approach to character zoning and analysis,
- Section 4 applies the Ottawa streetscape character analysis tool to six different streets segments within the Durand Neighbourhoods to test its application to the Durand context and shed light on suitability and efficacy,
- Section 5 assesses the above five questions in the review scope and provides recommendations for zoning in respect to each, and,
- Section 6 provides a summary of the recommendations resulting from this Peer Review.



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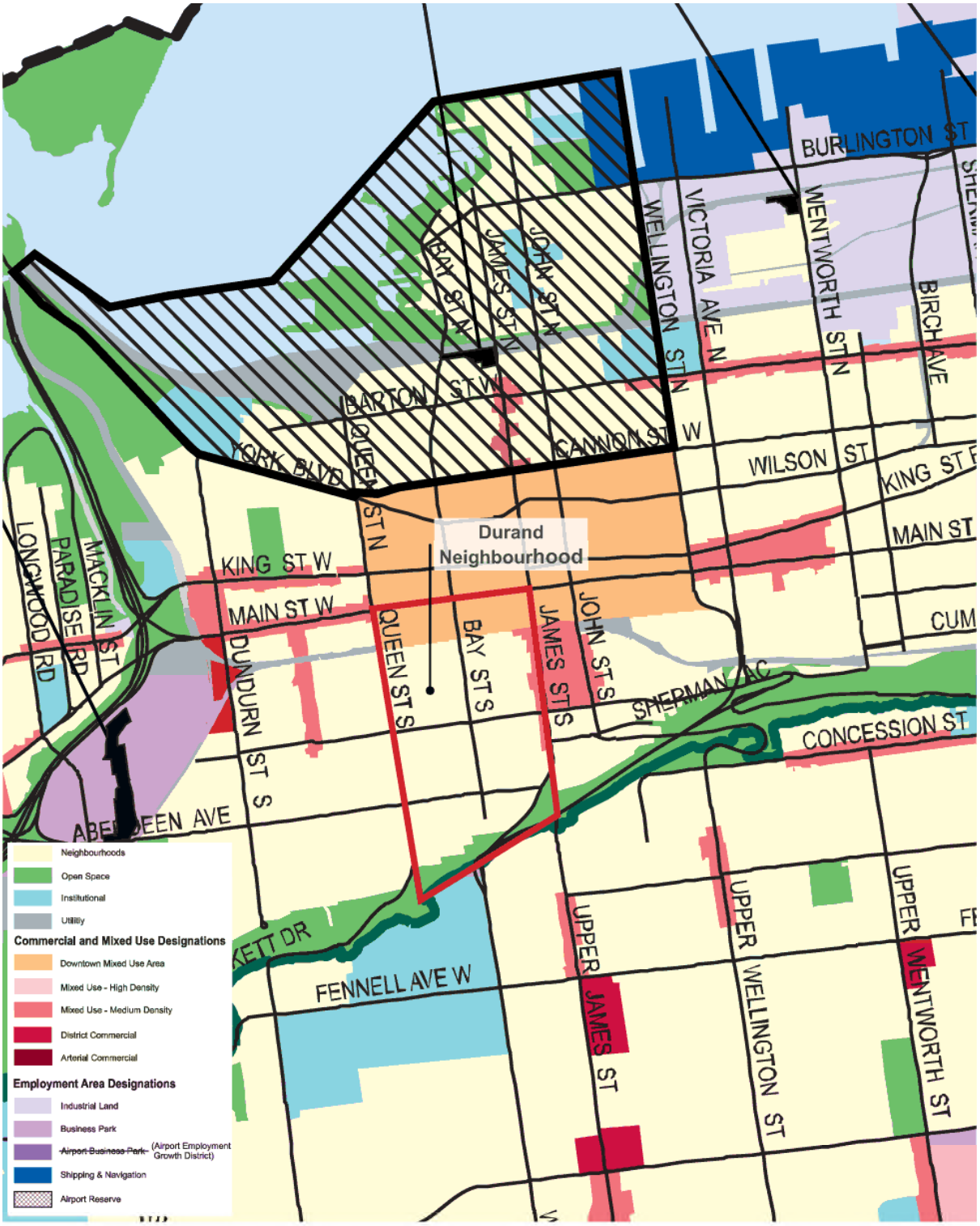
Durand Neighbourhood Location
Source: Google Aerial Imagery (2017)

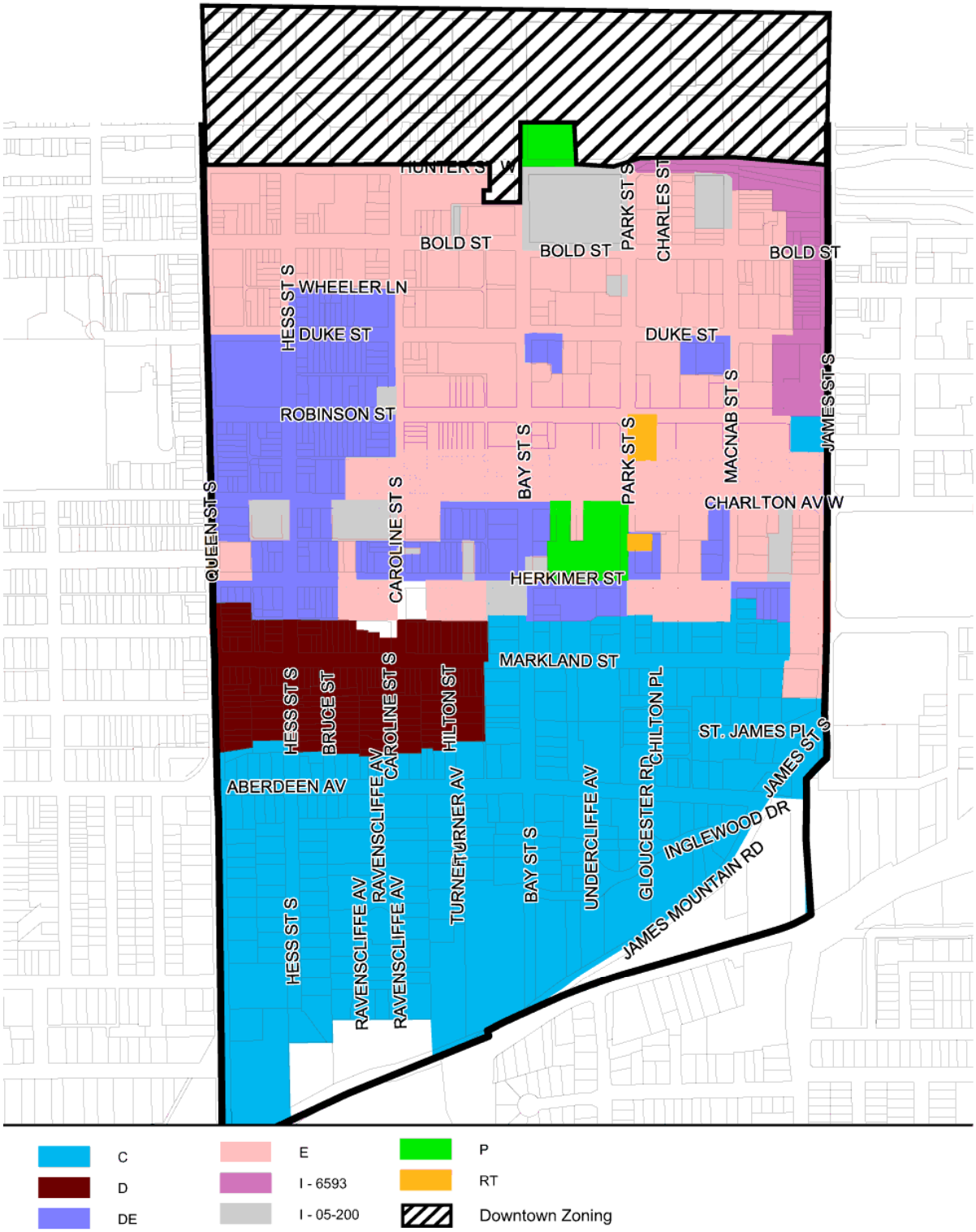
Figure 1



GSP group

Urban Hamilton Official Plan - Land Use
Source: City of Hamilton Official Plan Schedule E-1 (April 2014)

Figure 2



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Durand Neighbourhood Zoning
Source: City of Hamilton (September 2017)

Figure 3

2. Key Character Study Findings

2.1 Ottawa Approach (Section 2.0)

Section 2.0 of the Character Study provides an illustration of the application of the "Ottawa Character Analysis" tool to a selection of four streets within the Durand Neighbourhood. The streets include Charlton Avenue between James Street and Bay Street, Hess Street south of Aberdeen Street, Robinson Street between Hess Street and Caroline Street, and Wesanford Place east of Caroline Street. There is no clearly distinguished method in the Character Study for selecting these street sections; however, it appears that factors of land use composition, property sizes, building age, and building height are meant to show four different sections of varying character.

These demonstrations apply three considerations of the Ottawa Character Analysis (front yards, parking and driveways, and main door) to the applicable properties surrounding a property along each street section. The "Dominant Character" for each of these considerations was identified through site audits. This demonstration does provide insights into the composition of varying character experienced in Durand and the application of the character analysis tool to the Durand context, but acknowledges that these demonstrations are an "initial sample" and are not meant to evaluate the suitability and efficacy of the Ottawa approach for Durand.

2.2 Streetscape Character Factors (Section 4.3)

Section 4.3 of the Character Study outlines the "Streetscape Character Factors" that are identified as influencing street character in the Durand Neighbourhood. These factors were characterized through site audits and their importance to residents evaluated through resident surveys. The Character Study found:

- Mature Trees: 95% see it as a positive influence,
- Landscaped Front Yards: 95% see it as a positive influence,
- Front Entrance Location: 86% see it as a positive influence,
- Dwelling Heights (1-3 Storeys / 4-6 Storeys / 7+ storeys): the positive influence of height diminishes between the height categories, from 69% to 41% to 29%,
- Similarity in the Type of Housing: 53% see it as positive influence,
- Garages: 43% see it as neutral influence and 35% as a negative influence,
- Front Yard Parking: 29% see it as neutral influence and 37% as a negative influence, and,
- Similar Façade Materials: 57% see it as a positive influence.

2.3 Study Recommendations for Zoning

Section 5.2.2 of the Character Study recommends using the findings from the audits and surveys as part of the residential zones in the ongoing Comprehensive Zoning By-law No.05-200 process. This section specifically identifies how the "*dominant lower heights (e.g. 2.5 storeys) around many parts of the neighbourhood* could inform an update to where larger scale development is allowed and not allowed (e.g. up to 10-12 storeys)". This section also speaks to other character-defining elements being incorporated into the zoning by-law update. It does not, however, outline those elements except to reference approved general sections of By-law No.05-200 regarding parking that needs to fit with the intended character approach for Durand.

Section 5.3.3 of the Character Study recommends exploring the opportunity for a new Durand Neighbourhood Zoning Overlay based on the Ottawa model as part of the residential zones in Comprehensive Zoning By-law No.05-200. It specifically highlights the concept of context-specific zoning regulations that respond to neighbourhood character and transparency in the application of rules. It identifies that while the Ottawa approach uses three character elements that "*additional character factors could be managed through other mechanism and policies (e.g. secondary plan, zoning)*" could be used in the context of the Durand Neighbourhood.

3. Mechanics of Ottawa Character Zoning

3.1 Background

The City of Ottawa undertook a comprehensive Infill Study process further to their Infill Design Guidelines prepared in 2009. This Infill Study was initiated largely given the limitations of design guidelines concerning projects not requiring site plan approval and in the interests of reducing the number of undesirable infill development conditions within the city. The Infill Study included Parts I and II, each of which resulted in zoning by-law amendments to the City's Comprehensive Zoning By-law No. 2008-250.

Part I of the Infill Study resulted in the "Mature Neighbourhoods By-law" (2012-147) that was approved in May 2012. It dealt with those publicly-visible elements of residential development such as front setbacks, front projections, physical elements of the building, location of parking, and hard and soft surfaces. It established "streetscape character" changes to the zoning regulations within the lower intensity residential zones of the Zoning By-law. The by-law was appealed to the Ontario Municipal Board and following revisions, additional consultation, and endorsement by City Council in 2014 was ultimately approved by the Board in May 2015.

Part II of the Infill Study resulted from a Council direction to staff further to the Part I Mature Neighbourhood By-law. It was meant to investigate height, massing, rear/side setbacks and projections within the above mature neighbourhoods as well as surrounding neighbourhoods. Resulting from Part II, the "Infill II By-Law (2015-228)" was approved by City Council and appeals against this by-law were resolved by June 2016. These regulations complement those of the Part I by-law that addressed the front interface along the streetscape.

The City of Ottawa is currently monitoring the performance of these regulations and will be considering adding other mature neighbourhoods where warranted.

3.2 Mature Neighbourhoods Overlay

Section 139 and 140 of Zoning By-law 2008-250 contain the "Mature Neighbourhoods Overlay". The Overlay applies to all properties zoned Residential First Density Zone (R1), Residential Second Density Zone (R2), Residential Third Density Zone (R3), and Residential Fourth Density Zone (R4) within a delineated area of central Ottawa. The Overlay establishes that the regulations for development on a property are tied in part to the prevailing dominant patterns on that property's surrounding street ("*Your street gives you your rules*"). Specifically, the purpose of the Overlay is "*to regulate the character of low-rise residential development in order to recognize and reflect the established character of the streetscapes within the area of the Overlay".* The Overlay requires a context-specific documentation of the streetscape, known as a "Streetscape Character Analysis" as described in Section 3.3 of this Peer Review, to determine the prevailing patterns and direct the application of the regulations.

The Overlay's regulations apply to residential dwellings that are four storeys or less on properties zoned R1 through R4 within the identified Overlay area. Further to the regulations of the R1 through R4 Zones, the Overlay additionally regulates five elements that are tied to the prevailing patterns with the property's context. These five elements and their principal zoning mechanisms are as follows.

1. **Yard setbacks for yards abutting streets:** the building must align with the front yard setbacks for the buildings on the immediately abutting properties (generally the average setback for an interior lot and lined up for a corner lot), but in no case do setbacks need to be greater than 6 metres.
2. **Landscaping of yards other than rear yards:** the landscaping of front yards must be of a pattern consistent with the dominant Character Group as confirmed by a Streetscape Character Analysis. Landscaping includes different patterns of landscaping types (hard versus soft), walkways, driveways, dwelling placement, and/or projections. The Character Groups include:
   - Character Group A: Fully landscaped front yard,
   - Character Group B: Landscaped front yard in front of the principal dwelling,
   - Character Group C: Landscaped front yard in front of a portion of the principal dwelling, and,
   - Character Group D: Small or no landscaped front yard.

   Walkways in front or corner side yards are only permitted where they either provide access between a driveway and a dwelling entranceway (1.25 metre maximum depth) or extend from the street right-of-way to the dwelling without abutting the driveway (1.25 metre maximum width).

3. **Location and width of driveways:** the location and access arrangements of driveways must be of a pattern consistent with the dominant Character Group as confirmed by a Streetscape Character Analysis. The Character Groups include:
   - Character Group A: No streetscape impact from on-site parking,
   - Character Group B: Driveways are less than or equal to one-third in width than the actual lot width,
   - Character Group C: Driveways are more than one-third but no more than half of the actual lot width, and,
   - Character Group D: Driveways measure half or more of the actual lot width.

Photos: Examples of infill and redevelopment projects in established neighbourhoods of Ottawa that the Streetscape Character Analysis zoning method was established to address. These examples illustrate driveway elements that are out of character with the surrounding context (source: Google Earth and City of Ottawa).

Photos: Examples of infill and redevelopment projects in Ottawa that the Streetscape Character Analysis zoning method was established to address. These examples illustrate building forms and parking orientations that are out of character with the surrounding context (source: Google Earth and City of Ottawa).

Together with regulations concerning driveway locations, maximum driveway widths (shared, single, or and potentially double driveways) are tied to the lot width. Lots must be at least 6 metres wide to be permitted a single driveway and 15 metres wide to allow a double driveway, subject to the location considerations of the Streetscape Character Analysis.

4. **Location and size of all parking spaces, garages, and carports:** the Overlay does not require parking for buildings with less than 12 dwelling units. Where parking is provided, it must be of a pattern consistent with the dominant Character Group as confirmed by a Streetscape Character Analysis, per the Character Groups for driveways above. The location and size of parking and garages is further regulated by the following:

- Parking for lots that abut a travelled rear lane must be accessed from the rear lane, and may not be in the front, interior side, or corner side yards.
- The maximum width of the attached car garage doors and carport entranceways where they are permitted by the SCA is three metres for a single garage or six metres for a double garage.
- Garages or carports may not extend closer to the front or corner lot lines than the residential building's walls, regardless of the determined dominant pattern.
- The following are not permitted unless they are determined as a dominant pattern through an SCA: garages and carports that are in line with the dwelling's front wall; legally-established front yard parking; and, front yard parking spaces created where a driveway ceases to function as an access to legal parking that is outside the front or corner side yards.

5. **Orientation of principal entranceways:** the orientation of a dwelling's principal entranceway must be of a pattern consistent with the dominant Character Group as confirmed by a Streetscape Character Analysis. This applies to each dwelling unit in detached dwellings and street townhouse dwellings and at least one dwelling unit in semi-detached and duplex dwellings that faces the front lot line. For all dwellings types, a dwelling's first floor must contain at least 40 square metres of habitable floor space. The Character Groups include:

- Character Group A: Principal entranceway is located along the front wall of the dwelling; and
- Character Group B: Principal entranceway is not located along the front wall of the dwelling.

3.3 Streetscape Character Analysis

Section 139(2) of the Mature Neighbourhoods Overlay requires approval of a Streetscape Character Analysis ("SCA") for zoning by-law amendment, minor variance, site plan, or building permit applications in respect to:

- a new dwelling on a new lot or an existing lot,
- a change in permitted residential building type,
- an addition to an existing residential building that abuts the front yard or corner side yard;
- the incidental use of lands (including a new driveway or parking space) within front interior side and corner side yards, and,
- to establish a new, or relocate an existing, driveway that was not undertaken at the same time as development approval and building permit approval of the dwelling.

Section 139(5) requires documenting the respective Character Group for three factors (front and corner yards, driveways and parking, and main door) along the street. Documentation includes lots on either side of and opposite the respective property. The actual number of surrounding lots required for documentation varies between 11 and 21 lots, largely depending on whether the property is located mid-block or end-block on the street.

Section 139(1) defines the dominant Character Group as *"most frequently occurring Group as detailed in Section 140, inclusive of the various patterns that constitute it, for each of the attributes being documented in a Streetscape Character Analysis".* Where there is a "tie" between two Character Groups, it is considered a multiple dominant character and the allowed patterns of either Character Group are permitted on the affected lot. Lots that are vacant or developed with institutional, office, or open space uses must be documented, but may not be counted towards determining the dominant character of the streetscape.

3.4 OMB Proceedings

The Mature Neighbourhoods By-law 2012-147 was the subject of a comprehensive appeal at the Ontario Municipal Board ("OMB") between 2013 and 2015. At the outset, the appeal focused on the legislative basis of the Mature Neighbourhood By-law, and whether the City of Ottawa had the authority under the *Planning Act* to regulate "character" through a zoning by-law. The appellants challenged the method of zoning (particularly related to use of "averaging" of surrounding properties); the legislative support for the municipal zoning authority (such as location or alignment of parking spaces; architectural elements like doors and windows; driveways and parking spaces; walkways; and landscaping); and the jurisdiction for adopting zoning related to aesthetics.

The OMB ordered in its March 2013 interim order that the municipality did have the authority to regulate “character” if it was grounded in prominent existing streetscape patterns found in context and did have the authority to regulate ancillary functions such as parking and landscaping as part of their regulation of “use”. Also, it found that “aesthetic” matters are allowed for municipal consideration within the zoning process. Concerning the By-law’s content as originally approved, the OMB determined that:

- The municipality did have the jurisdiction to regulate many of the challenged provisions. This included the averaging formula; the direction and location of parking; the treatment of balconies and other projections; the treatment of other architectural elements provided they are part of the streetscape pattern; and driveways, walkways, hard surfaces, and landscaping.
- That some of the provisions appeared to be applied independently of the streetscape pattern, and thus were not supportable under the “character” definition in the legislation. This includes the direction of carports and garage doors, garage setbacks in relation to the main façade setback, and garage door widths. The OMB referred this provision back to the City for further consideration.
- It was not satisfied that the matter of ground floor glazing was sufficiently addressed at the time for the interim order, and that it warranted further consideration.
- There was no demonstrated basis for municipal authority through zoning to regulate whether doors have direct access to a dwelling (meaning directly to the interior areas of the dwelling rather than through a garage).

Further to this interim order, the planning merits of the Mature Neighbourhoods By-law remained under appeal before the Board as the City revised the by-law for further consideration. This revised by-law was endorsed by City Council in May 2014 further to significant additional consultation with stakeholders. Through Board-assisted mediation, consensus was reached on the substantive content of the by-law in January 2015 and the OMB approved the revised by-law in May 2015. In the end, the intent of the Mature Neighbourhoods By-law largely survived the appeal challenge, although the content and mechanics of application were refined through the process.

4. Demonstration of Ottawa Zoning

4.1 Method

This section seeks to understand the application of Ottawa's Streetscape Character Analysis ("SCA") approach to the Durand Neighbourhood. The Character Study undertook a general characterization using the SCA method for different blocks within the Durand Neighbourhood. It did not, however, assess the applicability and suitability of the SCA approach in terms of the effects on infill developments. This section of the Peer Review takes the characterization further by applying the entirety of the Ottawa SCA zoning to various blocks throughout the Durand Neighbourhood to demonstrate a comparison to the in-effect zoning to assess the suitability for Durand.

Six sites within the Durand Neighbourhood were selected to demonstrate the application of the SCA zoning. The selected sites illustrate different compositions of streetscape character elements to show a breadth of application, including sites on blocks that are more "uniform" in composition to those that are more "diverse". The sites were selected considering their context within the block (middle versus end block sites), the presence of rear lanes, the nature and placement of buildings, parking arrangements and access, and landscaping treatments. The selected sites for demonstration (**see Figure 4**) are:

- Site 1: Duke Street between Hess Street and Caroline Street,
- Site 2: Robinson Street between Hess Street South and Caroline Street,
- Site 3: Hess Street South between Charlton Street and Herkimer Street,
- Site 4: Hess Street South south of Aberdeen Avenue,
- Site 5: Markland Street between Caroline Street and Hilton Street, and
- Site 6: Markland Street between Chilton Place and James Street.

These six demonstration sites show hypothetical scenarios for redevelopment or building additions that compare the existing in-effect zoning to the additional regulations of the Ottawa SCA zoning. They are not meant to support the feasibility or suitability of a development scheme on these properties but rather are intended to inform recommendations concerning the suitability and efficacy of the SCA zoning approach for Durand.

GSP group

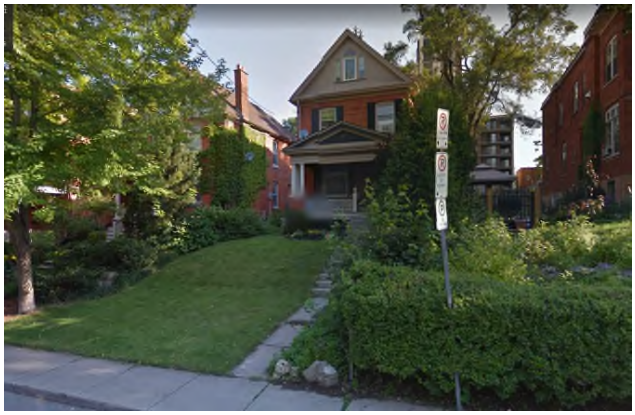
Streetscape Character Analysis - Demonstration Sites

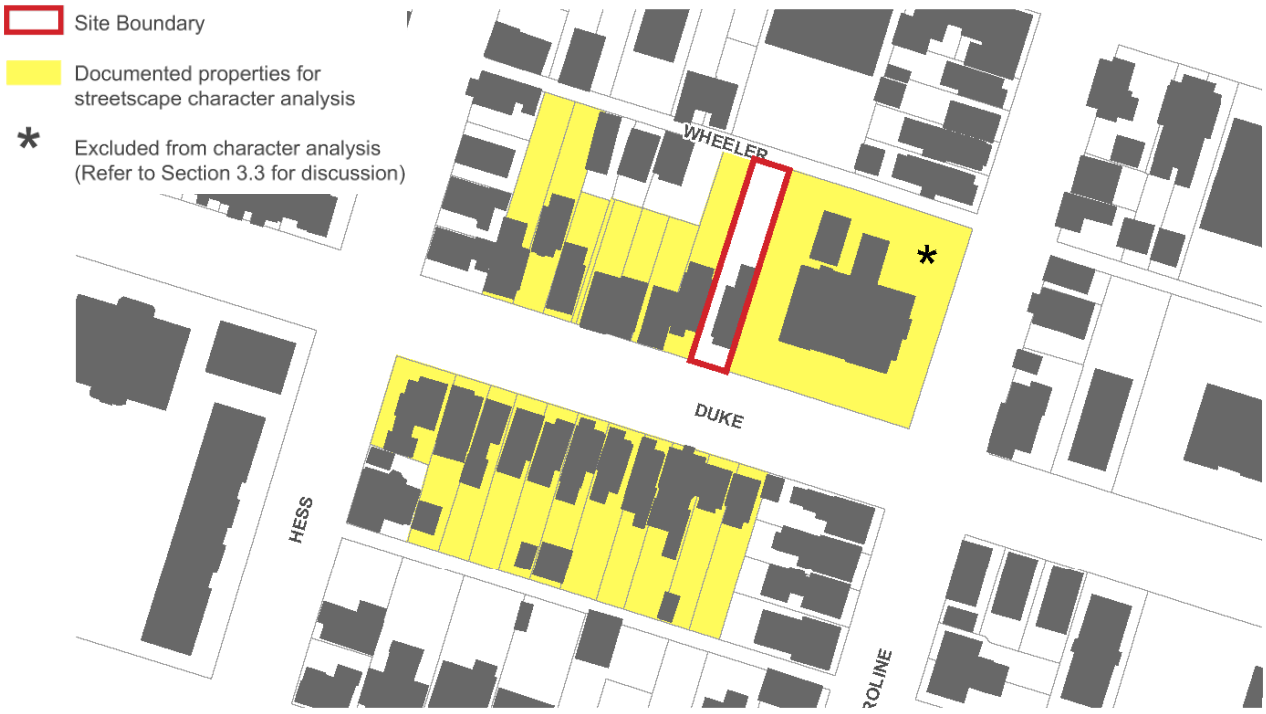
Source: City of Hamilton Data (2018), GSP Group (March 2018)

Figure 4

4.2 Site 1 (Duke)

Site 1 is situated on the north side of Duke Street between Hess Street and Caroline Street. The site is approximately 465 square metres in total area and is approximately 9.25 metres wide and 50 metres deep. The site abuts Wheeler Lane to the north, an assumed rear lane for access and parking. It contains a two-and-a-half-storey detached dwelling set back approximately 5.75 metres from the front lot line, a landscaped front yard, and rear yard parking accessed from Wheeler Lane.



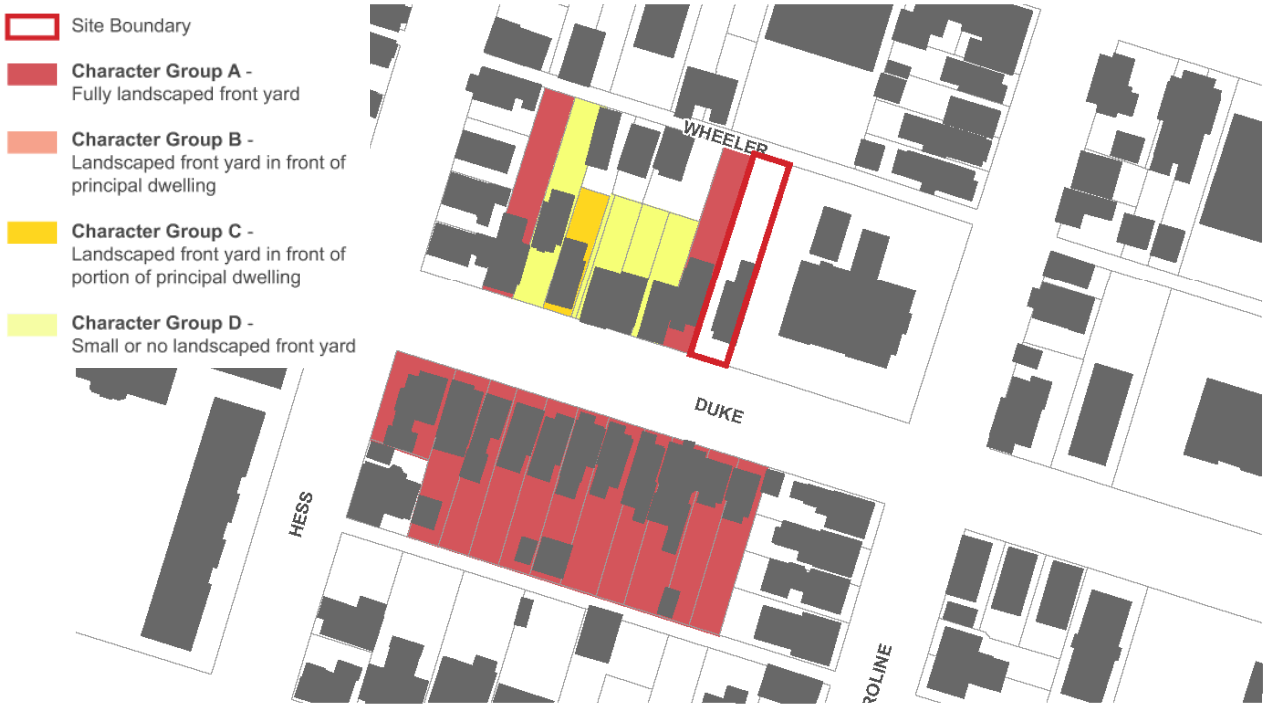


Site 1: Duke Street Property

Property Location

Figure **5a**

Source:: City of Hamilton Data (2018), GSP Group (March 2018)



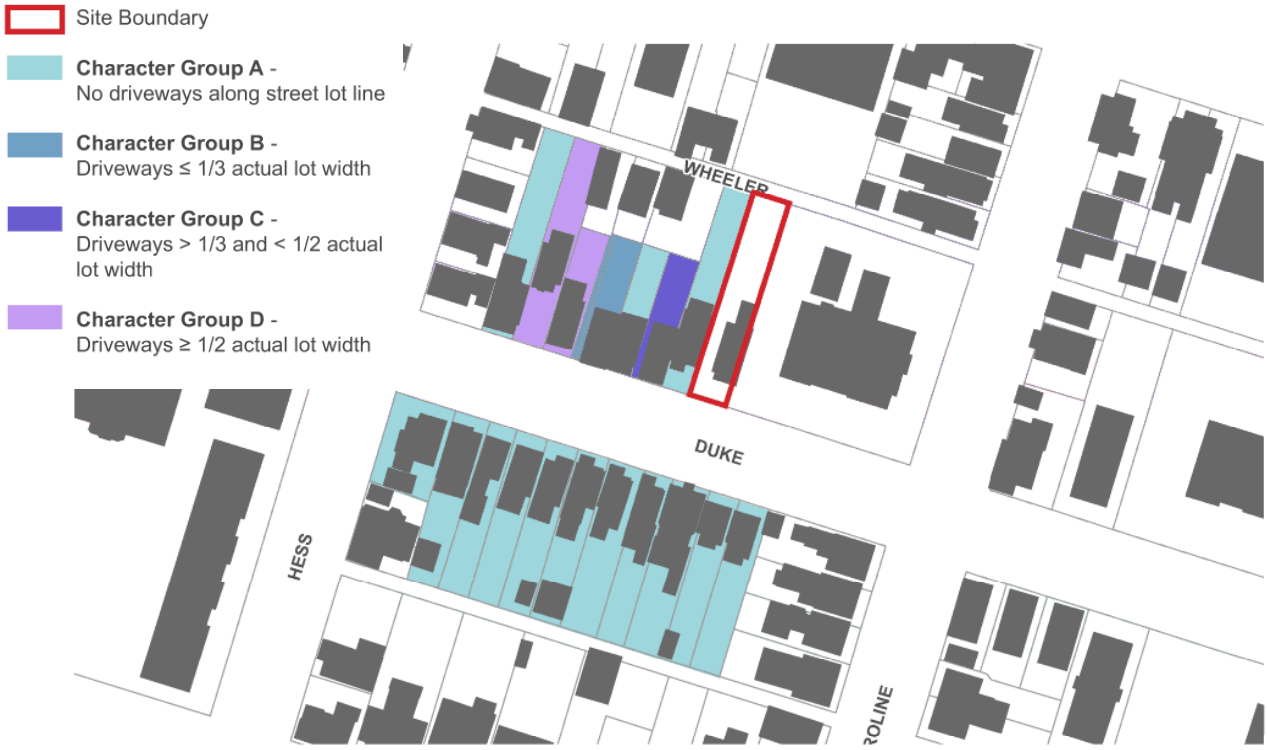
GSP group

Site 1: Duke Street Property

Front Yard Patterns

Figure **5b**

Source:: City of Hamilton Data (2018), GSP Group (March 2018)



Site 1: Duke Street Property

Parking Access and Parking Space Patterns

Source: City of Hamilton Data (2018), GSP Group (March 2018)

Figure **5c**

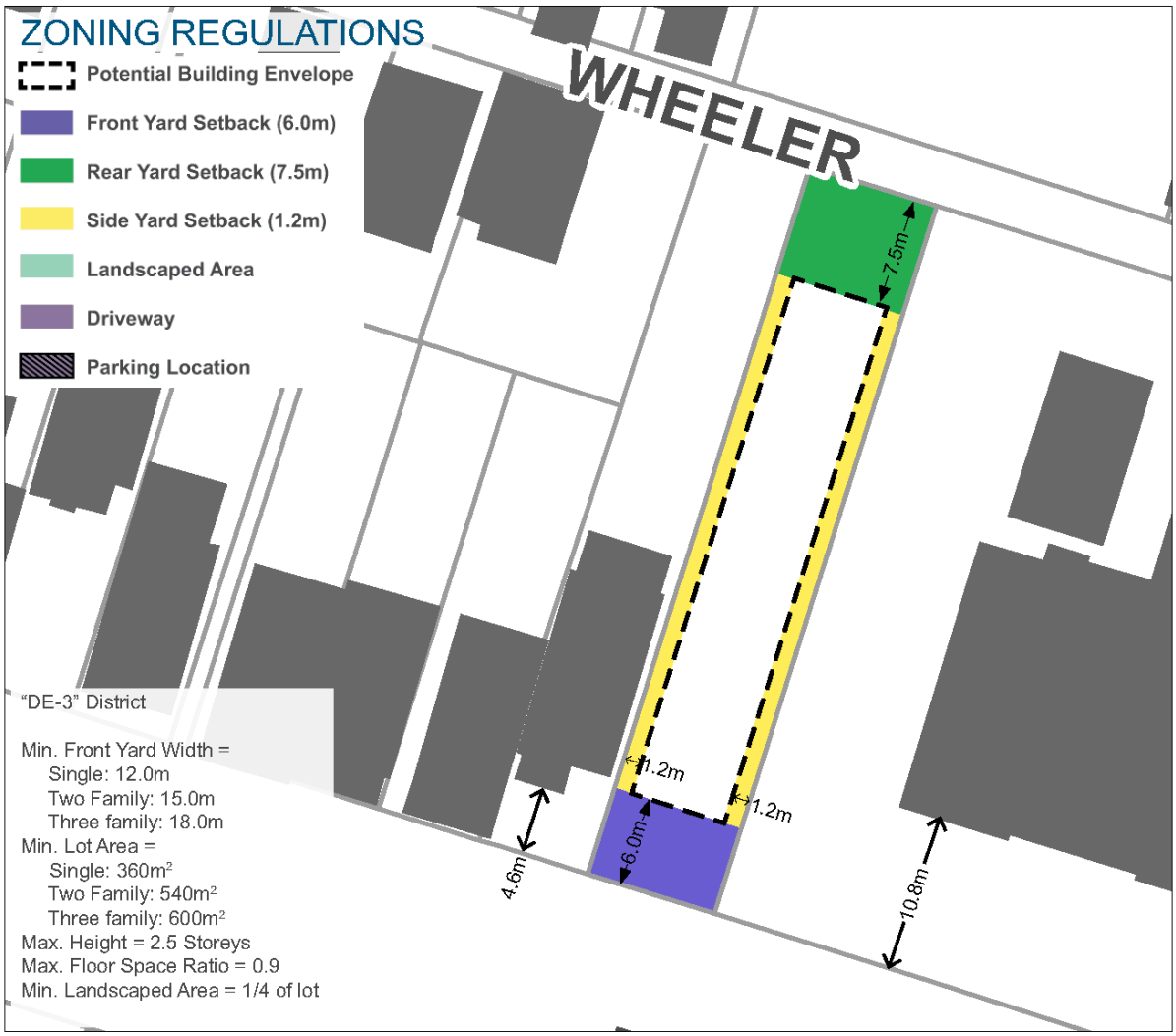
GSP group

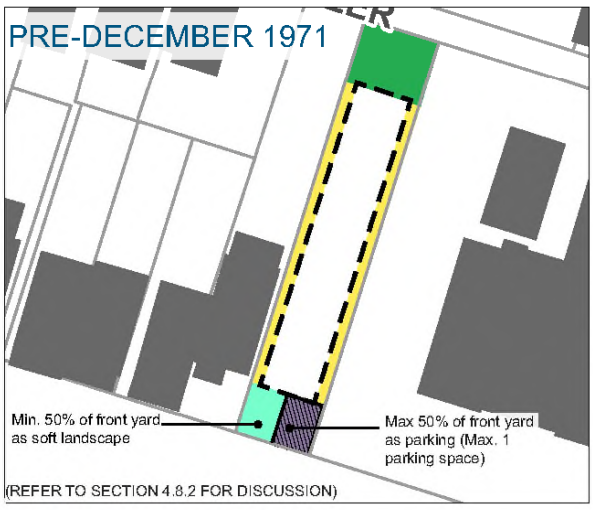
Site 1: Duke Street Property

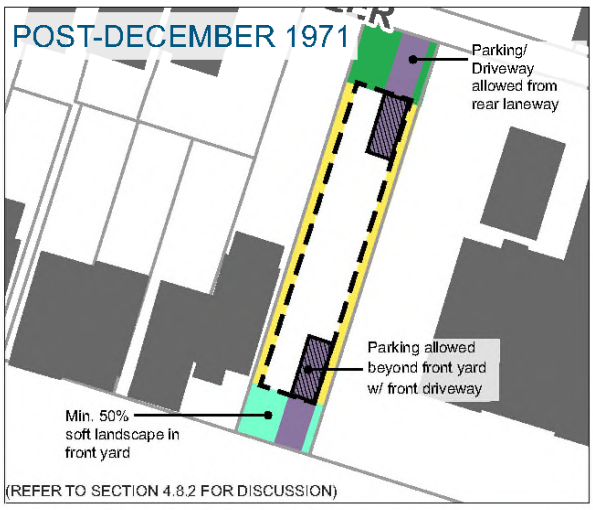
Entranceway Patterns

Source: City of Hamilton Data (2018), GSP Group (March 2018)

Figure **5d**







GSP group

Site 1: Duke Street Property
As-of-Right Zoning
Source: City of Hamilton Data (2018), GSP Group (March 2018)

Figure **5e**

4.3 Site 2 (Robinson)

Site 2 is situated on the north side of Robinson Street between Hess Street and Caroline Street. It is approximately 650 square metres in total area and is approximately 15.5 metres wide and 42 metres deep. It abuts an assumed rear lane to the north for access and parking. The site contains a one-storey detached dwelling set back approximately 5 metres from the front lot line, a landscaped front yard, and rear yard parking accessed from the rear lane.

Site 2: Robinson Street Property

Property Location

Figure **6a**

Source:: City of Hamilton Data (2018), GSP Group (March 2018)

GSP group

Site 2: Robinson Street Property

Front Yard Patterns

Figure **6b**

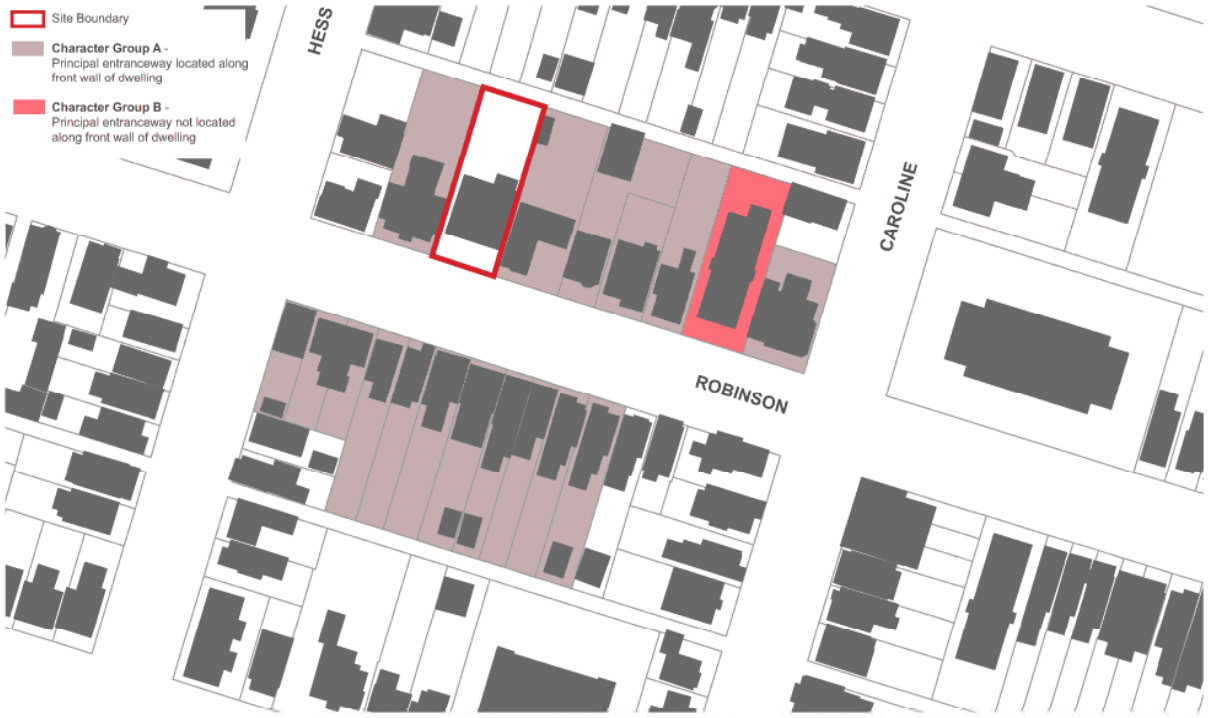
Source:: City of Hamilton Data (2018), GSP Group (March 2018)

Site 2: Robinson Street Property

Parking Access and Parking Space Patterns

Source: City of Hamilton Data (2018), GSP Group (March 2018)

Figure **6c**



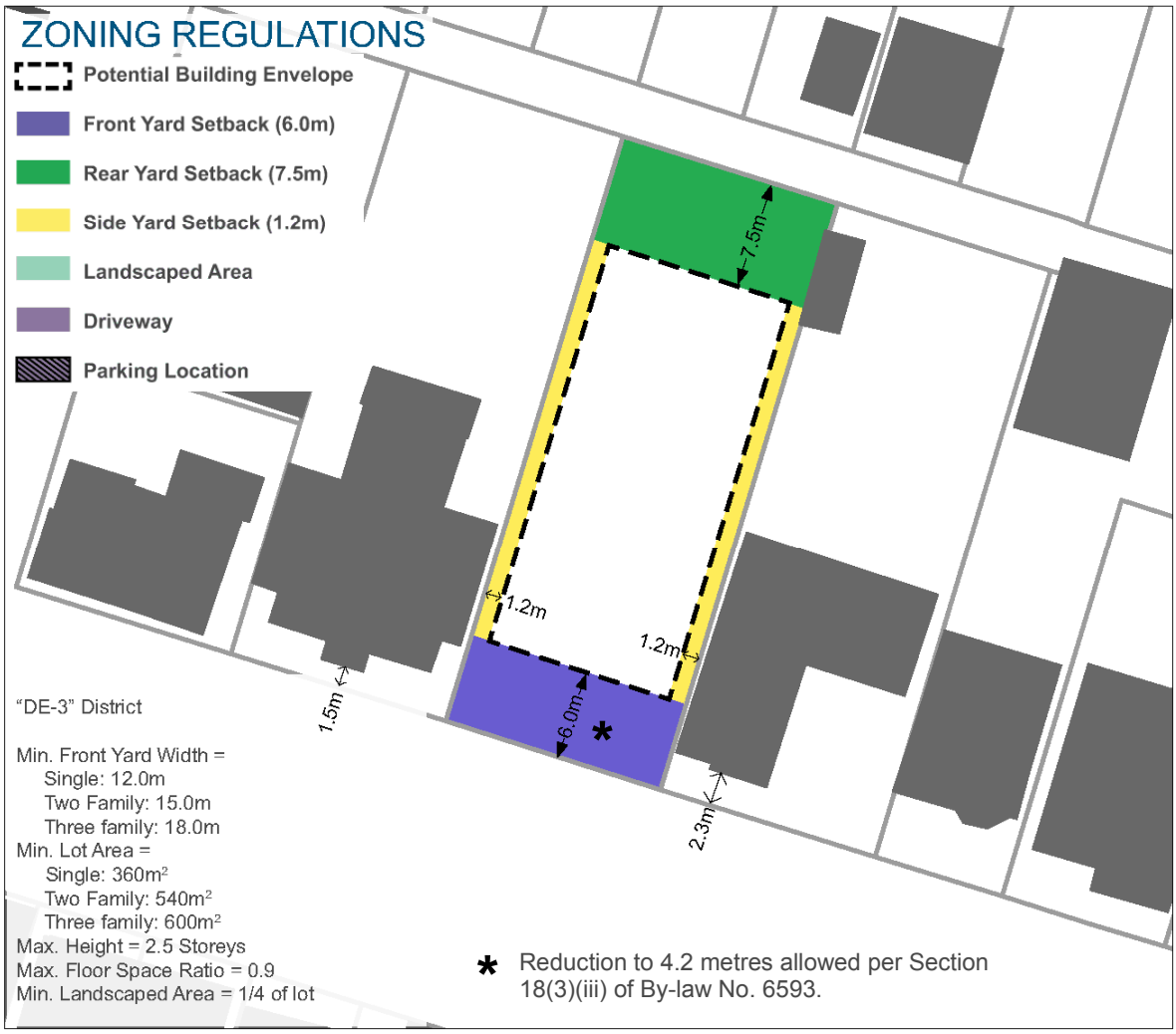
GSP group

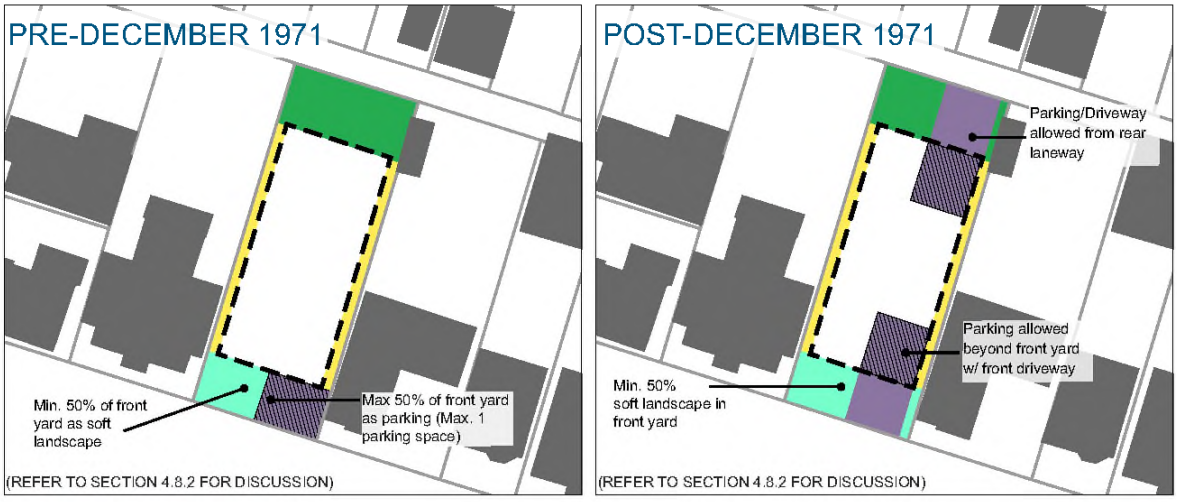
Site 2: Robinson Street Property

Entranceway Patterns

Source: City of Hamilton Data (2018), GSP Group (March 2018)

Figure **6d**





GSP group

Site 2: Duke Street Property
As-of-Right Zoning
Source: City of Hamilton Data (2018), GSP Group (March 2018)

Figure **6e**

4.4 Site 3 (Hess between Herkimer and Charlton)

Site 3 is situated on the east side of Hess Street South between Charlton Avenue West and Herkimer Street. It is approximately 285 square metres in total area and is approximately 15 metres wide and 19 metres deep. It flanks an assumed rear lane to the south for access and parking. The site contains a two-and-a-half-storey detached dwelling set back approximately 4 metres from the front lot line (with additional porch projections), a hardscaped front yard, and a driveway on the north side yard.

Site Boundary

Documented properties for streetscape character analysis

Site 3: Hess Street Property
Property Location
Source:: City of Hamilton Data (2018), GSP Group (March 2018)

Figure **7a**

Site Boundary

Character Group A -
Fully landscaped front yard

Character Group B -
Landscaped front yard in front of principal dwelling

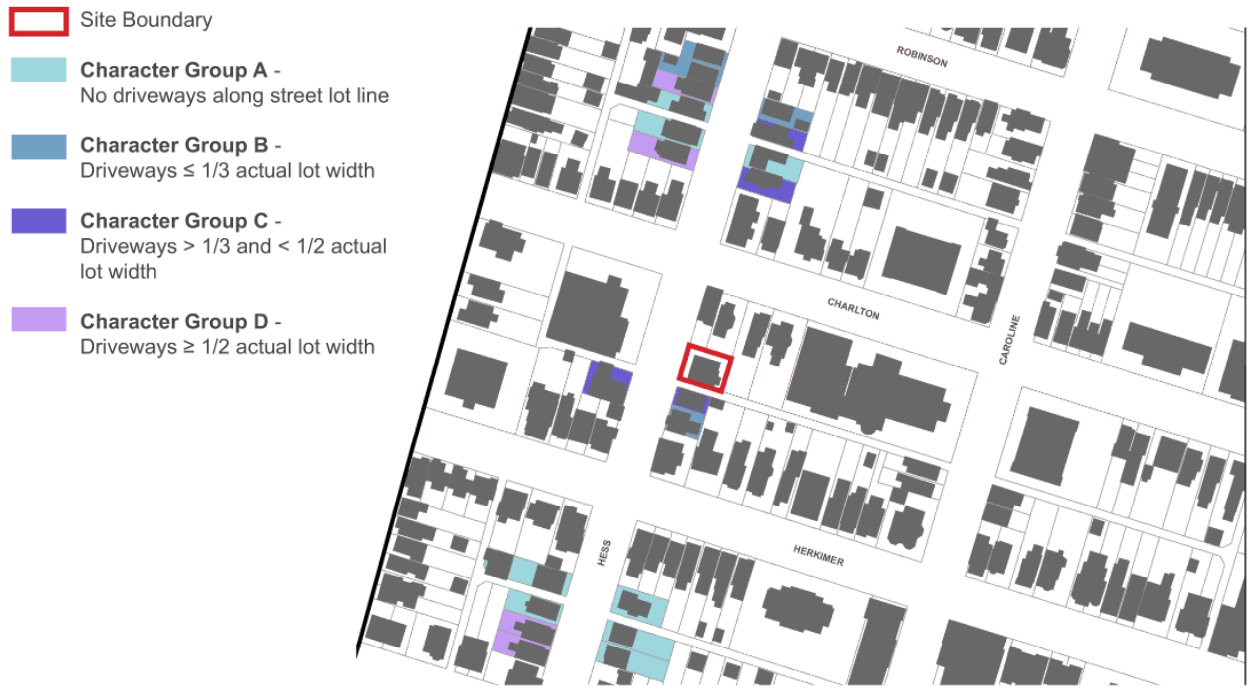
Character Group C -
Landscaped front yard in front of portion of principal dwelling

Character Group D -
Small or no landscaped front yard

GSP group

Site 3: Hess Street Property
Front Yard Patterns
Source:: City of Hamilton Data (2018), GSP Group (March 2018)

Figure **7b**



Site 3: Hess Street Property

Parking Access and Parking Space Patterns

Source: City of Hamilton Data (2018), GSP Group (March 2018)

Figure 7c

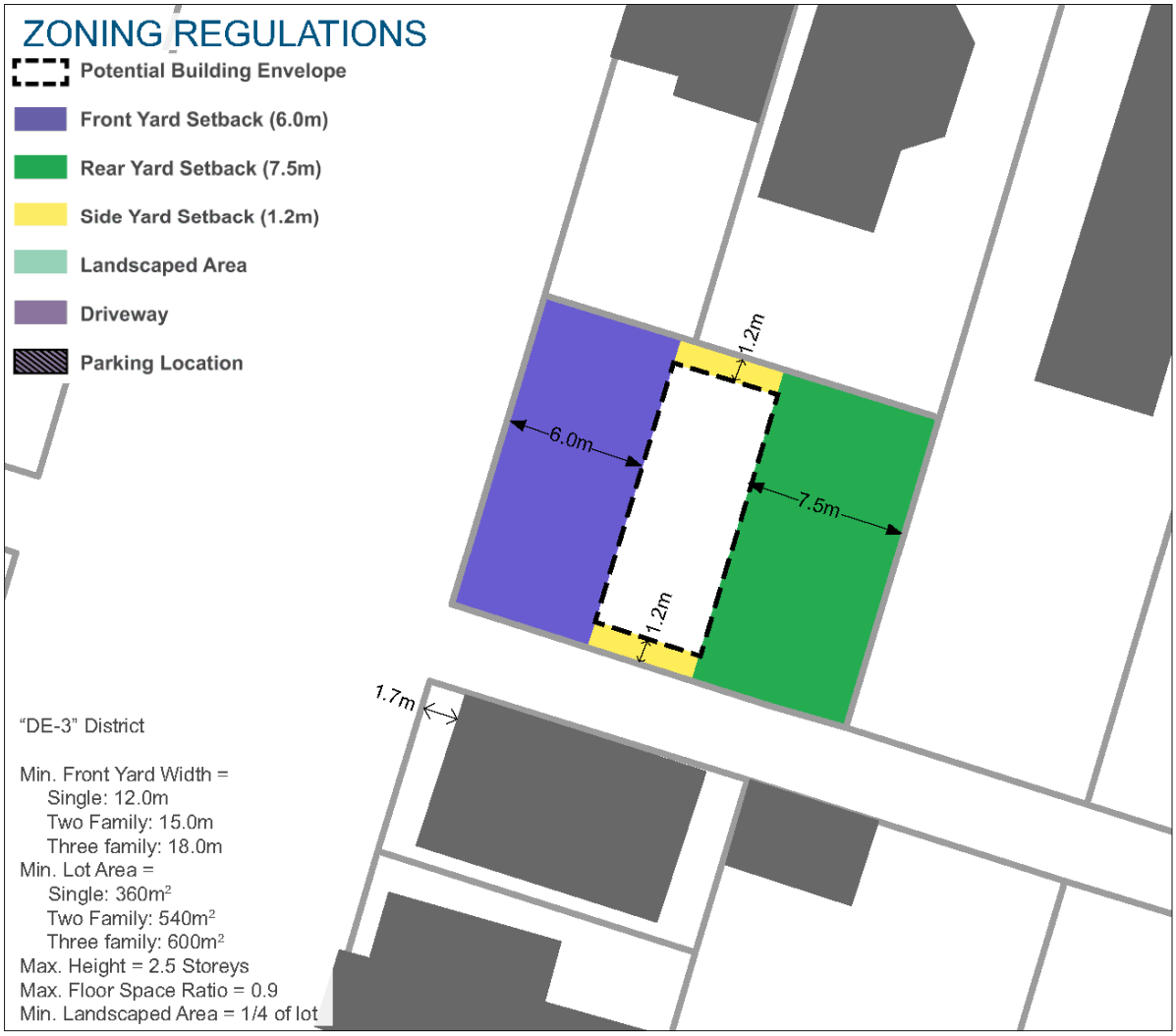
GSP group

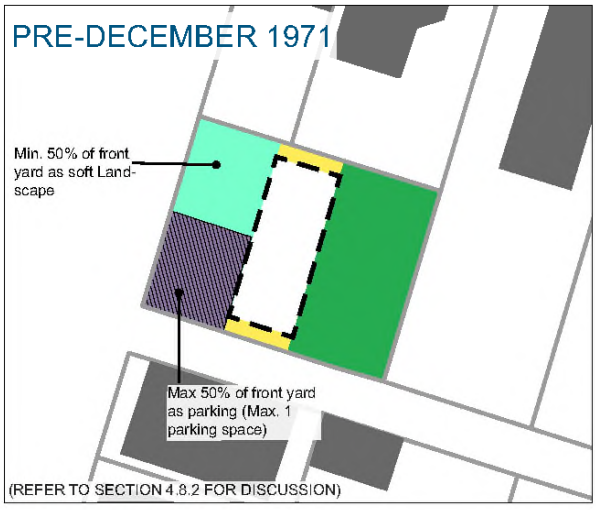
Site 3: Hess Street Property

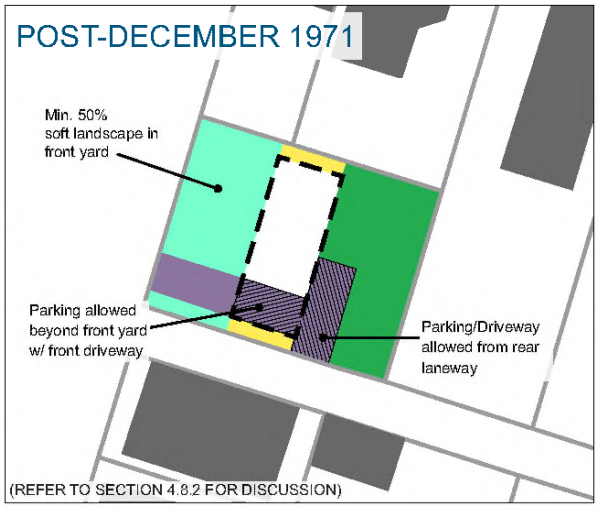
Entranceway Patterns

Source: City of Hamilton Data (2018), GSP Group (March 2018)

Figure 7d







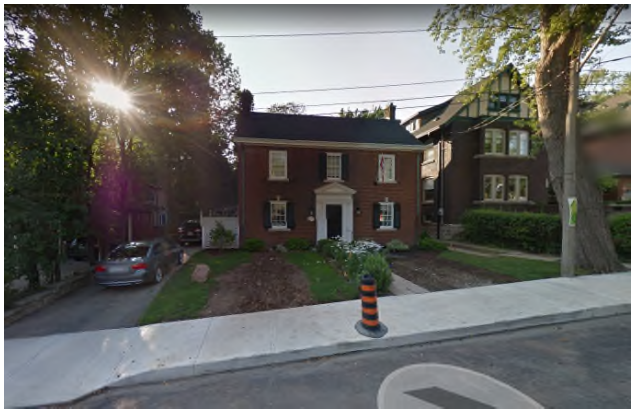
GSP group

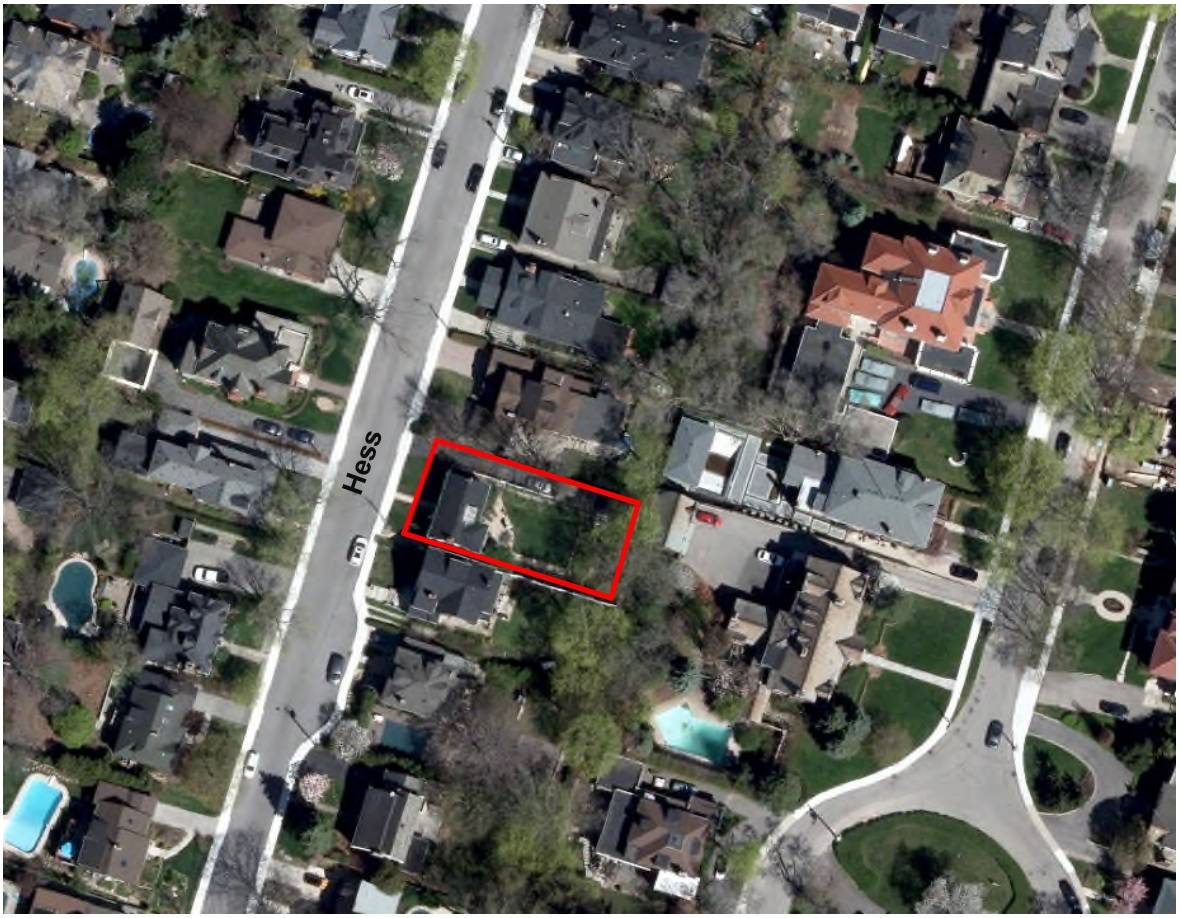
Site 3: Hess Street Property
As-of-Right Zoning
Source: City of Hamilton Data (2018), GSP Group (March 2018)

Figure **7e**

4.5 Site 4 (Hess south of Aberdeen)

Site 4 is situated on the east side of Hess Street South between Aberdeen Avenue and the base of the Niagara Escarpment. It is approximately 700 square metres in total area and is approximately 18.5 metres wide and 38 metres deep. The site contains a two-storey detached dwelling set back approximately 4.5 metres from the front lot line, a hardscaped front yard, and a driveway in the northern side yard leading to rear yard garage.



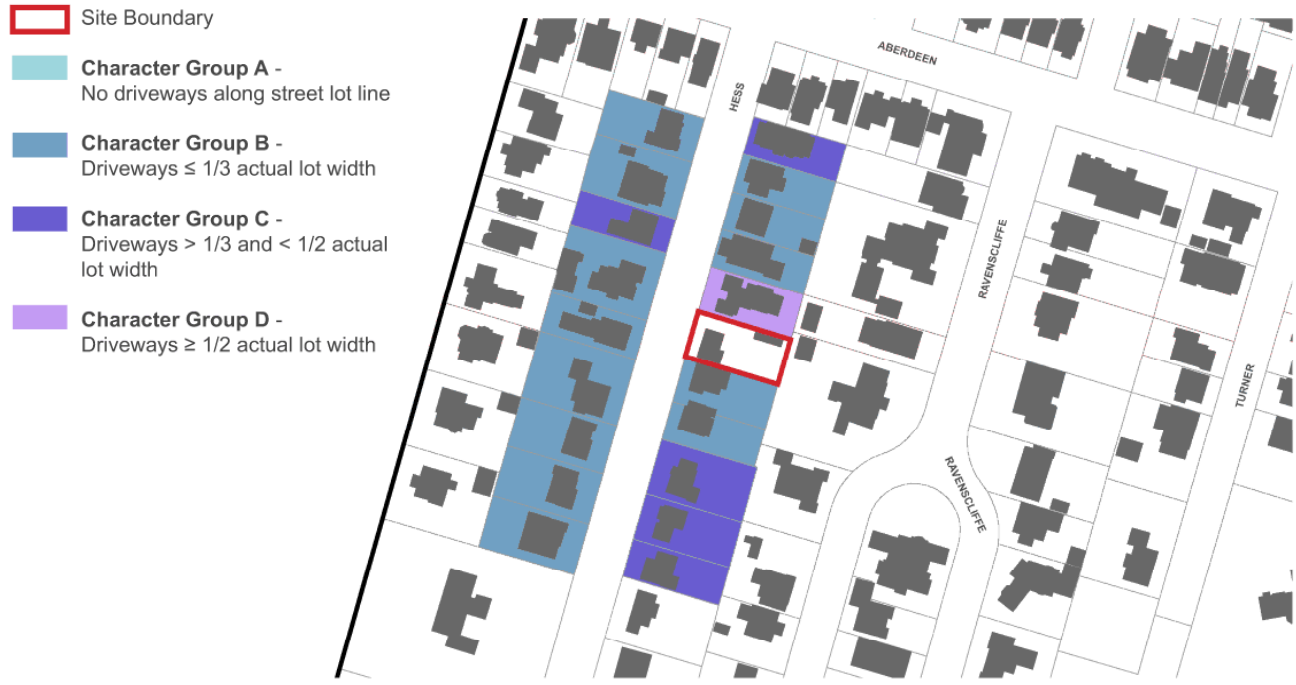


Site 4: Hess Street Property
Property Location
Source: City of Hamilton Data (2018), GSP Group (March 2018)

Figure 8a

Site 4: Hess Street Property
Front Yard Patterns
Source:: City of Hamilton Data (2018), GSP Group (March 2018)

Figure 8b



Site 4: Hess Street Property

Parking Access and Parking Space Patterns

Source: City of Hamilton Data (2018), GSP Group (March 2018)

Figure **8c**

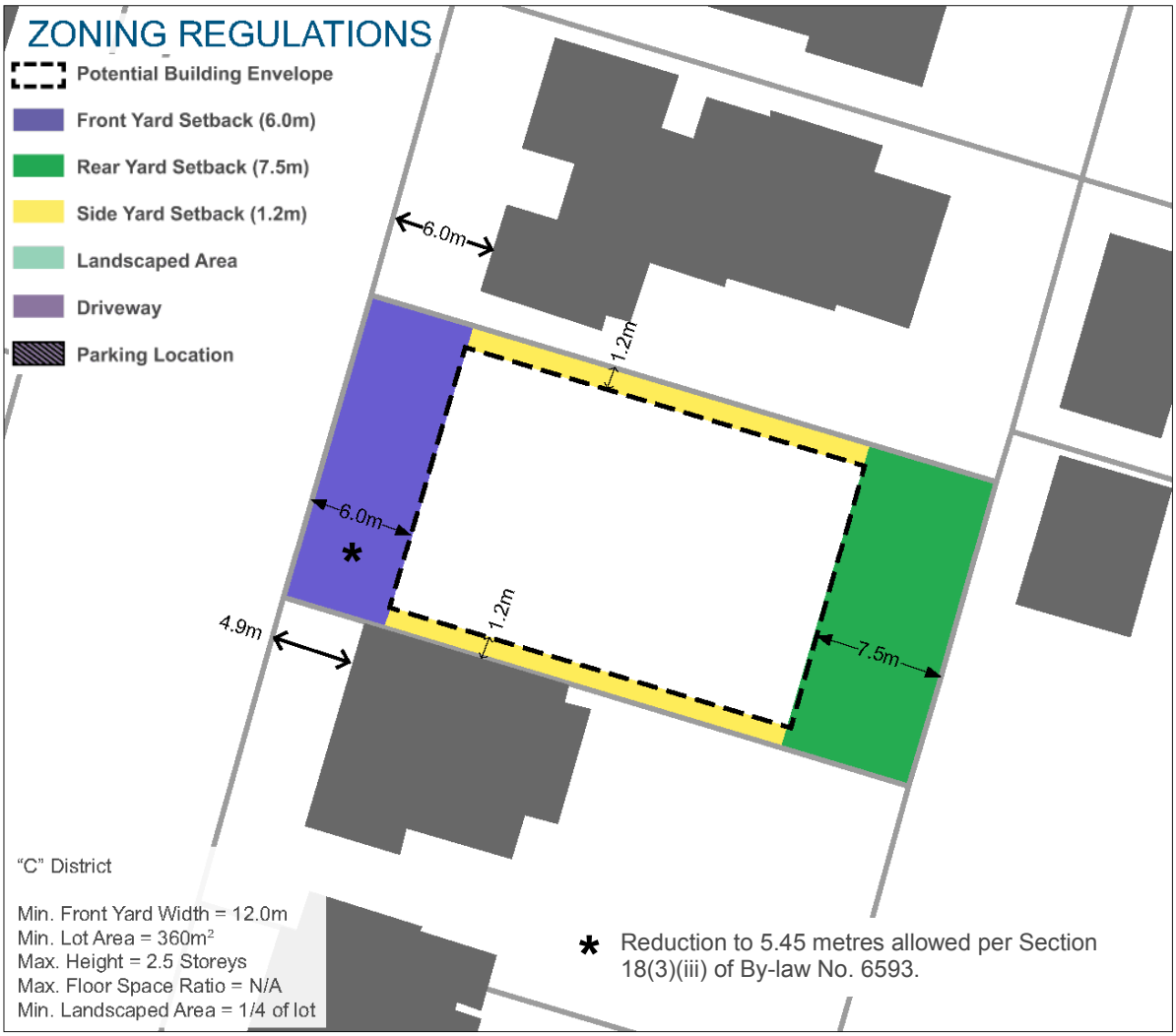
GSP group

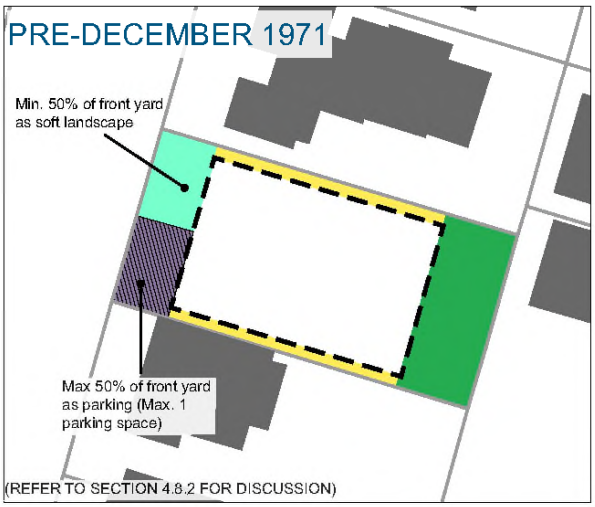
Site 4: Hess Street Property

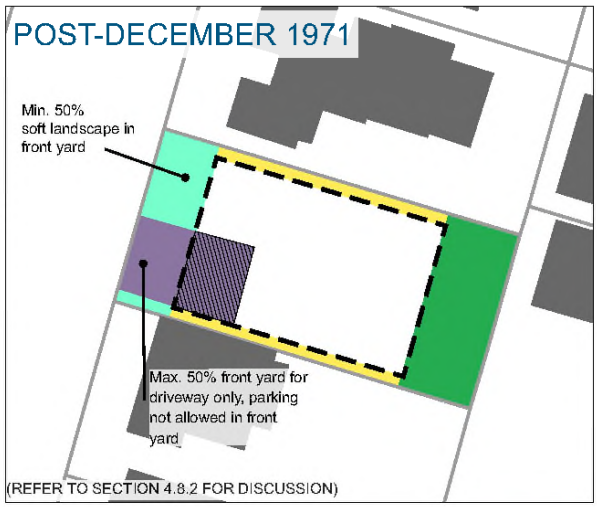
Entranceway Patterns

Source: City of Hamilton Data (2018), GSP Group (March 2018)

Figure **8d**







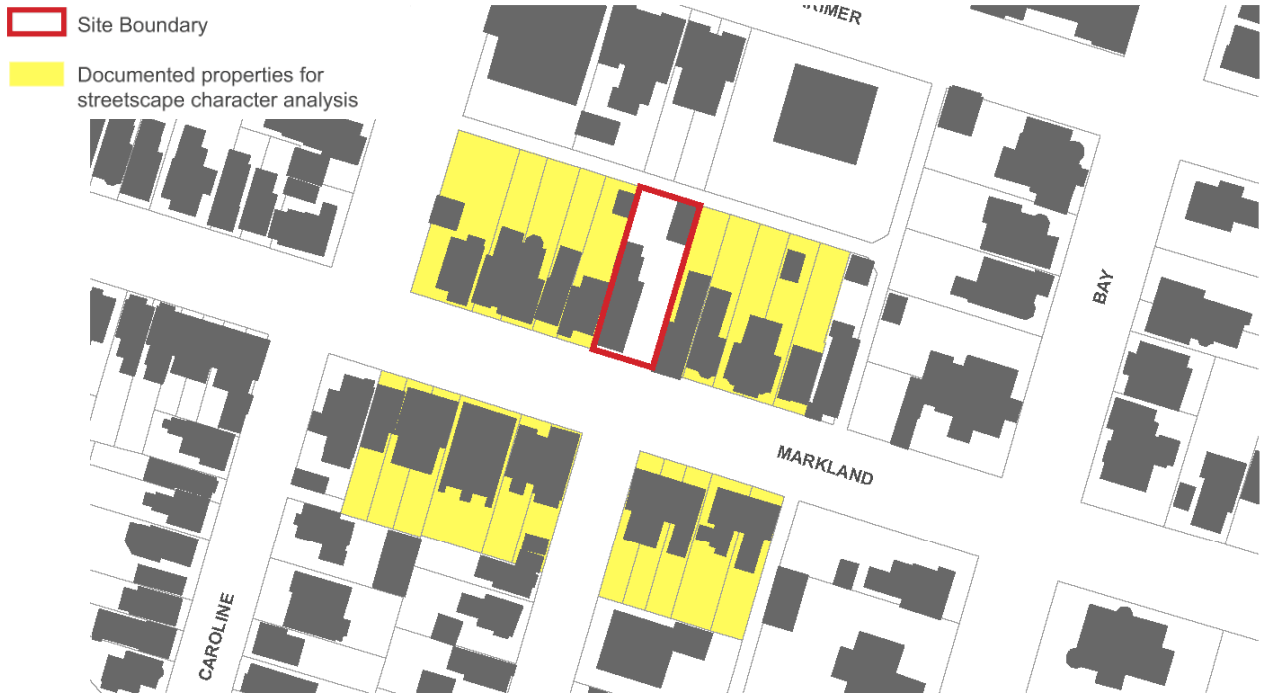
GSP group

Site 4: Hess Street Property
As-of-Right Zoning
Source: City of Hamilton Data (2018), GSP Group (March 2018)

Figure **8e**

4.6 Site 5 (Markland west of Bay)

Site 5 is situated on the north side of Markland Street between Caroline Street and Bay Street. It is approximately 635 square metres in total area and is approximately 15.5 metres wide and 41 metres deep. It flanks an assumed rear lane to the north for access and parking. The site contains a two-and-a-half-storey detached dwelling set back approximately 5 metres from the front lot line (with a covered porch projection), a landscaped front yard, surface parking and a garage in the rear yard accessed from the rear lane, and a significant eastern side yard that is landscaped.



Site 5: Markland Street Property

Property Location

Figure **9a**

Source:: City of Hamilton Data (2018), GSP Group (March 2018)

GSP group

Site 5: Markland Street Property

Front Yard Patterns

Figure **9b**

Source:: City of Hamilton Data (2018), GSP Group (March 2018)

Site 5: Markland Street Property

Parking Access and Parking Space Patterns

Source: City of Hamilton Data (2018), GSP Group (March 2018)

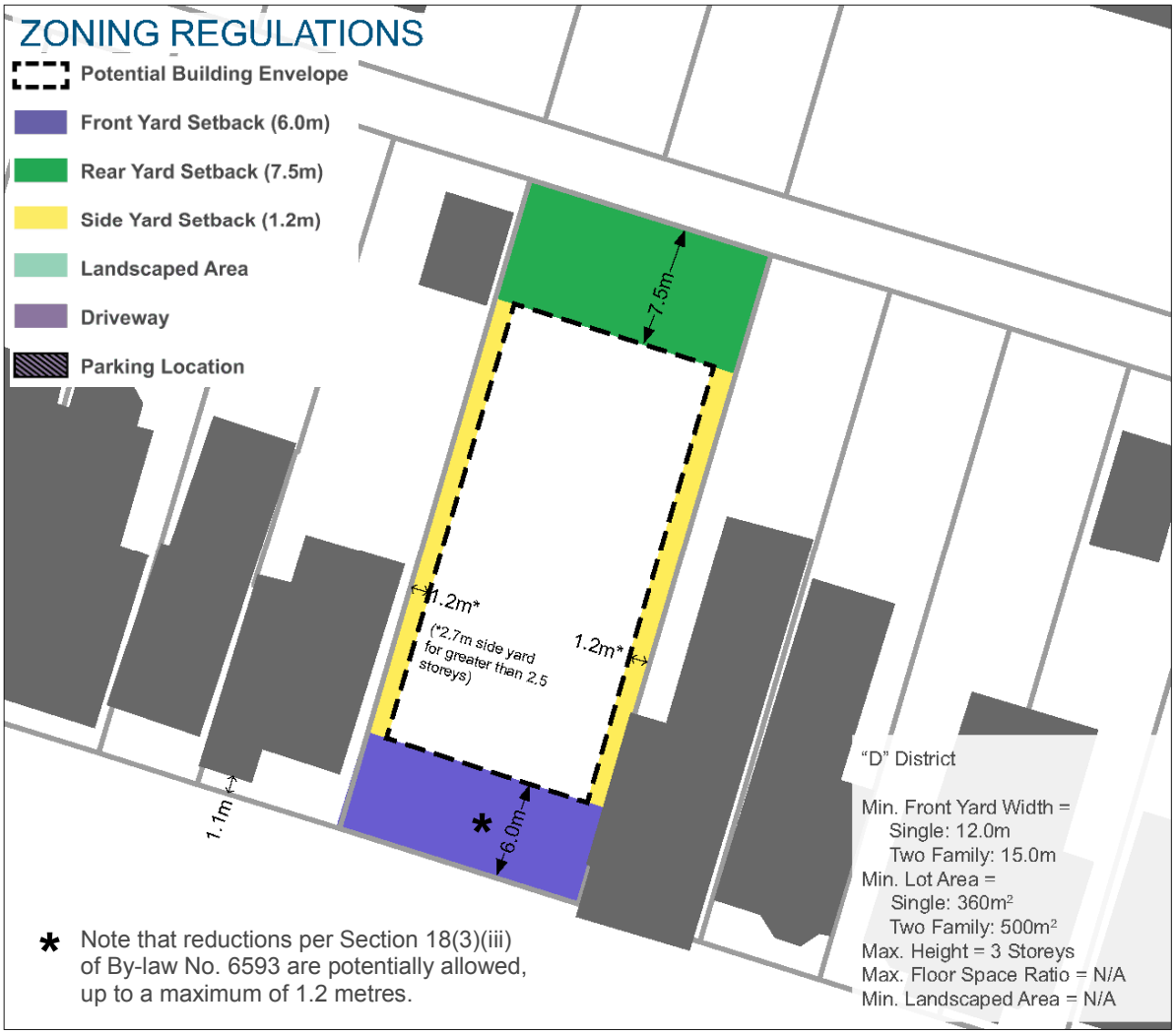
Figure **9c**

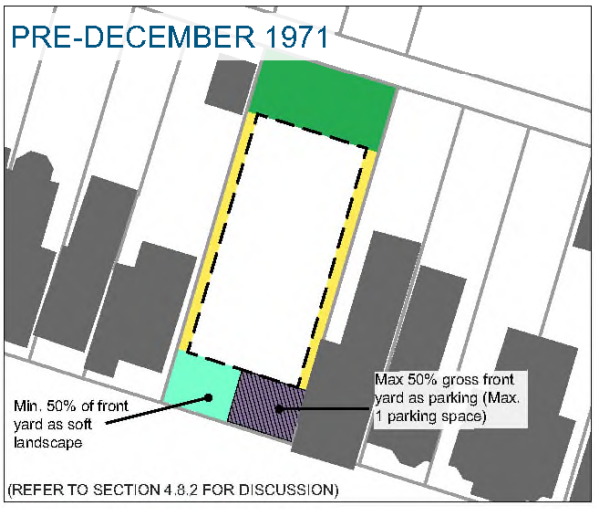
Site 5: Markland Street Property

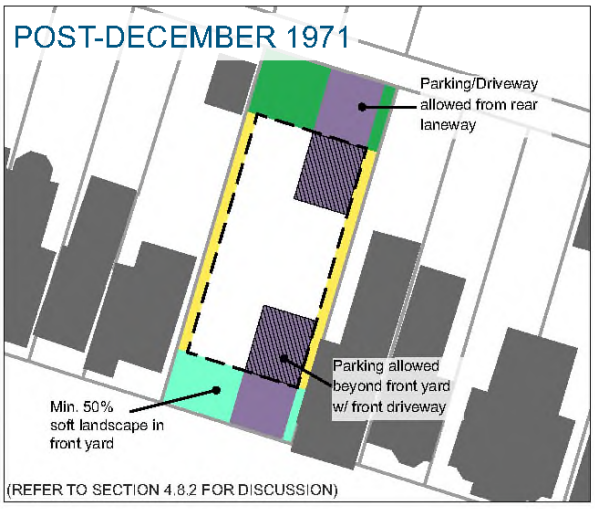
Entranceway Patterns

Source: City of Hamilton Data (2018), GSP Group (March 2018)

Figure **9d**







GSP group

Site 5: Markland Street Property
As-of-Right Zoning
Source: City of Hamilton Data (2018), GSP Group (March 2018)

Figure **9e**

4.7 Site 6 (Markland east of Bay)

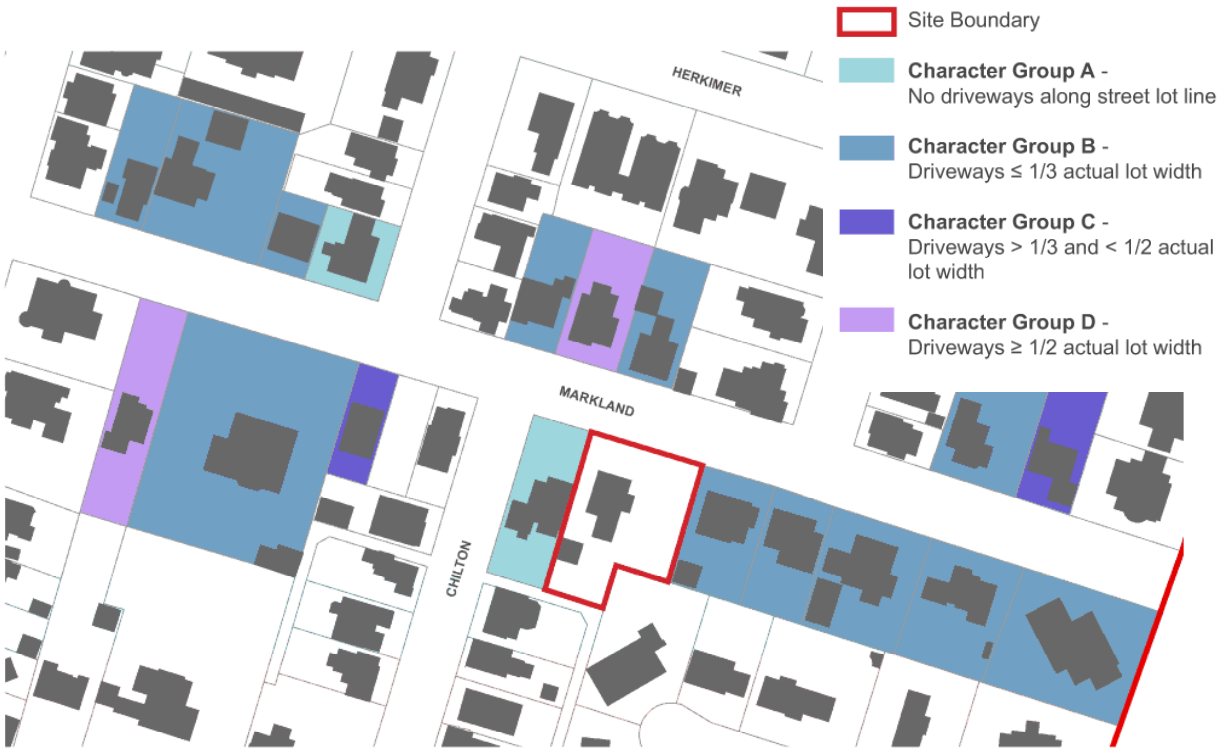
Site 6 is situated on the north side of Markland Street between Chilton Place and Macnab Street. It is approximately 1,650 square metres in total area and is approximately 37 metres wide and between 38.5 and 51.5 metres deep. The site contains a two-and-a-half-storey detached dwelling set back approximately 14 metres from the front lot line, with a landscaped front yard, a driveway in the northern side yard leading to a rear yard, and a large landscaped eastern side yard.

Site 6: Markland Street Property
Property Location
Source:: City of Hamilton Data (2018), GSP Group (March 2018)

Figure 10a

Site 6: Markland Street Property
Front Yard Patterns
Source:: City of Hamilton Data (2018), GSP Group (March 2018)

Figure 10b



Site 6: Markland Street Property

Parking Access and Parking Space Patterns

Source: City of Hamilton Data (2018), GSP Group (March 2018)

Figure **10c**

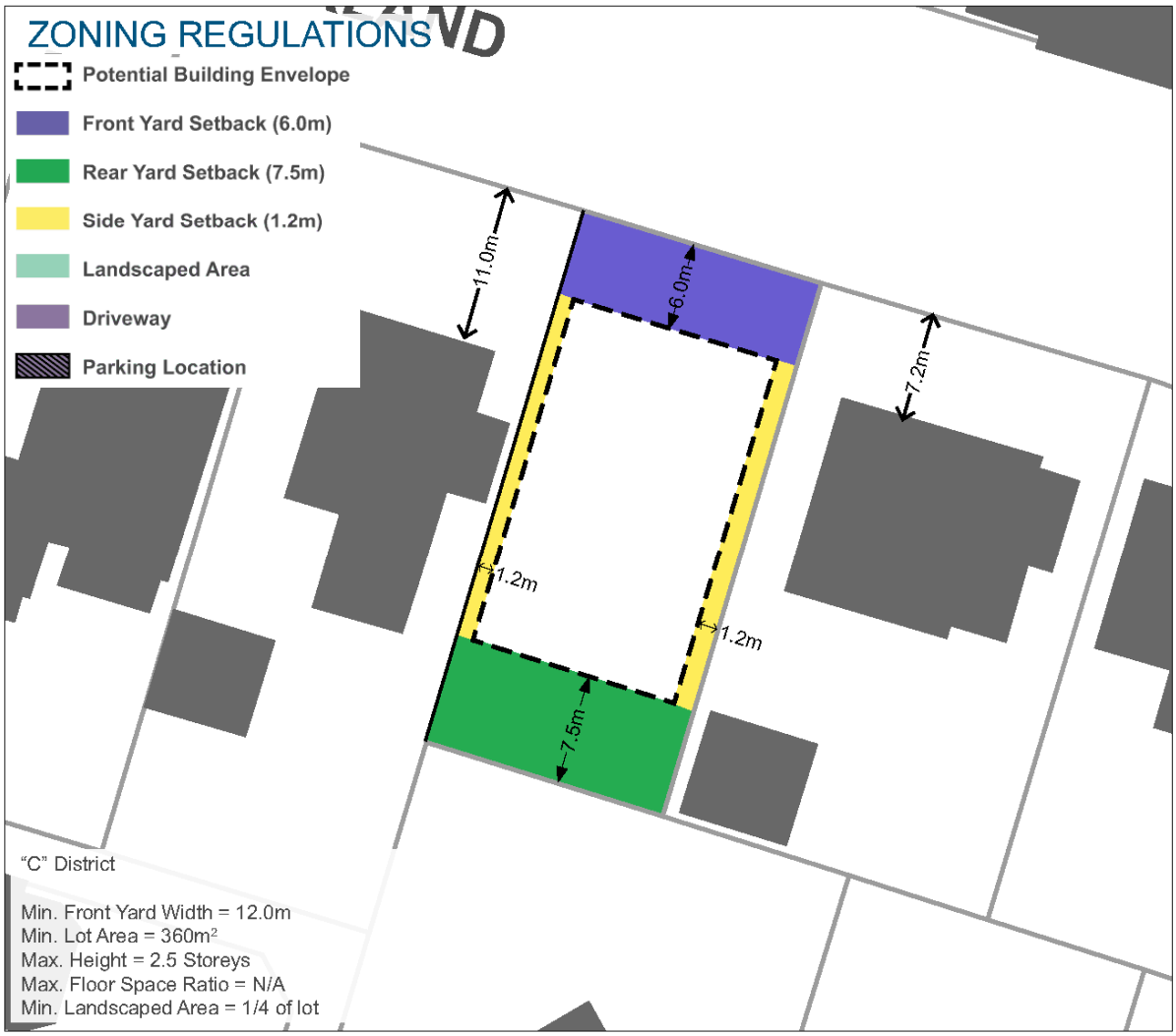
GSP group

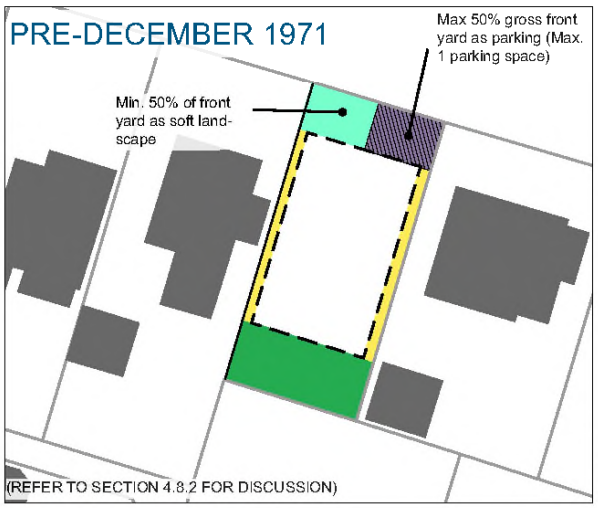
Site 6: Markland Street Property

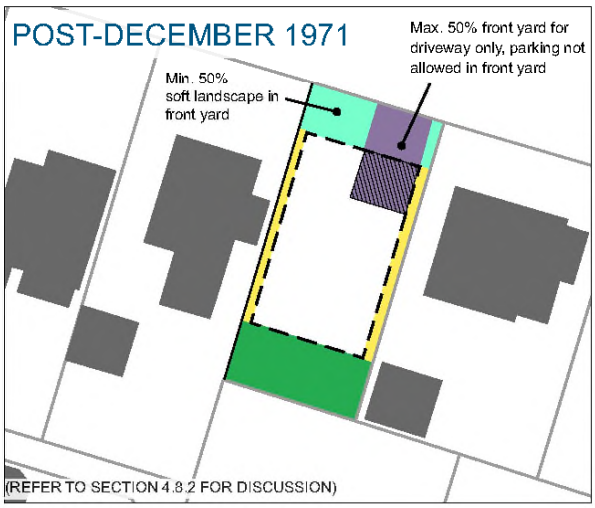
Entranceway Patterns

Source: City of Hamilton Data (2018), GSP Group (March 2018)

Figure **10d**







GSP group

Site 6: Markland Street Property
As-of-Right Zoning
Source: City of Hamilton Data (2018), GSP Group (March 2018)

Figure **10e**

4.8 Comparison of Existing and SCA Zoning

4.8.1 Front Yard Setbacks (see Table 1)

In-effect Zoning

The “C”, “D” and “DE-3” District regulations each require a minimum front yard setback of 6 metres. Section 18(3)(iii) of by By-law No. 6593, however, allows for reductions to this setback based on the placement of adjacent existing buildings. Specifically, this section indicates that the minimum front yard setback will be the average of the existing adjacent front yards (for buildings within 30 metres of the proposed building) up to a maximum 30% reduction from the 6 metre setback. Thus, a maximum reduction of 1.8 metres and a minimum front yard setback of 4.2 metres is allowed in such instances within the “C”, “D” and “DE-3” District,

Ottawa SCA Zoning

The Ottawa SCA Zoning includes additional regulations concerning front yard setbacks further to the regulations of the R1 through R4 Zones in the Ottawa Zoning By-law. These additional SCA regulations require that the front yard setback must align with the average of the buildings on the abutting properties or align with the abutting lot facing the same street in respect to corner lots. In no case does the front yard setback need to be greater than six metres, but the SCA regulations do not preclude such a setback.

4.8.2 Front Yard Patterns (see Table 2)

In-effect Zoning

Section 18A of By-law No. 6593 distinguishes between those buildings constructed before and after December 14, 1971 for the purposes of front yard patterns and regulations:

a) For single detached, duplex/semi-detached and triplex dwellings constructed pre-December 1971, the regulations permit parking within the front yard provided that such parking does not occupy more than 50% of the gross front yard area, and that at least 50% of the gross front yard area is a soft landscaped area (no concrete, asphalt, gravel, pavers, or similar materials). For single detached dwellings, only one of the required two parking spaces may be located in the front yard.

b) For single detached, duplex/semi-detached and triplex dwellings constructed post-December 1971, the regulations do not permit a parking space in a required front yard and require that at least 50% of the gross front yard area is a soft landscaped area (no concrete, asphalt, gravel, pavers, or similar materials).

Ottawa SCA Zoning

The Ottawa SCA Zoning regulates the use of front yards depending on the dominant character as identified through a SCA. Per the SCA demonstrated in Section 4 above, Sites 1, 2, 3 and 5 are characterized as “Character Group A” and Sites 4 and 6 are characterized as “Character Group C” concerning front yard patterns. For Character Group A sites, the front yard may be

either soft landscaping or a combination of soft and hard landscaping across the entire front yard (side to side). For Character Group C sites, the front yard may additionally be soft landscaping or soft and hard landscaping that is across the entire front wall of the dwelling and a driveway in the remaining portion; the entire front wall of the dwelling that does not contain a garage and a driveway in the remaining portion; or the entire front yard not occupied by a legally established front yard parking space. Neither Character Group would allow projections beyond the distance permitted by zoning between front lot line and principal dwelling, or principal dwellings that extend to front lot line.

4.8.3 Parking Access and Parking Space Patterns (see Table 3)

In-effect Zoning

For parking purposes, Sections 18A(14a) and (14b) of Bylaw No. 6593 distinguishes between parking for buildings constructed before or after December 14, 1971. Both allow for rear yard parking and access. The pre-December 1971 buildings regulations allow for rear yard parking as well as one parking space in the front yard provided that at least 50% of the gross front yard area is a soft landscaped area. The post-December 1971 building regulations allow for parking accessed from the front lot line provided that such parking it is not within the front yard.

Ottawa SCA Zoning

The Ottawa SCA Zoning does not require parking for dwellings with 12 units or less. Where parking is provided, it must be provided in keeping with the dominant character identified by a SCA. The Ottawa SCA Zoning requires that for lots abutting travelled rear lanes, where parking spaces are provided they can only be in a rear yard and accessed from the rear lane.

Sites 1, 2, 4 and 5 are characterized as “Character Group A”, which only allows surface parking or garages that are accessed from a travelled rear lane or driveways through flanking side yard to garages beyond minimum setback for corner lots. Sites 3 and 6 are characterized as “Character Group B”, which additionally allows driveways accessing interior side yard or rear yard parking spaces, garages or carports; that no longer lead to legal interior side yard or rear yard parking and that result in front yard parking that is not in front of principal dwelling; and that are through carriageway providing access to interior yard.

4.8.4 Principal Entranceway Patterns (see Table 4)

In-effect Zoning

By-law No. 6593 does not regulate the location or orientation of principal entranceways.

Ottawa SCA Zoning

All sites are documented as Character Group A, which only allows principal entranceway to be along the dwelling’s front wall facing the front lot line or facing the side if they are part of a permitted front wall projection.

Table 1: Comparison of Minimum Front Yard Setbacks

Site	Assumed Scenario	Minimum Front Yard Setbacks	
		In-Effect Zoning	Ottawa SCA Zoning
1 ***Duke***	Addition to existing pre-1971 detached dwelling	6 metres (average of 7.7 metres for abutting properties exceeds 6 metres)	6 metres (average of 7.7 metres for abutting properties exceeds 6 metres)
2 ***Robinson***	Redevelopment of site for detached dwelling	4.2 metres (average of 1.9 metres for abutting properties at 1.5 metres and 2.3 metres, but maximum reduction of 1.8 metres per Section 18(3)(iii))	1.9 metres (abutting properties at 1.5 metres and 2.3 metres)
3 ***Hess (north)***	Redevelopment of site for detached or semi-detached dwelling	6 metres (reduction not allowed given Section 18(3)(iii)requires two “adjoining” front yards)	1.7 metres (matches the property to the south given abutting property to north is a corner lot facing a different street)
4 ***Hess (south)***	Redevelopment of site for detached dwelling	5.45 metres (average of abutting properties at 4.9 metres and 6.0 metres)	5.45 metres (average of abutting properties at 4.9 metres and 6.0 metres)
5 ***Markland (west)***	Addition of unit to pre-1971 building to create an attached semi-detached dwelling	4.2 metres (average of 0.55 metres for abutting properties at 1.1 metres and 0, but maximum reduction of 1.8 metres per Section 18(3)(iii))	0.55 metres (average of abutting properties at 1.1 metres and 0)
6 ***Markland (east)***	Severance for purposes of a new detached dwelling	6 metres (assuming a severance, average of 9.1 metres established by abutting properties exceeds 6 metres)	6 metres (assuming a severance, average of 9.1 metres established by abutting properties exceeds 6 metres)

Table 2: Comparison of Allowed Front Yard Patterns

Site	Assumed Scenario	Allowed Front Yard Patterns	
		In-Effect Zoning	**Ottawa SCA Zoning**
1 ***Duke***	Addition to existing pre-1971 detached dwelling	Regulations require that at least 50% of the gross front yard area is a soft landscaped area, allowing for a driveway from the front lot line	Character Group A requires that the entire front yard is either soft landscaping or a combination of soft and hard landscaping, preventing a driveway from the front lot line
2 ***Robinson***	Redevelopment of site for detached dwelling	Regulations require that at least 50% of the gross front yard area is a soft landscaped area, allowing for a driveway from the front lot line	Character Group A requires that the entire front yard is either soft landscaping or a combination of soft and hard landscaping, preventing a driveway from the front lot line
3 ***Hess (north)***	Redevelopment of site for detached or semi-detached dwelling	Regulations require that at least 50% of the gross front yard area is a soft landscaped area, allowing for a driveway from the front lot line	Character Group A requires that the entire front yard is either soft landscaping or a combination of soft and hard landscaping, preventing a driveway from the front lot line
4 ***Hess (south)***	Redevelopment of site for detached dwelling	Regulations require that at least 50% of the gross front yard area is a soft landscaped area, allowing for a driveway from the front lot line	Character Group C requires soft landscaping or soft and hard landscaping across the entire front of the dwelling or living portions of the dwelling front (not the garage).
5 ***Markland (west)***	Addition of unit to pre-1971 building to create an attached semi-detached dwelling	Regulations require that at least 50% of the gross front yard area is a soft landscaped area, allowing for a driveway from the front lot line	Character Group A requires that the entire front yard is either soft landscaping or a combination of soft and hard landscaping, preventing a driveway from the front lot line
6 ***Markland (east)***	Severance for purposes of a new detached dwelling	Regulations require that at least 50% of the gross front yard area is a soft landscaped area, allowing for a driveway from the front lot line	Character Group C requires soft landscaping or soft and hard landscaping across the entire front of the dwelling or living portions of the dwelling front (not the garage).

Table 3: Comparison of Allowed Parking Patterns

Site	Assumed Scenario	Allowed Parking Access and Parking Space Patterns	
		In-Effect Zoning	Ottawa SCA Zoning
1 ***Duke***	Addition to existing pre-1971 detached dwelling	Regulations allow for rear yard parking and 1 parking space in the front yard provided at least 50% of the gross front yard area is a soft landscaped area	Parking spaces can only be in a rear yard and accessed from the abutting Wheeler Lane (Character Group A would only permit parking from a rear travelled lane anyways).
2 ***Robinson***	Redevelopment of site for detached dwelling	Regulations allow for rear yard parking and 1 parking space in the front yard provided at least 50% of the gross front yard area is a soft landscaped area	Parking spaces can only be in a rear yard and accessed from the abutting rear lane (Character Group A would only permit parking from a rear travelled lane anyways).
3 ***Hess (north)***	Redevelopment of site for detached or semi-detached dwelling	Regulations allow for rear yard parking and 1 parking space in the front yard provided at least 50% of the gross front yard area is a soft landscaped area	Parking spaces can only be in a rear yard and accessed from the abutting rear lane (Character Group A would only permit parking from a rear travelled lane anyways).
4 ***Hess (south)***	Redevelopment of site for detached dwelling	Regulations allow for 1 parking space in the front yard provided parking does not occupy more than 50% of the gross front yard area	Character Group B allows parking as surface parking or garages off travelled rear lane as well as driveway providing access to interior side yard or rear yard parking space, garage or carport, but not front yard parking space
5 ***Markland (west)***	Addition of unit to pre-1971 building to create an attached semi-detached dwelling	Regulations allow for rear yard parking and 1 parking space in the front yard provided at least 50% of the gross front yard area is a soft landscaped area	Parking spaces can only be in a rear yard and accessed from the abutting rear lane (Character Group A would only permit parking from a rear travelled lane anyways).
6 ***Markland (east)***	Severance for purposes of a new detached dwelling	Regulations allow for 1 parking space in the front yard provided parking does not occupy more than 50% of the gross front yard area	Character Group B allows parking as surface parking or garages off travelled rear lane as well as driveway providing access to interior side yard or rear yard parking space, garage or carport, but not front yard parking space

Table 4: Comparison of Allowed Principal Entranceway Patterns

Site	Assumed Scenario	Principal Entranceway Patterns	
		In-effect Zoning	Ottawa SCA Zoning
1 ***Duke***	Addition to existing pre-1971 detached dwelling	Does not regulate location of principal entranceways	Character Group A requires the principal entranceway to face the front lot line, or may face other than front lot line if it's part of a principal projection along the front wall
2 ***Robinson***	Redevelopment of site for detached dwelling	Does not regulate location of principal entranceways	Character Group A requires principal entranceway to face the front lot line, or may face other than front lot line if it's part of a principal projection along the front wall
3 ***Hess (north)***	Redevelopment of site for detached or semi-detached dwelling	Does not regulate location of principal entranceways	Character Group A requires principal entranceway to face the front lot line, or may face other than front lot line if it's part of a principal projection along the front wall
4 ***Hess (south)***	Redevelopment of site for detached dwelling	Does not regulate location of principal entranceways	Character Group A requires principal entranceway to face the front lot line, or may face other than front lot line if it's part of a principal projection along the front wall
5 ***Markland (west)***	Addition of unit to pre-1971 building to create an attached semi-detached dwelling	Does not regulate location of principal entranceways	Character Group A requires principal entranceway to face the front lot line, or may face other than front lot line if it's part of a principal projection along the front wall
6 ***Markland (east)***	Severance for purposes of a new detached dwelling	Does not regulate location of principal entranceways	Character Group A requires principal entranceway to face the front lot line, or may face other than front lot line if it's part of a principal projection along the front wall

5. Assessment

This section assesses the suitability of the Ottawa SCA zoning approach for the Durand Neighbourhood context, addressing the questions identified in Section 1.3 of this Peer Review. It does not make any conclusions or recommendations but rather forms the basis of those contained in Section 6 and 7 of this Peer Review.

5.1 Appropriate Characteristics

Question: Which of the characteristics identified in the Character Study would be appropriate to add as additional zoning requirements for use in the Durand Context?

The Character Study addresses two sets of characteristics for consideration as part of a zoning review for Durand. Section 2.0 of the Character Study addresses the four characteristics within the Ottawa SCA Zoning approach and Section 3.0 of the Character Study addresses a series of "streetscape characteristic factors" that were audited, some of which that overlap the Ottawa characteristics. The below considers the appropriateness of these characteristics as additional zoning requirements: Section 5.1.1 assesses the appropriateness of the Ottawa SCA Characteristics and Section 5.1.2 assesses the appropriateness of the "streetscape characteristic factors" from the Character Study. These sections do not endorse a particular form or approach for such a zoning regulation (which is further outlined in Section 6 and 7 of this Peer Review) but rather indicates the appropriateness of regulating the characteristic for Durand.

5.1.1 Ottawa SCA Characteristics

(a) Front Yard Setbacks

The consistency of building positioning along the street is an important component of streetscape character patterns in established neighbourhoods. Pronounced differences in front yard setbacks between abutting properties can be determinantal to the character of a streetscape. While some streetscape variation is positive, differences resulting from buildings that are set back considerably further from or closer to the street line than abutting buildings are generally not desirable. Reflecting this thought, the Ottawa SCA Zoning uses an "averaging" approach that establishes minimum setbacks tied to the existing setbacks of abutting properties and includes a maximum cap that does not need to, but may, be exceeded.

The site demonstrations in Section 4 of this Peer Review suggest that most of the older, traditional stock of the Durand Neighbourhood is closer than 6 metre from the street lines and in many cases considerably less than 6 metres. In these instances, the 6 metre minimum front yard setback in the "C", "D", and "DE-3" does not reflect what exists in the neighbourhood fabric. Section 18(3)(iii) of By-law No. 6593 does allow for reductions to reflect the average of

adjacent buildings; however, this relief is capped to a 30% reduction and, although providing a better reflection of existing streetscape character, it appears arbitrary and does not provide a full reflection of existing streetscape character.

Table 1 in Section 4.8 shows the variety of setbacks when the In-Effect Zoning of By-law No. 6593 and the SCA Zoning are applied to the six demonstration sites. Sites 2, 3 and 5 reveal significant differences between the In-Effect Zoning and the SCA Zoning in instances where buildings are located tight to the street edge (0.5 to 2 metres in these instances). The SCA Zoning allows for the adjacent front yard depths to dictate entirely the minimum front yard setback but the In-Effect Zoning includes a maximum reduction, which in these instances leaves a significant gap between the allowed and existing minimum setbacks. If the rationale of character zoning is that of fairness, transparency and “your street setting the rules”, then the latter runs counter to this rationale. Accordingly, zoning requirements for front yard setbacks (and potentially porch projections) that are set by those on abutting lots, without any maximum reductions or caps, is appropriate to better reflect the existing streetscape patterns in Durand.

(b) Front Yard Patterns

Front yard patterns are principally concerned with landscape treatments along the streetscape, however, they are largely tied to parking allowances. Front yard patterns in mature neighbourhoods are an important characteristic of streetscape character, particularly when considering the potential cumulative degradation of the streetscape character from higher proportions of the streetscape occupied by driveways and parking. By-law No. 6593 does address front yard patterns to a certain degree, requiring that at least 50% of the gross front yard area is soft landscaped for new single detached, semi-detached or duplex, and triplex dwellings. However, a driveway that is 50% of the lot width is still relatively larger than the existing pattern within the Durand Neighbourhood.

The Ottawa SCA Zoning provides a more robust control on the use and patterns of the front yards. Lots abutting rear lanes must have parking from the rear lanes, eliminating any interruption of the front yard pattern. Lots without abutting rear lanes are allowed front access driveways, although maximum driveway widths are imposed relative to the lot width. Using the demonstration sites, this has the effect of increasing the landscaped front yard area to 70 to 85% (depending on a single or double driveway) for Sites 4 and 6, or 70% for narrower sites like Site 1 if it was accessed from the front. Such limitations on maximum driveway widths relative to overall lot width is appropriate to add as additional zoning requirements for Durand.

(c) Parking Access and Parking Space Patterns

The pattern of parking and parking spaces is the most influential factor concerning streetscape character and they directly influence the character of other patterns, including patterns for front yards and principal entranceways. Along the front lot line abutting publics streets, the creation

of new parking spaces or the expansion of existing hardscaped area has significant potential impacts on streetscape character in the subject areas of Durand. This is especially true on blocks served by existing travelled lanes to the rear, which comprise a large proportion of the Durand Neighbourhood where blocks remain intact with parking from the rear. Thus, regulating parking access and parking space patterns is expected to be the most impactful from the perspective of maintain existing streetscape character in Durand.

Concerning parking access, the Ottawa SCA Zoning does not require parking to be provided for the development of new low-rise residential buildings such as detached, semi-detached and street townhouse dwellings (or for taller buildings with less than 12 units in total). The SCA tool only applies where parking is provided. The SCA may determine that parking access may only be from a rear travelled lane or cannot be accommodated from a front or rear lot line, where the streetscape patterns dictate; however, parking is not required so it would not preclude development of the addition of new units. However, Hamilton's By-law No. 6593 requires a minimum of two spaces per unit for detached dwellings, one space per unit for semi-detached and duplex dwellings, and one-and-a-half spaces per unit for street townhouse dwellings. Applying the Ottawa SCA Zoning method while maintaining the general parking requirements of Hamilton By-law No. 6593 would have the effect of precluding the addition of additional units for certain properties. Regulations requiring lots with rear travelled lanes to have parking access from the rear lot line is an appropriate additional zoning requirement for Durand; regulations using the SCA approach to determine allowed parking access patterns on other lots is not appropriate for Durand given the preclusions affecting certain properties.

Concerning front yard parking, there are numerous instances in Durand where parking spaces in the front yard occupies most of or all the lot's width (whether legally or illegally). This presents the most significant detrimental effect on the quality of the streetscape in the lower-rise portions of Durand, particularly when considering the cumulative effect of abutting situations on the streetscape. By-law No. 6593 allows front yard parking spaces for up to 50% of the lot width for pre-December 1971 single detached, semi-detached, duplex, and triplex dwellings, but not for new construction after that date which must be outside of the front yard. The SCA Zoning does not allow front yard parking in any of the Character Groups. Patterns of front yard parking is an appropriate characteristic to regulate and should be continued, recognizing there is a larger parking matter in terms of access that is addressed in Section 5.3 of this Peer Review.

(d) Principal Entranceway Patterns

The relationship between principal entrances and public street edges is an important component of streetscape character from a functional and visual perspective. Ottawa's response to regulating entranceway patterns reflected emerging patterns where garages and carports dominated a new dwelling's front face with entranceways positioned under or to the

side of the buildings. This does not appear to be a prevailing pattern within Durand, where front-facing entrances are the norm, or side-facing entrances as part of a front projecting porch or addition were documented in limited cases in the demonstration sites above. Such a regulation is appropriate as part of a broader streetscape character-based approach, but it does not address a current or expected undesirable condition with the Durand Neighbourhood.

5.1.2 Character Study Streetscape Characteristic Factors

(a) Mature Trees

Most street trees within the Durand neighbourhood appear to be within the public right-of-way, which is not regulated through zoning. For private properties, zoning can regulate that adequate space is provided to potentially accommodate additional tree plantings in front yards (as part of the front yard patterns and front yard setbacks considerations above in the SCA Zoning), but it cannot regulate what gets planted. While not appropriately regulated through zoning, tree plantings can be encouraged through other planning mechanisms (such as Site Plan Control where applicable and Infill Guidelines) or other municipal programs (such as tree planting programs).

(b) Landscaped Front Yards

As discussed in Section 5.1.1(b) above, landscaped front yard patterns in mature neighbourhoods are an important characteristic of streetscape character. The in-effect regulations of By-law No. 6593 do regulate the “quantity” of landscaped space required in the front yards. It requires that at least 50% of the gross front yard area be soft landscaped (excluding concrete, asphalt, gravel, pavers, or other similar materials) for single detached, semi-detached, duplex and triplex dwellings. The cursory review of this Peer Review concerning existing streetscape conditions in Durand, however, suggests “mixed” front yard landscaping patterns, including soft and hard elements, are not uncommon throughout the neighbourhood. Ensuring a minimum amount area in the front yards for landscaping purposes continues to be an appropriate characteristic to regulate as additional zoning requirements in Durand, which may warrant redefinition of what is permitted as landscaped areas.

The SCA Zoning also regulates the “quantity” of landscaped space required in the front yards. It is distinguished from By-law No. 6593, however, in that is allows required front yard landscaped areas to be either soft landscaping or a mix of soft and hard landscaping in the non-driveway portions of the front yard. Ottawa’s Zoning By-law defines “soft landscaping” as vegetation elements such as trees, shrubs, hedges, grass and ground cover and defines “hard landscaping” as non-vegetation materials such as bricks, pavers, stone, and concrete. It is less prescriptive in terms of the general composition of front yard landscaped areas as compared to By-law No. 6593. In Ottawa, front yard landscaped areas could be just grassed areas and still meet the requirement for a “soft landscaped” area, while mixed landscape areas

could predominately of pavers and stone with minimal planted areas sand still meet the SCA requirements.

In terms of “quality” of front yard landscaped spaces, neither By-law No. 6593 or the SCA Zoning regulates what specifically must constitute front yard landscape patterns. Zoning cannot require specific landscape treatments or planting details, nor can it require professional designs. These characteristics are not appropriate to regulate as additional zoning requirements.

(c) Front Entrances

The orientation of entranceways is assessed by the SCA Zoning addressed in Section 5.1.1(d) of this Peer Review.

(d) Height of Dwellings

The intent of Ottawa’s character zoning is not to downzone properties or areas in terms of permitted heights and intensity, but rather direct the form. The existing “C”, “D”, and “DE-3” Districts currently have a maximum height up to three storeys. Section 5.2.2 of the Character Study implies that concerns are not focused on residential infill at such lower-rise heights or the forms but rather with controls on integrating taller buildings within the neighbourhood fabric, the latter which are not subject to Ottawa SCA Zoning. Notwithstanding this, conceivably, minimum or maximum building heights could be tied to the existing building height of abutting or surrounding properties using a character-based approach. However, this would not be an appropriate additional zoning requirement given a maximum of three storeys is appropriate for the low-rise portions of Durand and variety along the streetscape of mature neighbourhoods is desirable.

Shapes of rooflines can affect the perceived height and mass of the buildings and can influence streetscape character. Pitched roofs are the prevailing pattern through the lower-rise residential stock of Durand, with sharper pitches for the oldest areas of the neighbourhood. The additional mass created using flat roofs particularly for 3-storey forms (demonstrated by the Ottawa examples on pages 10 and 11 in this Peer Review) is noticeable. Seemingly, controlling height depending on the roof pitch could be regulated under the “character” discussion but it likely would be difficult to craft and administer and may stifle the desire for architectural creativity and flexibility that is desirable for new infill developments. Given this, it may not be an appropriate additional zoning requirement.

(e) Similar Housing Types

The “C”, “D”, and “DE-3” Districts all allow for a similar, compatible low-rise form of residential development. A mixed composition of lower-rise building types is an important component of any established neighbourhood. In this sense, it is not appropriate to require new developments

to match the residential type of abutting properties or the prevailing patterns along the street (unless the existing zoning only permits such a residential type). This does not infer there is no need for further direction and guidance concerning the sensitive incorporation of taller, more intense residential forms into the neighbourhood fabric through other planning mechanisms.

(f) Garages

The SCA Zoning regulates the positioning of garages. Garages may only be accessed from the rear lot line for lots abutting a "travelled" rear lane. Where front-facing garages are permitted, the regulations generally seek to reduce the prominence of garages by requiring that they align with the dwelling's principal wall from at a minimum and with maximums on the width of garage doors. Further, the SCA may dictate that garages must be further recessed behind the dwelling's principal building wall. These garage regulations are further complemented by regulations for driveways that include allowing double driveways only for the wider lots, maximum driveway widths depending on the lot's width, and not allowing the smallest lots to have driveways at all. Applying the SCA regulations, Sites 1, 2 and 5 would not be allowed front-accessed garages while Sites 3, 4 and 6 would be allowed a front-accessed garage at the very least that is flush with the building's front wall. These are effective regulations for controlling garage impacts on the streetscape character and are appropriate characteristics to regulate as additional zoning requirements for Durand.

(g) Front Yard Parking

Front yard parking is addressed in Section 5.1.1(c) of this Peer Review.

(h) Façade Materials

A municipality can regulate exterior design materials under the definition of "character" per the OMB's order regarding the Ottawa SCA Zoning provided it is grounded in the prevailing patterns of the streetscape. Such controls on façade materials, however, would be significantly more difficult to administer as compared to more easily quantifiable elements like parking locations and front yard space. Such regulation is not appropriate as additional zoning requirements as it strips flexibility from the architectural design process and the ability for contemporary yet compatible forms of development within Durand.

5.2 Applicable Dwelling Types

Question: Which areas and what types of buildings should be subject to these characteristics?

5.2.1 Areas

Ottawa's Mature Neighbourhoods Overlay applies to properties within the defined area that are zoned Residential First Density Zone (R1), the Residential Second Density Zone (R2),

Residential Third Density Zone (R3), and Residential Fourth Density Zone (R4) within a delineated area of central Ottawa. The Overlay supersedes the parent regulations of the R1 through R4 Zones. The advantage of such an overlay approach is the relative ease of administrative set-up compared to the "upfront" effort of neighbourhood-by-neighbourhood study. Ottawa's Overlay identifies a broadly delineated area with regulations that are triggered by residential uses four storeys and less, without the need for a property-by-property review of the boundary. This is clearly advantageous for incorporating multiple established neighbourhoods, but this advantage diminishes for a single neighbourhood application such as Durand. Additionally, the Durand context includes pockets of low-rise properties within higher-rise contexts, such as the general area to the north of Herkimer Street and east of Bay Street, where, where an SCA would be skewed in terms of the determination of character.

If the "overlay" approach is desired, a tighter defined scoped overlay for Durand makes sense. The area bounded by Herkimer Street, the Escarpment, Queen Street, and James Street is a largely intact low-rise residential portion of Durand that would benefit from such character zoning. Additionally, the area bounded by Herkimer Street, Bold Street, Queen Street, and Bay Street, generally share many of the same characteristics and would also be appropriate to include in such a scoped overlay area.

A tailored character "sub-zone" or zoning "suffix", however, would also achieve the same result. Such a character analysis regulation could be applied to properties zoned in "C", "D", or "DE" Districts at a minimum, as well as potentially "E" zones, for buildings that are four storeys and less. This could either be tied to a SCA or pre-established regulations set by a study of existing patterns in the neighbourhood as part of the zoning review process.

5.2.2 Type of Buildings

Ottawa's R1 through R4 Zones increase in the intensity and the permitted range of residential uses, moving generally from just detached dwellings (R1 Zone) up to a range of residential uses including detached dwellings to low-rise apartments (R4 Zone). The strength of Ottawa's SCA Zoning is that it provides a level of design control in respect to development that would otherwise not be controlled by *Planning Act* mechanisms. Without this SCA Zoning, buildings additions and developments not subject to Minor Variances or Site Plan Control simply proceed to building permits without any additional site and building design control.

For Durand, at a minimum, it should apply to uses such as single detached, semi-detached, and duplex dwellings which are not subject to Site Plan Control to provide the additional design control from a character perspective. Adding other low-rise uses that would be subject to Site Plan Control, such as townhouses, provides an additional level of control over and above the site plan process and any design guidelines that may be available. Existing zoning

only permits up to three storeys currently in Durand, however, up to four storeys in height is an appropriate threshold for these low-rise characteristics

5.3 Parking

Question: How should required parking be dealt with for subject properties where there is no accommodation for parking in the front or rear yards?

The Ottawa SCA Zoning does not require parking to be provided for the development of new low-rise residential buildings such as detached, semi-detached and street townhouse dwellings (or for taller buildings with less than 12 units in total). The SCA tool only applies where parking is provided at the property owner's discretion. Conversely, Hamilton's By-law No. 6593 requires a minimum of two spaces per unit for detached dwellings, one space per unit for semi-detached and duplex dwellings, and one-and-a-half spaces per unit for street townhouse dwellings. Applying the Ottawa SCA Zoning method while maintaining the general parking requirements of Hamilton By-law No. 6593 would have the effect of precluding the addition of dwelling units for properties where:

a) the lot does not abut a rear lane; and
b) the documented character regarding parking would not allow for a driveway from the front lot line (Character Group A); or,
c) where existing on-street parking would prevent a new curb-cut for a driveway where the dominant character group allows a front lot line driveway (Character Groups B, C and D).

These situations appear on a preliminary review basis to be isolated and relatively minor in extent, most likely to occur in the oldest areas of Durand. The south side of Markland Street between Queen Street and Bay Street, for instance, is one example where properties would be captured by a Character Group A rating and would be without rear lane access, thus, precluding such properties from providing a parking space. The redevelopment of these types of buildings may not be realistic, however, the addition of units could be realistic.

This situation also assumes no relief from zoning requirements through a Minor Variance. Based on a review of a summary of Committee of Adjustment decisions since 2006, 7 of the 19 granted variance applications by the Committee did include reductions or exemptions of parking requirements for additional units. So, the ongoing granting of minor variances and the supporting rationale needs to be considered as part of this broader discussion.

Section 5.1.1(c) discusses the appropriateness of the parking characteristics as additional zoning requirements. Regulations requiring lots with rear travelled lanes to have parking access from the rear lot line and patterns of front yard parking is an appropriate characteristic to regulate as additional parking requirements. However, regulations using the SCA approach to determine allowed parking access patterns on other lots is not appropriate at this time

based on the information at hand and the existing in-effect zoning. Without a full understanding of implications of the SCA tool on parking through a more fulsome parking review and without either reductions to or exemptions from the in-effect zoning requirements for parking, the Ottawa approach would preclude development on certain lots.

5.4 Evaluation Extent

Question: How far should the character evaluation extend around subject properties, and should it solely include residentially zoned properties?

5.5.1 Extent

The Ottawa SCA Zoning considers up to 21 surrounding properties for the documentation of prevailing streetscape patterns. Generally, this documentation includes the 10 lots on the same block of the subject property and 11 lots on the facing block. Documentation is more complicated for properties on block ends. It may require documentation on the next abutting blocks or documentation extending along the length of the property's own subject block to capture the required number of lots. The explanation in Ottawa's SCA Zoning for the various SCA documentation requirements is complicated.

The Ottawa SCA Zoning's extent of documentation employs a reasonable and appropriate extent for the identification of prevailing character patterns. A smaller extent would create the potential for pockets of built form patterns "anomalies" along the block that would skew the evaluation and determination of the prevailing pattern of character. A larger extent may result in cases where documented properties may not be visually perceived together as they extend onto different blocks, given the short block lengths in Durand in the lower-rise sections of the neighbourhood. Additionally, a larger extent carries additional efforts of documentation.

Given the generally short blocks within the subject portions of Durand ("C", "D", and "DE" Districts), a mid-block application of the SCA to Durand would generally capture all the fronting lots on the respective streets. In interests of simplicity, a character-based zoning approach for Durand's purposes could simply document all the lots that front onto that street without meaningfully impacting the results of the determination of prevailing patterns. End-block applications are more complicated and depend on the property's context given the nature of the ends of blocks vary throughout Durand.

5.5.2 Inclusions

In terms of inclusions, the Ottawa SCA Zoning model requires that vacant properties or properties developed with institutional, office, or open space uses be documented as part of the total unit count but may not contribute to the determination of the applicable character group. The Ottawa SCA Zoning does not speak to other uses such as retail commercial or other similar uses that may influence the determination of character. For Durand, this discussion largely affects the area generally north of Herkimer, which has a limited number of

non-residential and multiple residential forms interspersed within and surrounding the “C”, “D”, and “DE” Districts, as compared to the south which demonstrates a more uniform pattern of residential forms.

Exclusions do make sense as they have the effect of tightening the geographic extent of the character documentation. The above excluded types of uses are often on sites with much larger frontages as compared to lower-rise residential forms, which would not unduly influence the determination of prevailing character patterns given such properties only count as one lot for documentation purposes. Given the character-based zoning approach is meant to regulate the form and patterns of low-rise development, the simplest and most reasonable approach for Durand would be to limit characterization to residential properties three or four storeys and less, with properties containing non-residential and taller residential properties documented but excluded from the determination of prevailing character patterns.

5.5 Heritage Influences

Question: Should any additional requirements apply for lands that are within the Durand-Markland Heritage Conservation District?

The Durand-Markland Heritage Conservation District Plan (HCD Plan) applies to properties on Markland Street between James Street and Bay Street South as well as properties on Chilton Place and those on Macnab Street and Park Street to Herkimer Street. Section 4.2 of the HCD Plan provides guidance related to alterations or additions to sites and buildings within the District. This includes:

- Site guidelines (4.2.2) speaks to the maintenance of front lawns and plantings and existing means of access. Application of SCA characteristics to a certain degree would reflect these guidelines, including front yard patterns and driveway access in keeping with the determined character of the surrounding area.
- Existing building fabric guidelines (4.2.3) principally relate to restoration and repair of architectural details, which are not applicable for zoning purposes. Guidelines for maintaining the existing principal entrances on buildings is to a certain degree is regulated by the SCA tool concerning Principal Entranceways in keeping with the determined character of the surrounding area.
- Additions guidelines (4.2.4) relate to guidance for building additions to be positioned in ways that do not detract from the building or neighbourhood, particularly directed to side and rear locations of the property. Zoning could restrict building additions to the front wall or through additional height by not allowing future building in the front yard of existing buildings as of a certain date. However, this would be more appropriately controlled through the heritage permit processes to adequately address these guidelines.

Section 4.4 of the HCD Plan identifies a series of design guidelines for the construction of new buildings within the District. These form the basis of considering additional requirements for zoning of subject properties, whether new development or building additions:

a) Height: the District is regulated by the maximum height of two-and-a-half storeys per the "C" District regulations. The HCD guidelines desire new buildings that "*maintain the building height of adjacent properties and the immediate streetscape and should [not] be noticeably higher nor lower*". Buildings greater than two-and-a-half storeys would require a Minor Variance or Zoning By-law Amendment, so control on compatible heights is maintained with those instruments. Within the as-of-right height permission of the "C" District, additional regulations could tie the building height of the height to that of the abutting properties to determine a minimum and maximum height range.

b) Width: the lotting fabric is established in the District, recognizing the potential for future severances. The HCD guidelines desire that the width of new buildings and side yards spaces maintain the general pattern of adjacent properties and the immediate streetscape. Minimum and maximum side yard setbacks could be tied to the average of abutting properties or properties to a further extent similar to the SCA method.

c) Proportion: the proportion of height-to-width can be addressed as part of the height discussion above, with zoning mechanisms recognizing the height of the abutting properties.

d) Street Relationship: the front yard setbacks regulation of the SCA tool requiring the minimum setback to be the average of the abutting properties in part reflects this guideline to maintain existing setbacks. It would need to include a maximum front yard setback to ensure consistency with abutting properties.

e) Roof Forms: roof forms could be indirectly regulated through zoning with controls on heights depending on the pitch of roofs, however, but such regulations would be complicated and not appropriate. Heritage permit processes can adequately address these guidelines.

f) Composition: the architectural composition of new buildings within such areas is not appropriately or easily regulated through zoning. Heritage permit processes can adequately address these guidelines.

g) Proportion of Openings: openings on building elevations are not appropriately regulated through zoning, particularly for areas with a such a varied composition of openings. Heritage permit processes can adequately address these guidelines.

h) Materials and Colours: materials are colours are not appropriately regulated through zoning. Heritage permit processes can adequately address these guidelines.

Mass or form-related zoning regulations may be considered to give “teeth” to those guidelines of the Heritage Conservation District. This could include regulations tying minimum and maximum requirements for building height, building widths, side yard setbacks, and front yard setbacks to the range established by the abutting properties (or along the block or portions of the block). These may be appropriate, however, expert cultural heritage opinion on the suitability and form of such regulations should take precedence. Architectural-related regulations (roof forms, materials, openings) are not appropriate for zoning and should be left to design guidelines, particularly in the interest of maintaining architectural flexibility and variety that is a typical, and desired, characteristic of most mature neighbourhoods.

6. Conclusions on Suitability of SCA Tool

The Character Study prepared on behalf of the Durand Neighbourhood Association recommended exploring the use of the City of Ottawa's "Streetscape Character Analysis" zoning approach for informing development and redevelopment in Durand. Generally, this Peer Review finds that Ottawa's SCA Zoning inherently offers many benefits. It offers a level of transparency related to the zoning's formulation in that regulations are not static or "one-size-fits-all". Rather, regulations depend on the existing prevailing streetscape patterns surrounding a property to set the "rules" for new development and additions. It naturally adjusts to neighborhoods with different sub-areas that feature varying compositions of development patterns. It also provides a level of design control in respect to development that would otherwise not be controlled through a *Planning Act* mechanism, which includes instances where building additions and infill developments are not subject to Minor Variances or Site Plan applications.

The Ottawa SCA Zoning, however, does not address what is perceived by this Peer Review as the main thrust of the Character Study concerning Durand. The location and design of taller and more intense residential forms within the neighbourhood fabric appears to be the principal concern of the Character Study, rather than concerns related to inappropriate low-rise infill developments. Conversely, the latter was a principal concern of the City of Ottawa for its mature neighbourhoods and was specifically the motivation for developing its SCA Zoning.

Thus, a character-based zoning approach in Durand would be a proactive rather than reactive tool for neighbourhood change in the sense that it is not addressing infill concerns that are currently occurring in the neighbourhood. There have not been many recent infill developments in the subject portions of Durand, at least not to the level approaching that experienced in Ottawa. In the future it is reasonable to conclude that new residential units in the assessed low-rise portions of Durand will principally occur by building addition or establishment of new units within existing buildings rather than through development and redevelopment of properties. Nonetheless, such a character-based zoning approach does have benefits as a tool for directing low-rise infill development and redevelopment in Durand.

It is important to note, however, that an effective character-based zoning approach for Durand does not mean a recommendation for Ottawa's overlay approach or its SCA tool. The contextual situation of Ottawa's "Mature Neighbourhood Overlay" in the Zoning By-law is distinct from that of Durand, principally for three main reasons.

First, the Overlay targets specific issues related to low-rise infill developments that were deemed to be significantly inappropriately out of character with their host neighbourhood. These inappropriate examples principally contained garage-dominated front building walls and

driveway-dominated front yards that significantly contrasted the existing streetscape patterns. As a general observation, it appears that many of Ottawa's inappropriate infill examples were on underutilized sites situated in desirable locations (such as older, smaller bungalows redeveloped for new two- or three-storey residential buildings). Cumulatively, such infill developments can have detrimental impacts on streetscape character when left unchecked, although that is not a pattern currently observed in the Durand context. The nature and character of Durand's housing stock suggests that such cases would be isolated.

Second, the Overlay applies to a broad geographical extent of Ottawa that included the downtown core and the surrounding belt of inner neighbourhoods surrounding the core. A simple comparison of this general scale for Durand's purposes would be the area within the boundaries of the former City of Hamilton. The Overlay's extent includes a diversity of neighbourhoods with different compositions of housing age, forms and patterns. Such diversity would make crafting character-based regulations tailored to individual neighbourhoods on such a broad scale onerous as part of a comprehensive zoning by-law process. The Overlay essentially defers determination of regulations for a property to the Streetscape Character Analysis at the time plans are proposed. This approach makes sense for such a broad extent, but less so for an individual neighbourhood like Durand where that assessment can be done more easily upfront as part of new zoning provisions.

Third, the Overlay functions with an exemption for parking for low-rise developments. The SCA Zoning does not require any parking for low-rise forms with up to 12 dwelling units, but rather regulates parking where it is provided at the property owner's discretion. The City of Ottawa made this choice on a broad scale as part of the SCA Zoning, conscientiously recognizing the walkability, transit service levels and car ownership rates in these neighbourhoods and acknowledging the dated nature of the existing parking regulations in the former by-laws. It was based on an understanding of contemporary municipal parking approaches through reviews of minimum parking standards. Applying the Ottawa SCA Zoning method while requiring parking as is presently required by Hamilton By-law No. 6593 would have the effect of precluding the addition of dwelling units on certain properties. This includes lots that do not abut a rear lane and for which the determined dominant character does not allow a front access driveway or for which such an access could not be accommodated. Such a preclusion would not be appropriate or fair, undermining one of the strengths of the SCA Zoning approach.

Given these conditions, a similar zoning overlay and SCA tool is not warranted for Durand. However, certain regulated characteristics of the Ottawa SCA Zoning are appropriate as part of potential new zoning provisions for Durand to ensure streetscape character is maintained in the future. These are highlighted in the recommendations section of Section 7 of this Peer Review.

7. Recommendations

While Ottawa's approach using an Overlay and SCA Tool for Durand is not warranted per the conclusions in Section 6, tailoring zoning regulations for Durand using character-based approach offers benefits. The City of Burlington recently used such an approach, which progresses from a detailed assessment of existing built form patterns and zoning implications leading to tailored regulations for specific "character areas". Such an approach avoids the additional efforts required with administering the SCA process, which can be relatively complicated and brings a learning curve for City staff and residents. Unless the City of Hamilton is looking for a wider-ranging application of character-based zoning, tailored zoning regulations for Durand per the below recommendations can be easily formulated without the need for the use of the SCA tool (although a similar review of the entire block conditions per the extent of Ottawa's SCA tool could be adapted). This would involve "upfront" efforts in formulating the residential zones concerning quantifying the existing development patterns on a block-by-block within Durand.

This Peer Review makes the following recommendations concerning zoning for the Durand Neighbourhood in respect to the five questions per Section 1.3 of this Peer Review.

1. **Appropriate Characteristics: which of the characteristics identified in the Character Study would be appropriate to add as additional zoning requirements for use in the Durand Context?**

   The following are appropriate characteristics to add as additional zoning requirements:

   a) Front yard setbacks: regulations that require buildings to be aligned with the setbacks of abutting lots using averaging or a minimum/maximum range set by those abutting lots,

   b) Parking for lots abutting travelled rear public lanes: regulations requiring parking on such lots to be accessed solely from the rear lot line lots abutting the lane,

   c) Front yard parking: regulations that prohibit parking within the front yard of a building between the front building line and a street line,

   d) Driveway Widths: regulations concerning the maximum width of driveways relative to lot width for lots with front access parking,

   e) Garage Placement: regulations regarding minimum requirements for positioning and setbacks of front-access garages, and

   f) Landscaping: regulations concerning requirements for the remainder of non-driveway front yard to be landscaped, either as soft landscaping or a mix of soft and hard landscaping.

2. **Applicable Dwelling Types: which areas and what types of buildings should be subject to these characteristics?**

   The area that would benefit most from character-based zoning in Durand is the largely intact low-rise residential portion bounded by Queen Street to the west, Herkimer Street to the north, the Niagara Escarpment to the south, James Street to the east from the Escarpment to Herkimer Street, and Bay Street to the east from Herkimer Street to Hunter Street. Residential buildings that are four storeys or less should be subject to the above additional zoning requirements for Durand. At a minimum, it should apply to uses such as single detached, semi-detached, and duplex dwellings which are not subject to Site Plan Control to provide the additional design control from a character perspective. Adding other low-rise uses that would be subject to Site Plan Control, such as townhouses, would provide an additional level of control over and above the site plan process and any design guidelines that may be available.

3. **Parking: how should required parking be dealt with for subject properties where there is no accommodation for parking in the front or rear yards?**

   Ottawa's SCA Zoning would not function the same in the Durand context given that Hamilton By-law No.6593 requires parking for low-rise residential buildings, whereas none is required by the Ottawa zoning by-law. This is a key component of the SCA Zoning and would have the effect of precluding certain properties for additions or development given parking could not be accommodated in keeping with prevailing streetscape patterns.

   While they may be justified in an urban context such as Durand, changes to the in-effect minimum parking requirements are not being recommended through this Peer Review. They would need to be addressed as part of a parking review (which may address such matters as car ownership rates, contemporary zoning practices, and utilization rates of on-street parking) to establish new parking requirements. This was not part of the scope of this Peer Review. Such a review needs to be done on a comprehensive basis and is not appropriate on an individual neighbourhood basis such as Durand.

   Thus, the parking regulations identified above in the "Appropriate Characteristics" would operate under the in-effect zoning parking rates requiring lots with rear lanes solely to be serviced from rear lot lines, prohibiting parking in front yards, and limiting driveway widths.

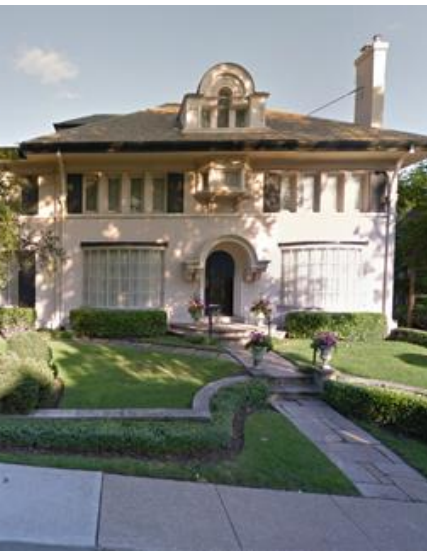
4. **Evaluation Extent: how far should the character evaluation extend around subject properties, and should it solely include residentially zoned properties?**

   The above recommendations do not incorporate evaluation beyond the abutting properties. Should a similar character evaluation be desired for Durand's purposes to that of Ottawa, the simplest and most reasonable approach for Durand would be to simply

document all the lots that front onto that street given the short block lengths and to limit characterization to residential properties three or four storeys and less, with properties containing non-residential and taller residential properties documented but excluded from the determination of prevailing character patterns.

5. **Heritage Influences: should any additional requirements apply for lands that are within the Durand-Markland Heritage Conservation District?**

   Mass or form-related zoning regulations may be considered to give “teeth” to those guidelines of the Heritage Conservation District. This could include regulations tying minimum and maximum requirements for building height, building widths, side yard setbacks, and front yard setbacks to the range established by the abutting properties (or along the block or portions of the block). These may be appropriate, however, expert cultural heritage opinion on the suitability and form of such regulations should take precedence. Architectural-related regulations (roof forms, materials, openings) are not appropriate for zoning and should be left to design guidelines, particularly in the interest of maintaining architectural flexibility and variety that is a typical, and desired, characteristic of most mature neighbourhoods.



Durand Neighbourhood Character Study

Final Report

April 2017

durand neighbourhood association

civicplan
Planning | Engagement | Research

Prepared for:

Civicplan was retained by the Durand Neighbourhood Association (DNA) to develop a better understanding of local character in their downtown urban neighbourhood. This report provides a summary of the findings and outcomes of the Durand Neighbourhood Character Project.

The Durand Neighourhood Character Citizen survey was conducted using CivicSurveys, a public engagement platform developed by Civicplan.

Civicplan provides innovative land use planning, community engagement, strategy development and research services to the public, non-profit, and private sectors. For more information visit civicplan.ca

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Tables and Figures

Executive Summary

The Durand neighbourhood is situated at the intersection of the old and new Hamilton. Its built environment tells the story of generations arriving, building, and growing with the city. Yet today, as newfound energy and renewed dynamism take hold in the city, Durand is at the forefront of the 'new Hamilton.' The juxtaposition of old and new is an ongoing challenge for the neighbourhood, as it attempts to balance intensification and renewal while maintaining the neighbourhood's existing character.

Neighbourhood character, in the context of this study, refers to *the look and feel* of an area. It is made up of a number of factors that contribute to how private homes connect with the public street, or what makes up a streetscape. The Durand Neighbourhood Character Study's purpose is to understand the neighbourhood context and make recommendations for future policy to help maintain neighbourhood character through periods of change.

The Durand Neighbourhood Character Study Report

The Durand Neighbourhood Character Study Report presents an overview of the results of the Study. It is organized into six sections. The report begins with an introduction to the Durand neighbourhood, its history, its current pace of change, and the existing municipal policy and regulatory frameworks that govern development in the area. The next three sections present research and data related to maintaining neighbourhood character, first with a review of the innovative approach used in Ottawa, Ontario that informed a "Durand-designed" neighbourhood character research approach that included a neighbourhood street audit and resident survey. The last two sections present detailed recommendations informed by the research, and next steps for the Durand Neighbourhood Association (DNA), which initiated this project.

Durand Neighbourhood Context

The Report's introductory section presents a brief history of the Durand neighbourhood, a review of the level of change over the last 15 years, and finally a more detailed discussion of the existing policy framework that shapes development activity in the area.

The review of existing municipal policy documents for the Durand neighbourhood highlights two key findings. First, that existing regulation, for example the Neighbourhood Plan and primary zoning by-law, are significantly dated. The second finding is that within existing municipal plans and policies, there are useful elements that support creating specific rules to maintain Durand's unique neighbourhood character. For example, in the Urban Hamilton Official Plan, the 1987 Durand Neighbourhood Plan, existing zoning regulations, and the Durand Neighbourhood Built Heritage Inventory.

Maintaining Neighbourhood Character

The next three sections of the Report present research and data related to maintaining neighbourhood character including a review of the Ottawa case study, followed by the results of a "Durand-designed" model of street audits and a resident survey, as tools to analyze the current neighbourhood.

Neighbourhood Street Audits

The Ottawa approach served as an inspiration for Durand as it is flexible, targeted, transparent, and enforceable. Civicplan developed a streetscape character auditing tool that expanded on the experience from the Ottawa approach. The basis of the audit tool was for citizen auditors to collect data on 10 streetscape character factors throughout Durand. For the study, 23 zones were identified.

The results of the audit provided a number of insights into the existing built environment and character of the neighbourhood. This includes that there are different areas with distinct character elements throughout Durand, as well as some common elements that reach across the neighbourhood. The Report details the results of each factor and graphically represents these results to illustrate which factors are dominant in different areas across the neighbourhood.

Neighbourhood Survey

A resident survey was conducted as part of the Study. The goal of the survey was twofold; first was to help inform Durand residents about neighbourhood character, the *look and feel* of their streets. Second was to gather insight from Durand residents about how they view the influence of the 10 different character elements on their streetscapes.

In total, 174 residents responded to the survey, representing a cross section of people who live in the neighbourhood, by age, type of residence and length of time living in the neighbourhood. The results demonstrated valuable insights into which factors the respondents saw as positively influencing their neighbourhood and what sorts of new development they would like to see. The survey results indicated strong parallels between what character factors residents valued and the dominant characteristics of the different areas of the neighbourhood, as identified in the street audits.

Recommendations and Next Steps

Building on existing neighbourhood policy research, the neighbourhood character audits, and the resident survey, the final sections of the Report provide detailed recommendations for future policy change to maintain neighbourhood character. Additionally, the Report presents next steps to provide direction for the DNA on how to begin to address the issue of neighbourhood character in the short term, while also ensuring that the unique character of the neighbourhood is recognized and maintained in future planning regulation and policies.

Recommendations for Policy Change

Durand requires a new Secondary Plan as it is an area undergoing change where general policies are insufficient to guide redevelopment and the current Durand plan is 30 years old. The Report presents a number of specific policy recommendations for a new Secondary Plan that build off of existing policy, the neighbourhood audit, and resident survey results.

Also, the Report recommends that the outcomes from the neighbourhood street audits and resident survey should inform the update of the city-wide Comprehensive Zoning By-law when it enters the Residential Zones phase. The results in the Report are useful in the design of how zones may be delineated to allow more compatible development within the existing neighbourhood.

Next Steps

Finally, the Report provides specific short, medium, and ongoing strategies for the Durand Neighbourhood Association. These include guidance on using the Report research to advocate for changes and updates in municipal policy affecting the neighbourhood, as well the creation of a Zoning Overlay Pilot Project, using a Streetscape Character Analysis, that could assist in maintaining Durand's neighbourhood character.

1.0 Introduction

Durand sits at the intersection of the old and new Hamilton. Its built environment tells the story of generations arriving, building, and growing with the city.

You see the story of Hamilton on every street, from the initial settlements and estates, to the Victorian and Edwardian booms, to the intensification of the 1960s and 1970s. It also reflects the legacy of economic turbulence. While much of the neighbourhood remained stable, a number of estate homes became apartments and some buildings fell into decline. Yet today, as newfound energy and renewed dynamism take hold in the city, Durand is at the forefront of the 'new Hamilton.' Historic homes are being renovated and new condo towers are rising, as the neighbourhood's commercial corridors bustle with activity and young families join the community.

The juxtaposition of old and new will be an ongoing challenge for the neighbourhood, as it attempts to balance intensification and renewal with protection of the neighbourhood's existing character.

The Durand Neighbourhood Character Study was undertaken at the direction of the Durand Neighbourhood Association (DNA) as it attempts to manage growth in a way that reflects and respects its community's character. The goals of the study are to provide a greater understanding of neighbourhood character in Durand, to better understand the existing landscape, and finally, to provide the DNA with recommended actions to advocate for maintaining its neighbourhood's character.

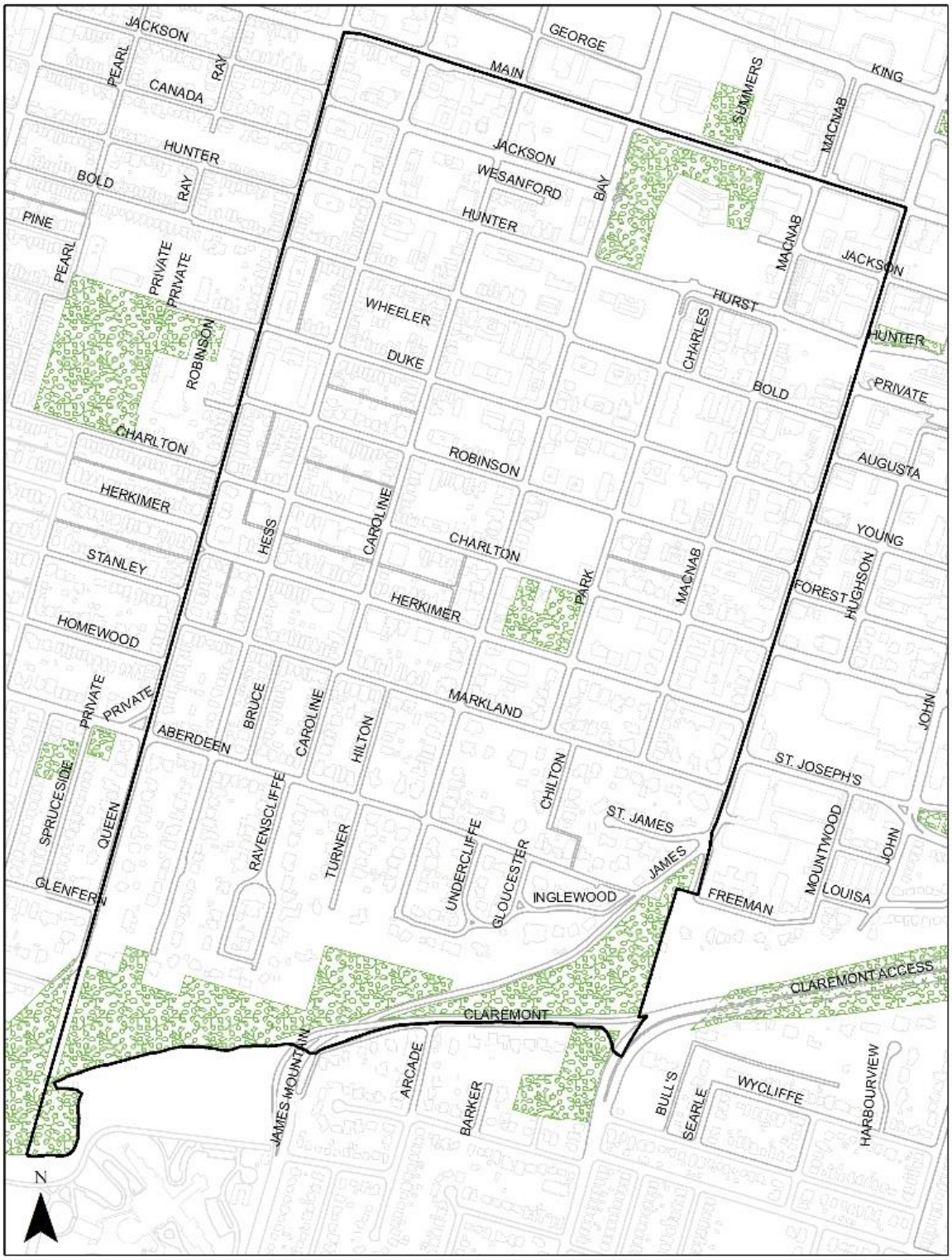
1.1 Context and History of Durand

The Durand Neighbourhood is located south of downtown Hamilton and is bounded by James Street to the east, Main Street to the north, Queen Street to the west and the Niagara Escarpment to the south (Figure 1).

The land that is now the Durand Neighbourhood was originally purchased as a 274 acre property in 1791 by a few wealthy speculators, including George Hamilton, the founder of the city.[1] The neighbourhood was named for James Durand, a prominent Hamiltonian. From the 1840s to the mid-1870s the population of the Durand exploded from just a few buildings to being over fifty percent developed. The neighbourhood was fully developed by the end of the 19th century, with a diversity of dwellings being constructed of varied size and scale.[2]

By the mid-20th century, change and development were increasing in the neighbourhood, and by the 1970s many examples of earlier architecture had made way for high rise apartment style buildings, particularly in the northern part of the neighbourhood. Strong tensions around development in Durand were at play through the latter part of the 20th Century, with the Durand Neighbourhood Association (est.1972) becoming a strong proponent for responsible neighbourhood planning and preservation of neighbourhood character.

Figure 1: Durand Neighbourhood Boundaries



1.2 What is Neighbourhood Character?

Neighbourhood character, in the context of this study, refers to *the look and feel* of an area. It is made up of a number of factors that contribute to how private dwellings connect with the public street, or what makes up a streetscape. The Durand Neighbourhood Character study focuses on how to maintain the look and feel of streetscapes. While there are various buildings of all shapes and sizes in any neighbourhood, the focus of this project is on low to mid-rise residential housing, which is six storeys or less in height.

1.3 Current Pace of Neighbourhood Change

While there are visible signs of development in the Durand neighbourhood, one tangible way to measure the levels of development over time includes a review of Committee of Adjustment (COA) applications. These provide insight into changes in residential neighbourhoods, as COAs relate to smaller-scale building alterations. These applications, alongside rezoning applications and development applications, are tools used by the municipality to request reports from private developers on the uses and changes to properties, while also providing opportunities to inform the public. A review of the number of COA applications over time can provide a sense of whether the level of change in a neighbourhood is increasing or decreasing. Figure 2 summarizes the number of COA applications in Durand over the last 15 years. Between 2001 and 2016, there was an increase in COA applications, suggesting an uptick in neighbourhood development activity. Note that this does not include development applications or rezoning applications, just COA applications for variances and severances. To get a sense of the types of COA applications these represent, Table 1 provides detail on selected applications.

Figure 2: Durand COA Applications 2001-2016[3]

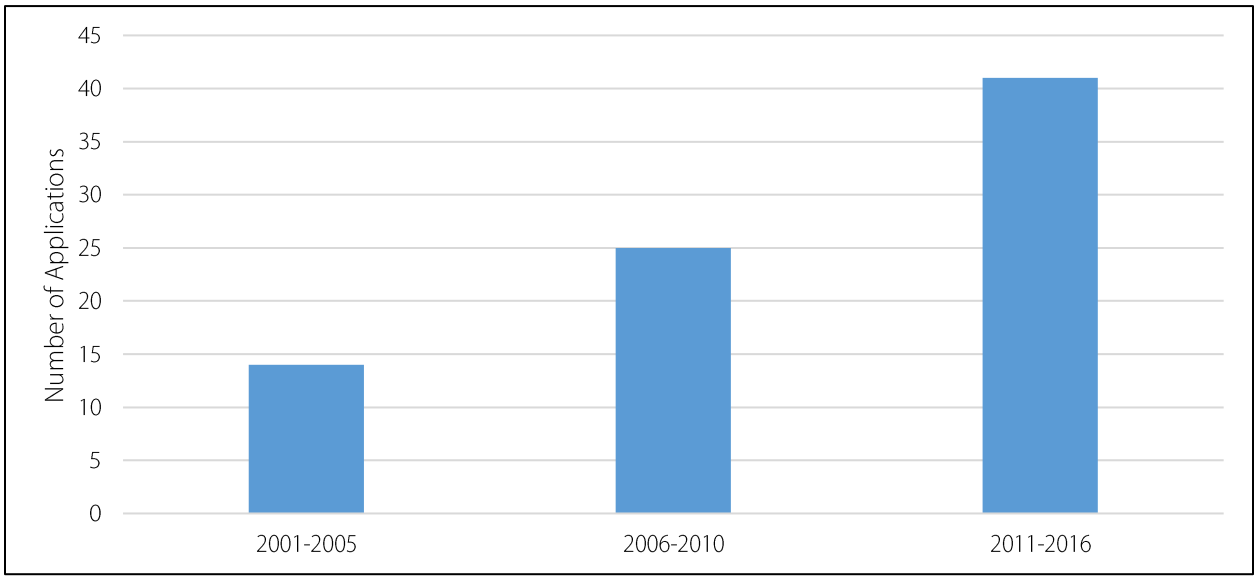


Table 1: Selected COA Application in Durand

Address	File Number/Type	Notes
44 Inglewood Dr	HM/A-15:117[4]	To permit the construction of a new single family dwelling following the demolition of the existing single family dwelling, altering building footprint
	Minor Variance	
257 Park St S	HM/B-16:86[5]	To divide up the land and using it for a townhouse development
	Consent/Land Severance	
126 Hess St S	HM/A-15:303[6]	To permit the construction of a third storey addition to the existing single family dwelling along with altering the allowed building footprint.
	Minor Variance	
167 Bay St S	HM/A-15:08[7]	To permit the conversion of the existing two (2) family dwelling to a multiple dwelling containing four (4) dwelling units.
	Minor Variance	
	Minor Variance	

1.4 Existing Municipal Policy Related to Neighbourhood Character

As a first step in investigating neighbourhood character, a review of relevant existing policy is useful. There are existing rules and guidelines in place that City officials use to evaluate new home construction or additions to an existing house in established neighbourhoods. These are set out in the Official Plan, Secondary (neighbourhood) plans, and zoning by-laws. In terms of Durand, the relevant documents are not all of the same age, which impacts their appropriateness and effectiveness.

1.4.1 Official Plan

The Urban Hamilton Official Plan (UHOP) provides high level support for the maintenance of neighbourhood character in Durand. The current UHOP was adopted by City Council in 2009 and was approved by the Province of Ontario in 2011 and therefore provides the most up to date policy context for the neighbourhood. The UHOP sets the goal of establishing, "compact and healthy urban communities that provide opportunities to live, work, play, and learn."[8]

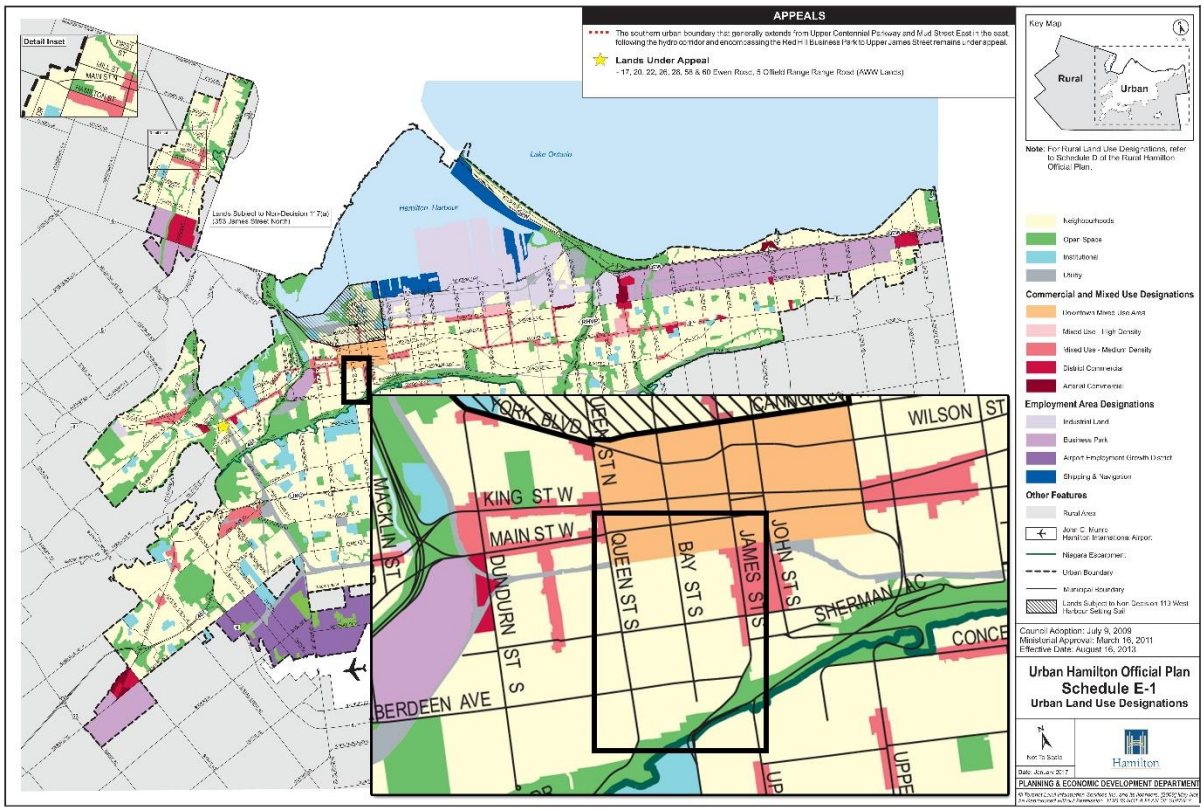
The UHOP identifies elements of Hamilton's urban structure including neighbourhoods, open space, employment areas, and major activity centres. This structure forms the basis for land use designations. The following land use designations are applied to the Durand neighbourhood as shown in Figure 3:

- Neighbourhoods
- Open Space
- Mixed Use – Medium Density
- Downtown Mixed Use

<u>An Established Historical Neighbourhood</u>

The UHOP provides relevant policies that pertain to Durand in the Established Historical Neighbourhoods section under General Cultural Heritage Policies for Urban Areas. Specifically, "Established historical neighbourhoods are neighbourhoods that were substantially built prior to 1950. These neighbourhoods exhibit unique character, provide examples of historical development patterns, and contain concentrations of cultural heritage resources." Further, policies state that, "The City shall protect established historical neighbourhoods, as identified in the cultural heritage landscape inventory, secondary plans and other City initiatives, by ensuring **that new construction and development are sympathetic and complementary to existing cultural heritage attributes of the neighbourhood, including lotting and street patterns, building setbacks and building mass, height, and materials**."[9]

Figure 3: Official Plan Land Use Designations for Durand[10]



1.4.2 Durand Neighbourhood Plan

The most current Neighbourhood, or Secondary Plan for Durand was developed in 1987[11]. The Plan breaks down the neighbourhood into 5 character areas (Figure 4) as follows:

Area 1: Commercial and Institutional

The northeast quadrant of the neighbourhood was home to various important commercial and institutional buildings that were significant parts of the downtown core, such as City Hall, the YWCA, and Whitehern.

Area 2: High Density Residential Area

The area south and west of Area 1, stretching from Main St. to Robinson St., was described as a zone of high-density residential development. The Plan notes that the original 1973-74 Neighbourhood Plan was motivated in part by resident concerns over the spread of this type of development to existing low-density areas.

Area 3: Transition Area

The area between Robinson St. and Herkimer St. had a lower density than Area 2, but had a high rate of conversions of single-family homes into multiple units. Maximum permitted building height was often 12 storeys.

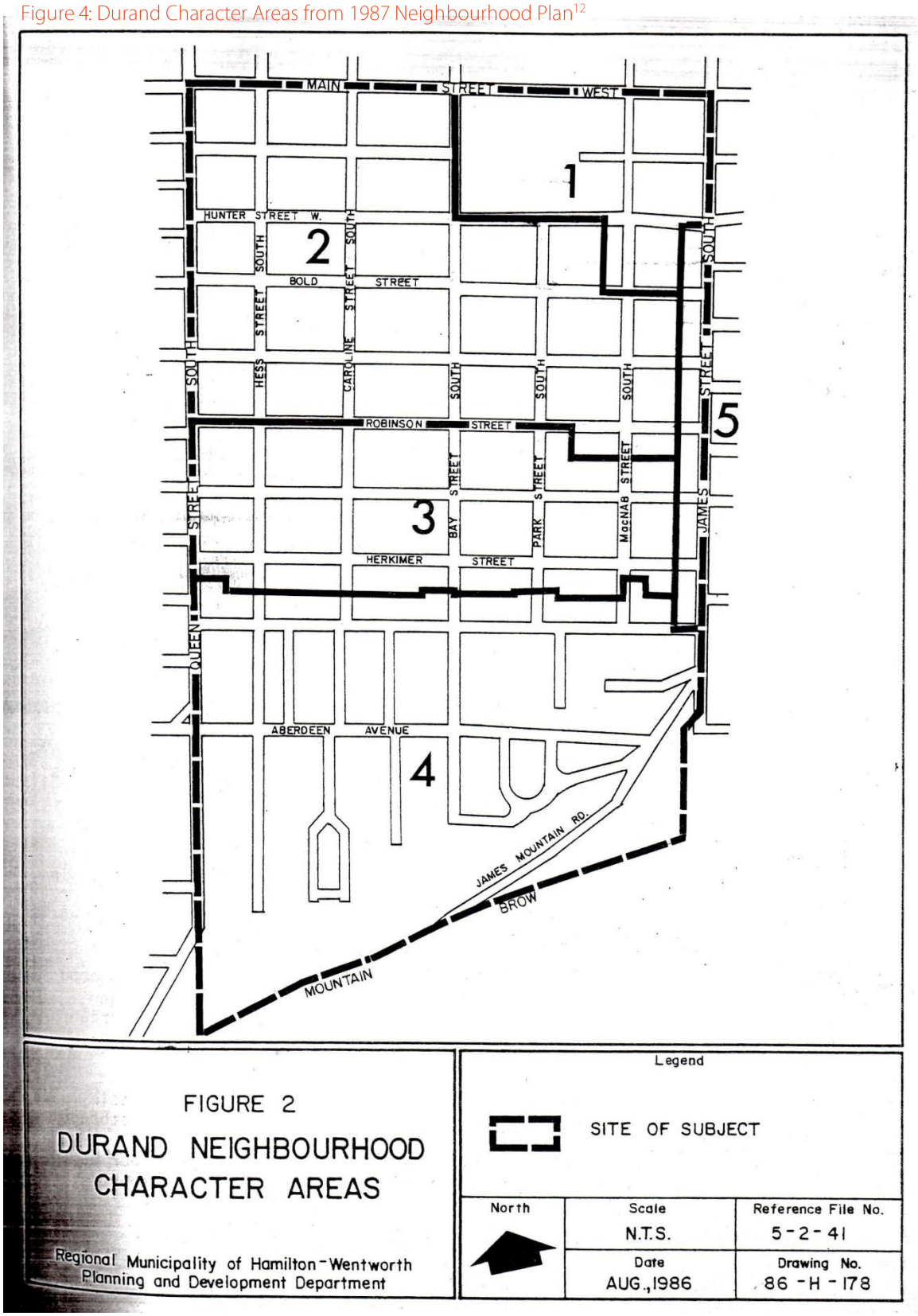
Area 4: Single Family Residential Area

Stretching from Herkimer St. to the Escarpment, this area was characterized by single-family homes on large lots that generally increased in value as they approached the escarpment. This Area was one of the most in-demand residential areas in the city and had remained relatively stable over the years, with limited in-fill.

Area 5: James Street Commercial Area

This commercial strip stretching along James from Main St to Markland St. was also one of the city's main transportation arteries. It contained many amenities for local residents, including grocery stores, personal services, and restaurants.

Figure 4: Durand Character Areas from 1987 Neighbourhood Plan[12]



Although it is thirty years old, there are many goals and policies within the 1987 Neighbourhood Plan that are relevant to the issue of neighbourhood character.[13] Specifically, goals exist around:

- Maintaining the distinctive residential nature of the neighbourhood
- Preserving areas of historical and/or architectural significance
- Designing new development or redevelopment in a manner that takes compatible form with the surrounding environment
- Maintaining public participation in the implementation of the plan

Additionally, there are a number of objectives and policies that propose how to implement the stated goals. Specific policies are offered that relate to residential densities, rules around renovation and redevelopment, as well as urban design principles. Some relevant policies that relate to built form and neighbourhood character include:

- Encouraging preservation and adaptive reuse of buildings, especially if the building is deemed of historical or architectural significance, contributes to the streetscape[14]

- Prioritizing human scale and human interaction with local built form through consideration of height and massing of buildings[15]

- Ensuring all new development proposals are compatible with the existing character of the neighbourhood[16]

- Enhancing the form and appearance of buildings and their inter-relationships, as well as the preservation and enhancement of heritage buildings and areas[17]

- Maintaining character in the vicinity of heritage buildings by ensuring new buildings will be compatible in scale, height, proportions, material, and style[18]

Some of these goals, objectives, and policies can also inform updated neighbourhood planning and will be discussed in the recommendations section of this report.

1.4.3 Existing Zoning

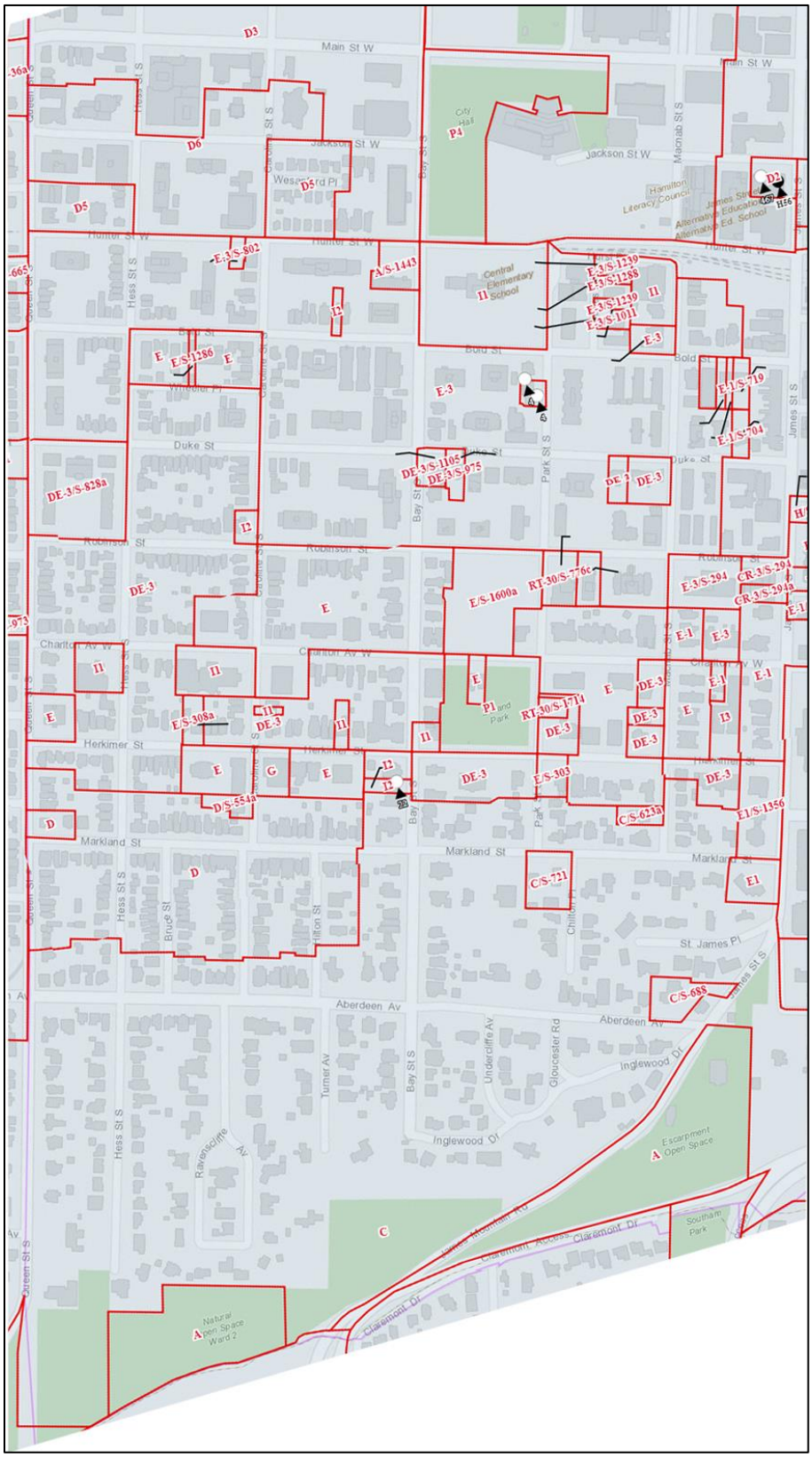
Zoning by-laws provide additional regulation for neighbourhoods. The majority of Durand falls under City of Hamilton Zoning By-Law No. 6593, originally passed in 1950. The Northern most portion of the neighbourhood (from Hunter Street to Main Street) falls under the newer Downtown Zoning By-Law.

The City of Hamilton is updating city-wide Comprehensive Zoning By-law No. 05-200 in stages. In July and October 2015, the City passed a series of zoning by-law amendments to add new zones for the rural area. The next phase of Zoning By-law No. 05-200 is focused on Commercial and Mixed Use Zones. Of particular relevance to Durand is an update to Residential Zones that will be dealt with in a subsequent phase.

The current zoning from By-Law No. 6593 remains in effect for Durand and impacts the ability of the neighbourhood to maintain neighbourhood character. Figure 5 shows the different zones that cover Durand. Of particular relevance are zones that allow development of heights that would significantly alter the character of neighbourhood streets. For example, some zone districts (e.g. E, E-1) keep single family dwellings at 2.5 storeys or less. However, within these zones, multi-family dwellings can have heights up to 12 storeys, in some circumstances. For E-3 districts, development can range between 8-18 storeys.[19]

Thus, zoning in its current form is not conducive to maintaining neighbourhood character in contemporary Durand.

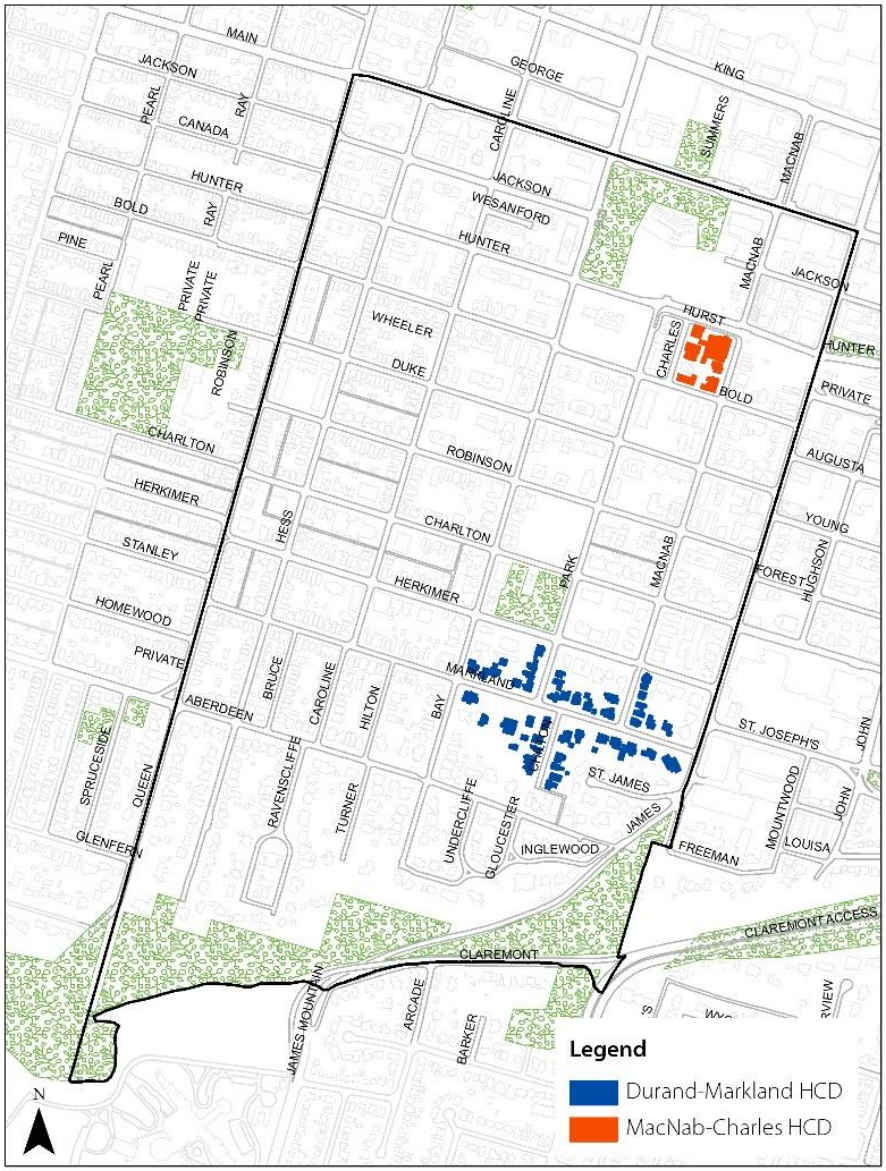
Figure 5: Current Zoning in Durand[20]



1.4.4 Heritage Conservation Districts (HCD)

Heritage Conservation Districts (HCD) are areas that are protected by a municipal by-law, passed under Part V of the Ontario Heritage Act (OHA), by City Council. HCDs protect areas that are considered to be historically or culturally significant and require special care and attention in the planning process to ensure that they are conserved. As part of a HCD, a heritage permit is required for any alterations or additions to external building fabric, whether old or new to ensure it maintains the integrity of the district. Currently, there are two HCD in Durand: the MacNab-Charles and the Durand-Markland Heritage Conservation District (Figure 6).

Figure 6: Durand Heritage Conservation Districts



1.5 Durand Heritage Inventory

The City of Hamilton's Durand Neighbourhood Built Heritage Inventory (hereafter referred to as The Inventory), which was finalized in March 2016, provides a valuable overview of the neighbourhood's existing heritage stock.[21] In the Fall-Winter period of 2015 and 2016, City staff worked with community members and ERA Architects to create The Inventory. The architects provided analysis of each of the 988 buildings in the neighbourhood to determine their heritage contribution.

The Inventory defined four classifications[22] of heritage value:

- **Significant Built Resource (SBR):** the property is of considerable historic, aesthetic and/or contextual value; it is likely well known to local, regional or national communities.

- **Character-Defining Resource (CDR):** the property strongly reinforces its historic context, clearly reflecting a characteristic pattern of development or activity, property type, or attribute of the area.

- **Character-Supporting Resource (CSR):** the property maintains or supports its historic context, and can be related to a characteristic pattern of development or activity, property type, or attribute of the area.

- **Inventory Property (IP):** the property is not currently considered to contribute to its historic context, but could acquire value in the future; or the property has been heavily modified to the point where its heritage value may have been lost. Cultural heritage value may be identified through further research or detailed field investigation.

According to the Inventory, Durand has a substantial stock of heritage character and character-supporting buildings. These buildings reflect a number of time periods, among which are pre-Confederation, Victorian, Edwardian, and post-War. Further, these buildings are spread throughout the neighbourhood, with nearly every block containing SBR or CDR resources (Figure 7).

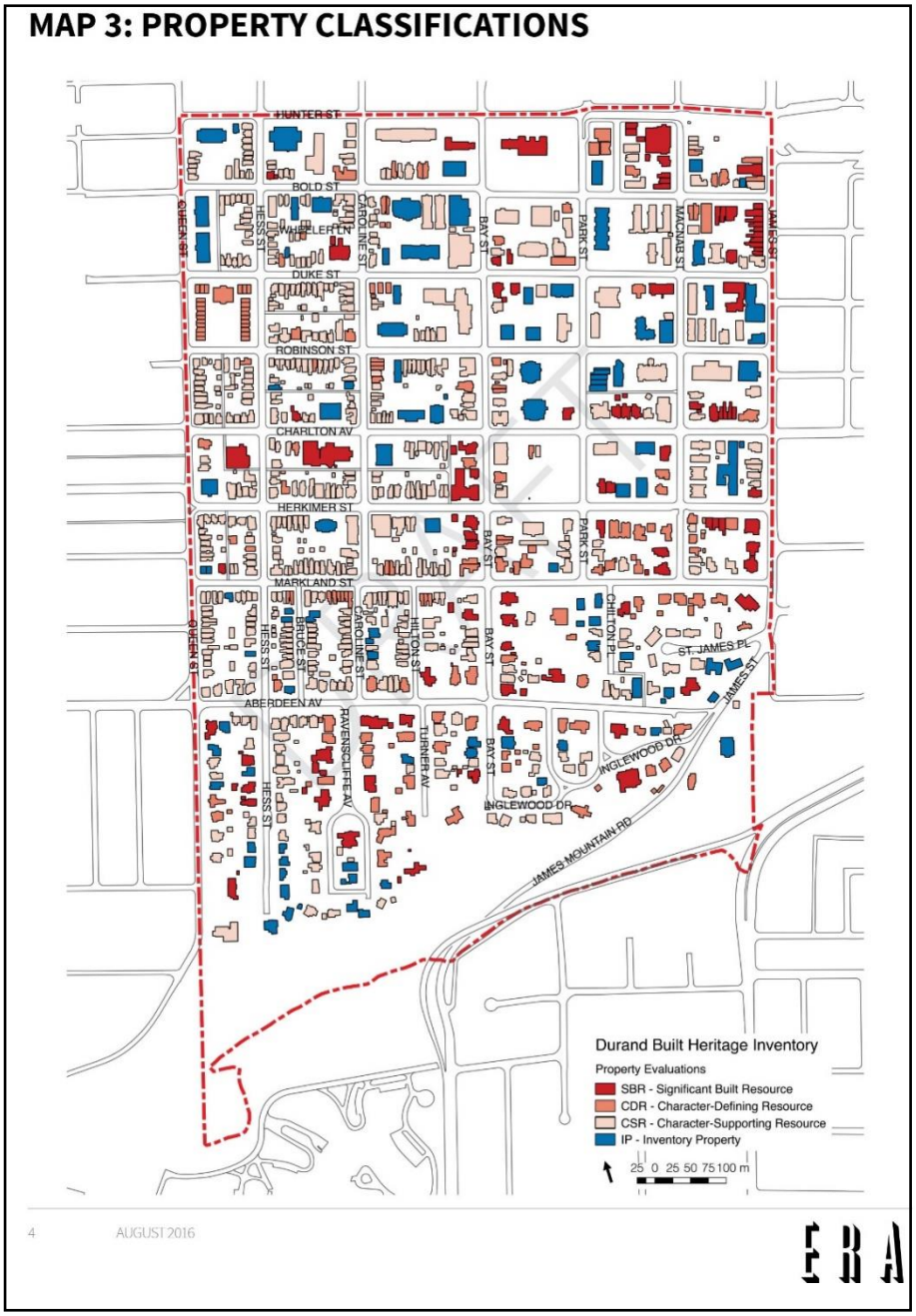
The Inventory found that:[23]

- 27 percent of properties in the study area either have landmark status or are important in defining the present character of the neighbourhood;
- 101 were Significant Built Resources;
- 162 were Character-Defining Resources.

The Inventory recommended:[24]

- 76 percent of the buildings in the neighbourhood be placed on Hamilton's Register of Property of Cultural Heritage Value or Interest.
- 60 additional buildings be designated as heritage buildings under Part IV of the OHA.

Figure 7: Property Classifications in Durand Heritage Inventory[25]



Durand is a neighbourhood with a long history and rich character assets. While some work has been done already to better understand the contemporary neighbourhood, there are a number of deficiencies in existing planning documents. Concerted efforts need to be made to address these deficiencies by capitalizing on the opportunities identified in this policy review that can address the issue of neighbourhood character. There is interest in the local community in seizing these opportunities and taking innovative approaches to maintain character that move beyond the traditional heritage preservation approach.

2.0 The Ottawa Approach

The Durand Neighbourhood Character Project began with a focus on introducing a different approach to managing character to the neighbourhood and looking towards innovative steps moving forward. In Ottawa, an inventive approach is used to set rules for development to help maintain neighbourhood character. Thus, the first phase of the Durand Neighbourhood Character Project reviewed models of describing and preserving character in mature neighbourhoods, specifically focussing on the Ottawa approach, as concrete inspiration.

2.1 Why Ottawa

The Ottawa example provides a number of characteristics of interest for the Durand Neighbourhood Association, specifically, it is:

Flexible: Ottawa uses an approach where 'Your street gives you your rules.' This allows differences across a neighbourhood to be taken into account and avoids a 'one size fits all' set of rules.

Targeted: Applied as an "overlay" to specific neighbourhoods. This allows a particular area or neighbourhood to have an additional set of rules along with the regular zoning by-law that applies to all residential areas city-wide.

Transparent: Uses tools that allow citizens to better understand the character rules for their street. This allows engaged citizens to better participate in the development and maintenance of their neighbourhood.

Enforceable: The Ottawa approach was defended at the Ontario Municipal Board which makes it more likely to be legally acceptable elsewhere in the province. The key element of the ruling from the OMB determined that municipalities do have the authority to regulate neighbourhood character, under Section 34 of the Planning Act, R.S.O.1990 and that neighbourhood character requires looking along a street, or 'streetscape character'.[26]

With the Ottawa approach, property owners retain complete architectural freedom to design a new home or addition, as long as three key attributes that define the dominant character of a streetscape are maintained or strengthened. These three attributes relate to: front yards, parking, and the orientation of the main door.

To define these attributes, the City of Ottawa developed a user-friendly tool called a Streetscape Character Analysis (SCA). This allows the community to assess what is considered the dominant neighbourhood character on a streetscape, and the rules that new development needs to follow to strengthen that character. A SCA is primarily undertaken by the developer, but it is user-friendly enough that it can be conducted by the community (e.g. residents, home owners). After a required SCA is completed, it is submitted to City officials for their approval. It is then used to evaluate whether a proposed development project is consistent with the dominant character of the street or not. To learn more about how a SCA works and in what circumstances it is used, please see Appendix A.

2.2 Results of Ottawa Approach in Durand

To better determine how the Ottawa approach would work in Durand, a sample of four zones were identified and sample Streetscape Character Analyses were conducted on each zone. The outcomes of the SCAs include a three letter "Character Code" for each area that summarizes the character of the area under investigation. Figures 8-11 show the outcomes for each area.

Figure 8: Streetscape Character Analysis of Charlton Avenue

Streetscape Character Analysis of Charlton Avenue

This Streetscape Character Analysis (SCA) focuses on three blocks of Charlton Ave between James St. S. and Bay St. S. This analysis spans three blocks because the number of included lots was lower than elsewhere due to a variety structures not applicable to the SCA. Included are both detached homes and low rise apartment buildings. Excluded are commercial/professional buildings, as well as mid-rise apartment buildings. All the structures included in the analysis were constructed late in the 19th Century or early 20th Century. The home marked with an * indicates there reference house for the analysis.

The SCA for this area demonstrates that the dominant character is **A-A-A**. See below for details on how this was determined.

Front Yards

	Number of Houses	Dominant Character
Group A: Fully landscaped yard	7	X
Group B: Landscaped in front of the house width only	0	
Group C: Landscaped in front of part of the house	5	
Group D: Small or no landscaped yard	0	

Parking and Driveways

	Number of Houses	Dominant Character
Group A: No streetscape impact from on-site parking	7	X
Group B: Low streetscape impact from on-site parking	1	
Group C: Medium streetscape impact from on-site parking	1	
Group D: High streetscape impact from parking	4	

Main Door

	Number of Houses	Dominant Character
Group A: Main door facing the street	13	X
Group B: Main door does not face the street	0	

Figure 9: Streetscape Character Analysis of Hess Street South

Streetscape Character Analysis of Hess Street South

This Streetscape Character Analysis (SCA) is focussed on Hess Street South, on a portion of the street near the southern boundary of the Durand neighbourhood. The streetscape is made up of larger housing typology situated just below the Niagara Escarpment. The house marked with a * indicates the reference house for the analysis.

The SCA for this area demonstrates that the dominant character is **B-B-A**. See below for details on how this was determined.

Front Yards		
	Number of Houses	Dominant Character
Group A: Fully landscaped yard	0	
Group B: Landscaped in front of the house width only	11	X
Group C: Landscaped in front of part of the house	8	
Group D: Small or no landscaped yard	0	

Parking and Driveways		
	Number of Houses	Dominant Character
Group A: No streetscape impact from on-site parking	0	
Group B: Low streetscape impact from on-site parking	18	X
Group C: Medium streetscape impact from on-site parking	1	
Group D: High streetscape impact from parking	0	

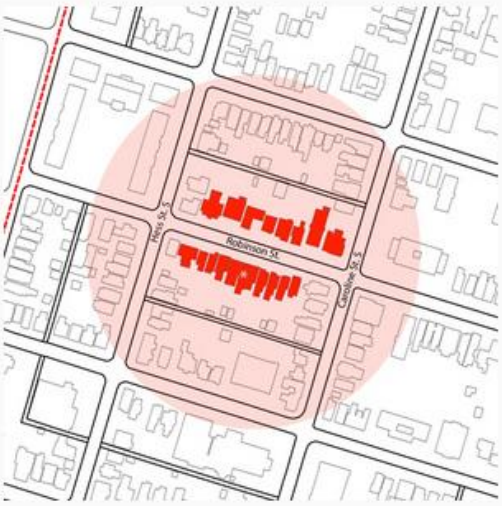
Main Door		
	Number of Houses	Dominant Character
Group A: Main door facing the street	18	X
Group B: Main door does not face the street	1	

Figure 10: Streetscape Character Analysis of Robinson Street

Streetscape Character Analysis of Robinson Street

This Streetscape Character Analysis (SCA) is focussed on Robinson Street, a street in the centre of the Durand neighbourhood, which runs from West to East from Queen Street South to James St. S. The block included in the analysis sits between Hess St. S and Caroline St. S. The streetscape is made up of mostly intact Victorian housing of up to three stories in height. The house marked with a * indicates the reference house for the analysis.

The SCA for this area demonstrates that the dominant character is **A-A-A**. See below for details on how this was determined.



Front Yards

	Number of Houses	Dominant Character
Group A: Fully landscaped yard	18	X
Group B: Landscaped in front of the house width only	0	
Group C: Landscaped in front of part of the house	0	
Group D: Small or no landscaped yard	0	

Parking and Driveways

	Number of Houses	Dominant Character
Group A: No streetscape impact from on-site parking	18	X
Group B: Low streetscape impact from on-site parking	0	
Group C: Medium streetscape impact from on-site parking	0	
Group D: High streetscape impact from parking	0	

Main Door

	Number of Houses	Dominant Character
Group A: Main door facing the street	17	X
Group B: Main door does not face the street	1	

Figure 11: Streetscape Character Analysis of Wesanford Place

Streetscape Character Analysis of Wesanford Place

This Streetscape Character Analysis (SCA) is focussed on Wesanford Place, a small cul-de-sac in the northern part of Durand near City Hall. The streetscape is made up of mostly post-war infill housing of one to two stories in height. The house marked with a * indicates the reference house for the analysis.

The SCA for this area demonstrates that the dominant character is **B-B-A**. See below for details on how this was determined.

Front Yards

	Number of Houses	Dominant Character
Group A: Fully landscaped yard	1	
Group B: Landscaped in front of the house width only	8	X
Group C: Landscaped in front of part of the house	3	
Group D: Small or no landscaped yard	0	

Parking and Driveways

	Number of Houses	Dominant Character
Group A: No streetscape impact from on-site parking	1	
Group B: Low streetscape impact from on-site parking	9	X
Group C: Medium streetscape impact from on-site parking	1	
Group D: High streetscape impact from parking	1	

Main Door

	Number of Houses	Dominant Character
Group A: Main door facing the street	12	X
Group B: Main door does not face the street	0	

The outcomes from the sample SCAs conducted in Durand show that there were two distinct "character codes" across all four areas. This points to some character consistency in certain areas, as well as some character diversity across the neighbourhood. However, the sample was too small to make any broad conclusions across the neighbourhood.

2.3 AGM Information Session

An information session was held at the Durand Annual General Meeting (AGM) in Fall 2015. The session was intended to introduce the Durand Neighbourhood Character Project and to describe the Ottawa approach as a potential inspiration for a Hamilton model. The meeting included a question and answer session to gather feedback on whether there was interest in investigating the issue of neighbourhood character further. Three key themes emerged from the session:

1. There was interest in looking at strategies to address neighbourhood character in Durand and the Ottawa model was viewed as a good framework to draw from.

2. There was an interest in a "made-in-Durand" solution that would look at additional factors beyond the three from Ottawa.

3. There was interest in reaching out to Durand residents to better inform them about neighbourhood character, while also seeking their input on what factors they thought were important.

The outcomes and feedback from Phase One provided direction on how to continue the project in Phase Two. Specifically, more detailed information about existing streetscape character in Durand was needed. Therefore, conducting street character audits more broadly across the neighbourhood, utilizing a more diverse set of factors that contribute to character, would be required. This would provide a good data set from across Durand that builds on the initial sample that showed there was character diversity as you move street to street. Additionally, there was need to create opportunities for more citizen involvement and outreach to further educate residents on the issue of neighbourhood character as well gather a wider range of views from Duranders.

3.0 Neighbourhood Street Audits

A detailed citizen audit tool was developed and employed across different parts of the Durand neighbourhood. The audit tool was designed to be conducted by residents, which was an important part of the overall Durand Neighbourhood Character Project. By having citizens walk their streets and gather information on dwellings in their neighbourhood, residents can become central players in the planning and understanding of their community. Further, they become informed advocates moving forward. This is consistent with goals of the 1987 Durand Neighbourhood Plan.

3.1 Audit Development and Workshop

The first step in the audit portion of the study was the creation of the audit tool itself. The factors under review were based initially on the Ottawa approach, then further informed by a best practice review of other jurisdictions where the impact of neighbourhood character has been studied (Ontario, Alberta, United Kingdom, Australia), and finally from input from the Durand Neighbourhood Association. The factors collected in the audit are outlined in Table 2. The audit tool was then designed and tested to be user-friendly for citizens who volunteered to assist with the study, both online and on paper.

Table 2: Audit Tool Factors Collected

Factor	Range/Detail
Height	Measured in Storeys (1-6)
Housing Type	Single, Semi, Row, Apartment Style
Façade Material	Brick, Wood, Stucco, Vinyl, Stone, etc.
Orientation of Front Entrance	Facing Street Yes/No
Landscaping	Range - Fully Landscaped to No Landscaping
Mature Tree	Present on Front Yes/No
Parking Impact of Streetscape	Range - No Impact to High Impact
Garages	Visible / Not Visible
Garage Alignment with Structure	Aligned, Protrude, Set Back

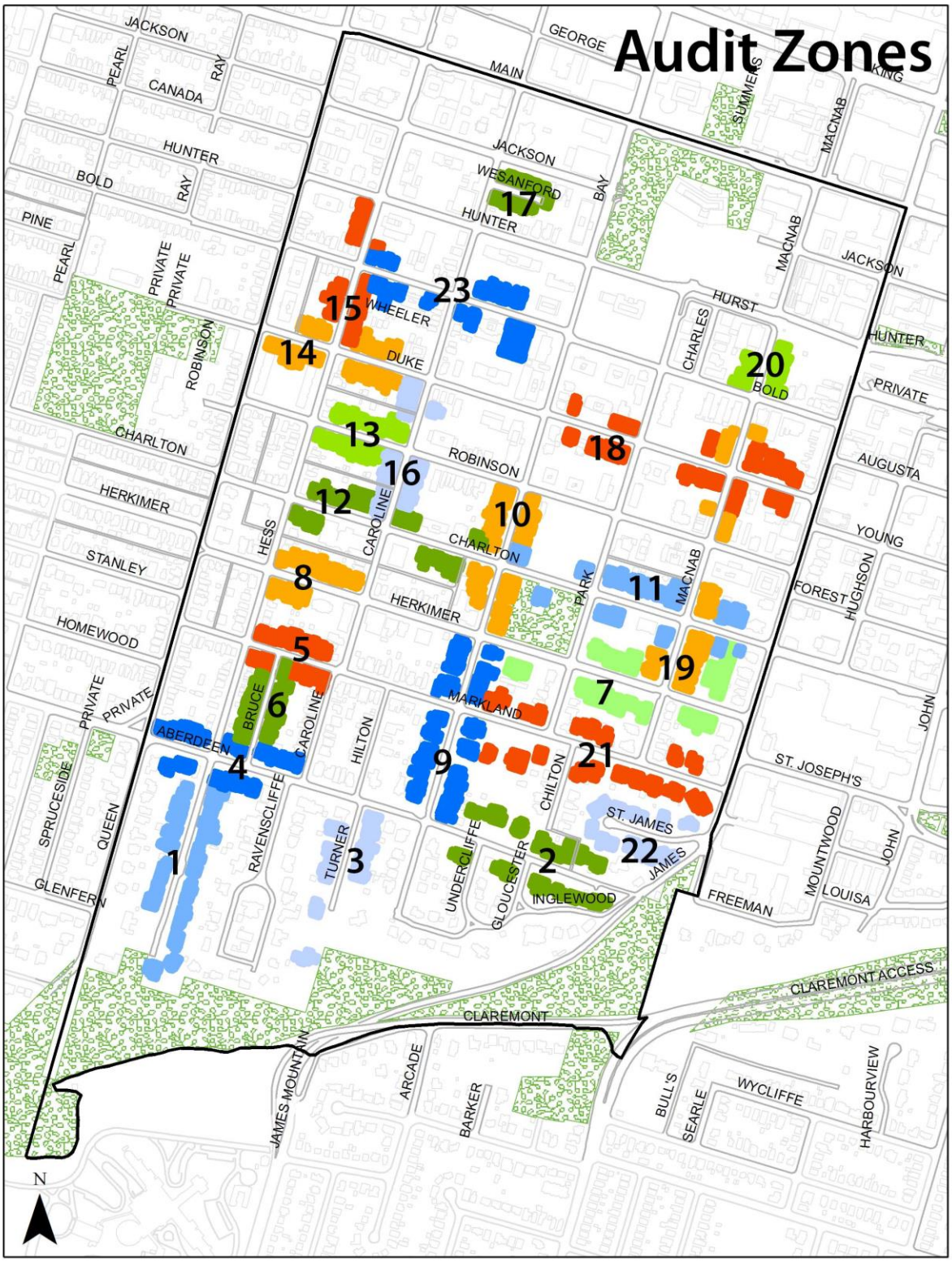
In total, 23 audit zones were selected from across the Durand Neighbourhood to capture an adequate sampling of the diversity of the neighbourhood (Table 3 and Figure 12). As mentioned previously, only structures that were six storeys or less were included as part of the audits. In total, 439 residential dwellings of six storeys or below were included in the audit.

A workshop for the citizen auditors was held on October 17th, 2016. The workshop began with a presentation by architect Graham McNally from Toms + McNally who provided an overview of multiple street characteristics and showed how they can influence the look and feel of a streetscape. From there, a step-by-step walkthrough of the audit tool was presented and the audit zones were assigned to attendees.

Table 3: Audit Zones

Zone	Name	Range	# of Houses/Buildings
1	Hess South	Aberdeen to Escarpment	24
2	Aberdeen East	James to Bay	16
3	Turner	Aberdeen to Escarpment	11
4	Aberdeen West	Caroline to Queen	20
5	Markland West	Caroline to Hess	26
6	Bruce	Markland to Aberdeen	21
7	Herkimer East	James to Bay	15
8	Herkimer West	Caroline to Hess	16
9	Bay Street South	Herkimer to Aberdeen	24
10	Bay Street North	Robinson to Herkimer	22
11	Charlton East	James to Bay	19
12	Charlton West	Bay to Hess	22
13	Robinson	Caroline to Hess	22
14	Duke West	Caroline to Queen	30
15	Hess North	Hunter to Duke	21
16	Caroline	Duke to Charlton	23
17	Wesanford	All	13
18	Duke East	James to Bay	18
19	MacNab South	Bold to Herkimer	16
20	MacNab North	Bold to Hunter	10
21	Markland East	James to Bay	19
22	St. James Place	All	10
23	Bold St.	Bay to Hess	21
Total			**439**

Figure 12: All Audit Zones



3.2 Audit Results

Between October 17th and 31st, 2016, 20 citizen auditors conducted the audits for their assigned zone(s). The following section summarizes the results.

Social Media Badge Promoting Streetscape Audits

Audit Notes

For the purpose of the audit, an important distinction was made between *form* and *function* of a dwelling. *Form* refers to the original design purpose of the dwelling, for example, a large single family detached home. *Function* refers to the current use of the dwelling, for example that same single family detached home may now be divided into multiple apartments, or it may be used for professional offices. The audit was concerned only with *form* – its original built purpose.

In addition, while the selection of audit zones attempted to evenly cover Durand geographically, the number of houses/buildings within each zone varies (Table 3). This is due to a variety of housing types and sizes in each zone. Thus, when reporting the aggregate results from the audits, the average from each audit zone was used so that areas with greater number of dwellings would not be over represented in the results.

3.2.1 Building Height

Building height is a key factor related to neighbourhood character. Building height can affect a number of aspects, including shade on neighbours, privacy, and compatibility with neighbouring structures.

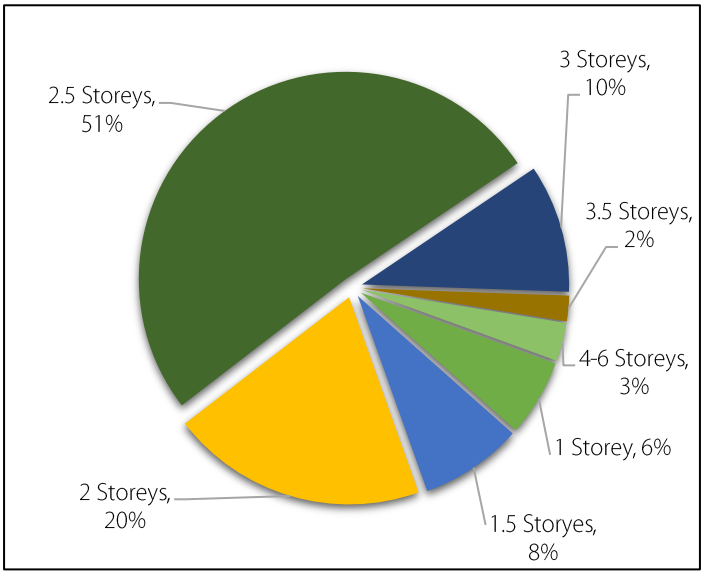
Seven categories of height measured in storeys were included on the audit, as follows:

- 1 Storey
- 1.5 Storeys
- 2 Storeys
- 2.5 Storeys
- 3 Storeys
- 3.5 Storeys
- 4-6 Storeys

Buildings with a half storey (1.5, 2.5, 3.5) referred to dwellings that appeared to have an additional living space on the top level, but the roof of that space was not the full width of the floor.

As noted in Figure 13, the majority of the averages of the zones in the neighbourhood (51%) were 2.5 stories high. 81 percent were in the 2-3 storey range.

Figure 13: Overall Heights across All Audit Zones

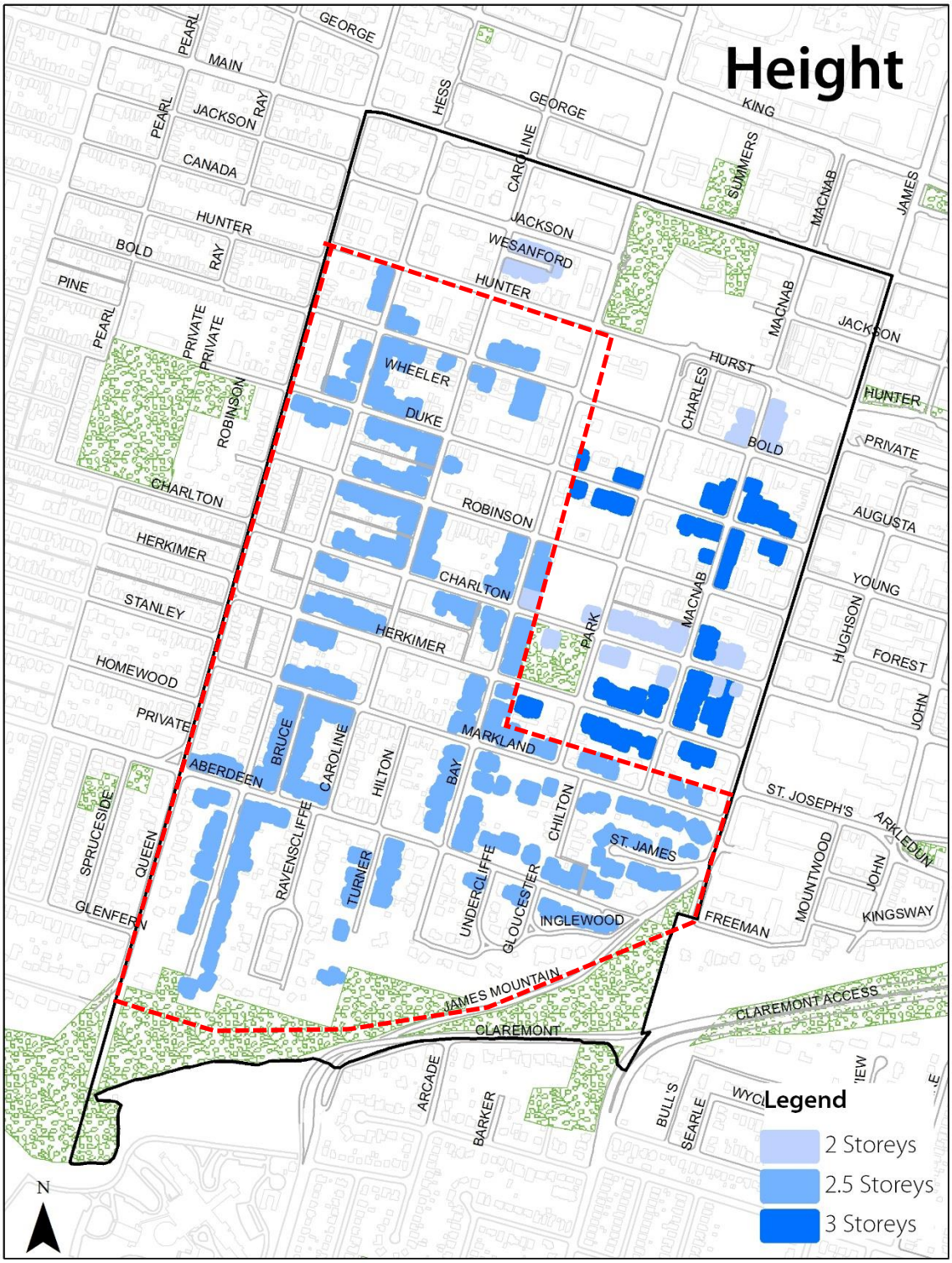


An example of a 2.5 storey house in Durand.

Figure 14, below, displays a map that illustrates the distribution of the main heights of dwellings observed in the audits. In most audit zones (17), a majority of dwellings were 2.5 storeys. In three zones a majority of dwellings were 3 storeys, while in another two zones, a majority of dwellings were 2 storeys, and in one zone, the dwelling height was tied between 2 and 2.5 storeys (40% each).

The 2.5 storey dominant zones form an "L" shape on the west and south sides of the neighbourhood (see Figure 10). The 2 and 3 storey zones are clustered mainly in the north-east end of the neighbourhood, in the area from Herkimer to Hunter and Bay to James.

Figure 14: Dominant Housing Type Across Individual Audit Zones



3.2.2 Housing Type

Housing form, or typology, is another factor that influences neighbourhood character. This refers to what kinds of buildings populate a street, for example single family detached homes, town or row houses, or apartment style dwellings. It is important to reiterate that this study is concerned with dwellings of six storeys or less.

Four types of dwelling were specified in the audit, as follows:

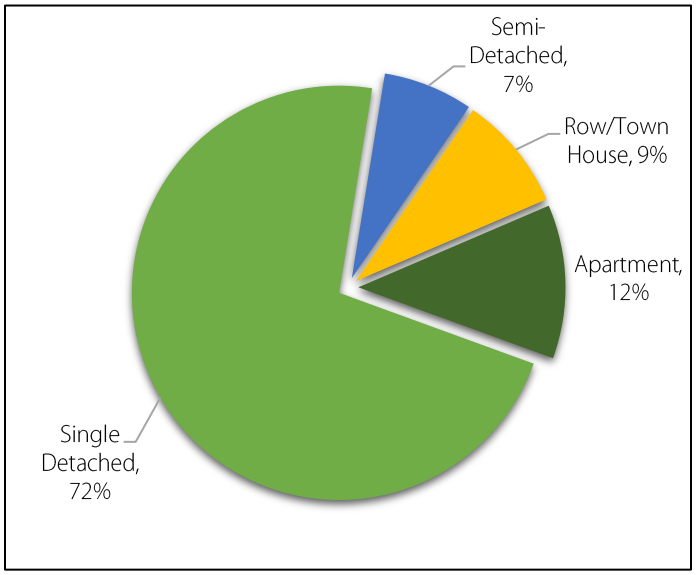
- Single family detached home
- Semi-detached
- Row/town house
- Apartment-style building

As noted, the importance of a dwelling's form was the important consideration in the context of this factor.

Figure 15 illustrates the general results of the audits for all zones. The majority of dwellings (72%) in the audit zones were single family detached homes. This was followed by apartment-style buildings (12%), row/town houses (9%), and then semi-detached homes (7%).

As illustrated in Figure 16 below, single family detached homes were the majority type of dwelling in most audit zones (19). Two zones had a majority of apartment-style dwellings and two zones had ties; in one, single family detached homes and semi-detached represented 35 percent each, and in the other, row/town houses and apartments each represented 39 percent.

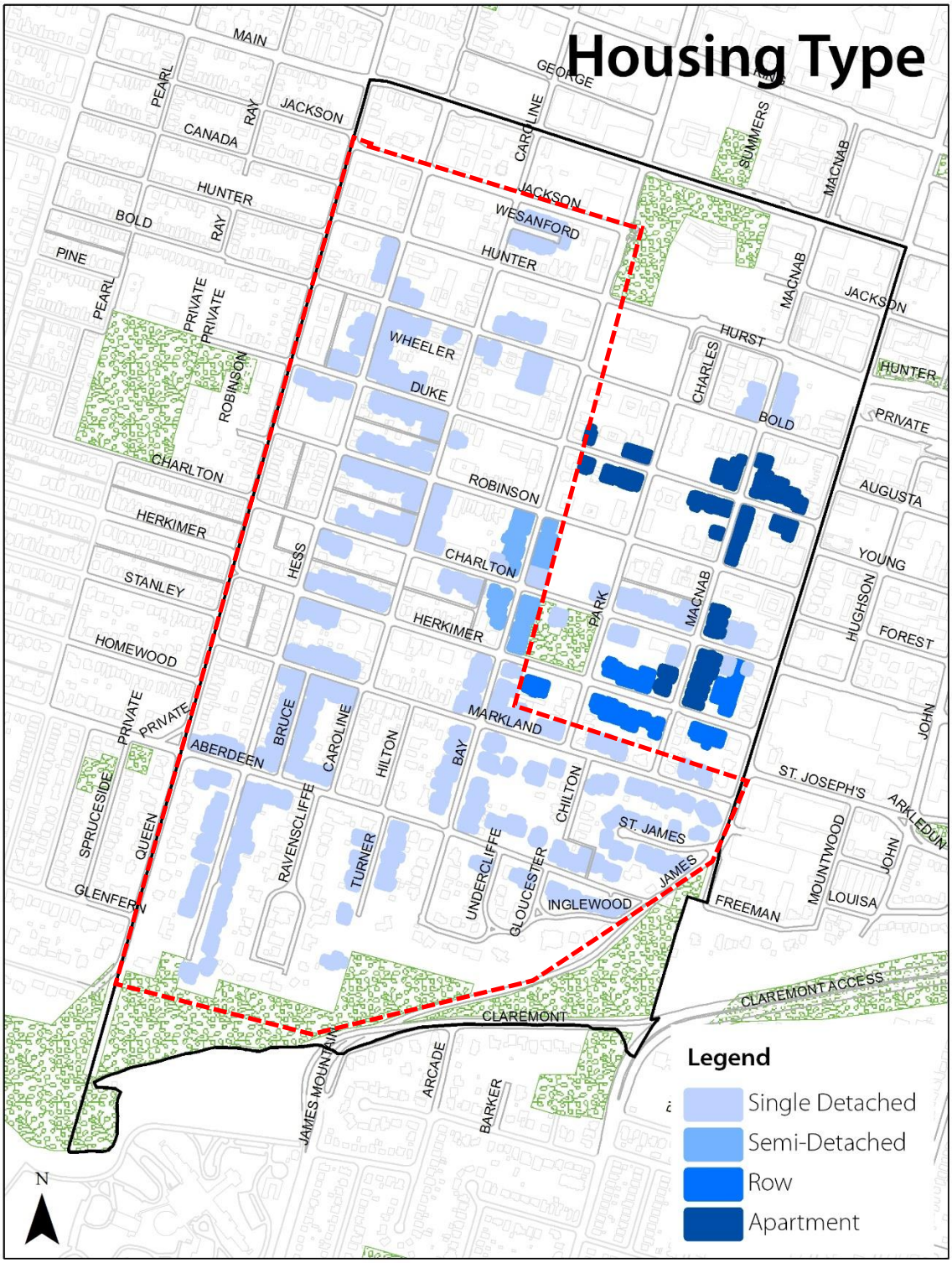
Figure 15: Overall Housing Type Across All Audit Zones



An example of an apartment style building in Durand.

The single-detached dominant zones forms an "L" shape on the west and south sides of the neighbourhood (see Figure 12). The semi-detached, row/town, and apartment style dominant zones are clustered in the north-east end of the neighbourhood, in the area from Herkimer to Duke and Bay to James.

Figure 16: Dominant Housing Type across Individual Audit Zones



3.2.3 Façade Material

Façade material refers to the type of material used on the front of the dwelling. A continuity in façade material, over the course of several houses or buildings, helps define a neighbourhood's character.

Five types of façade were available for auditors to highlight, including:

- Brick
- Stone
- Stucco
- Wood
- Vinyl siding

Auditors looked for the dominant façade material on each building. In the few cases where façade materials were approximately 50/50, the material on the exterior of the first floor was identified as dominant.

Figure 17: Overall Façade Material across All Audit Zones

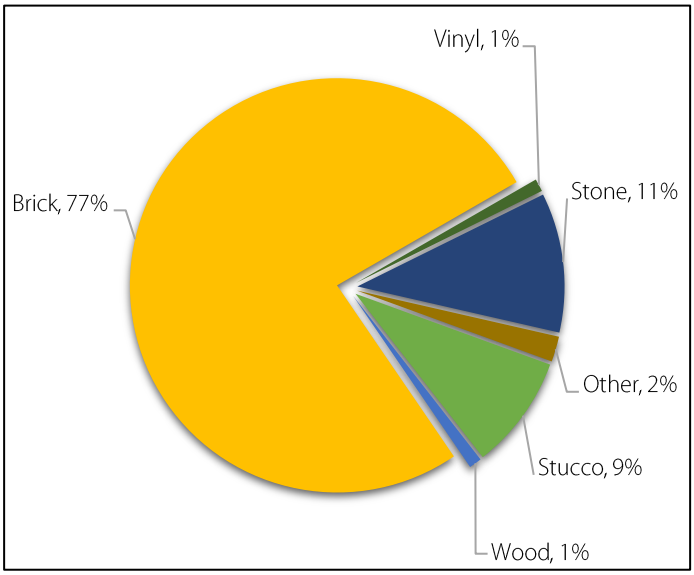


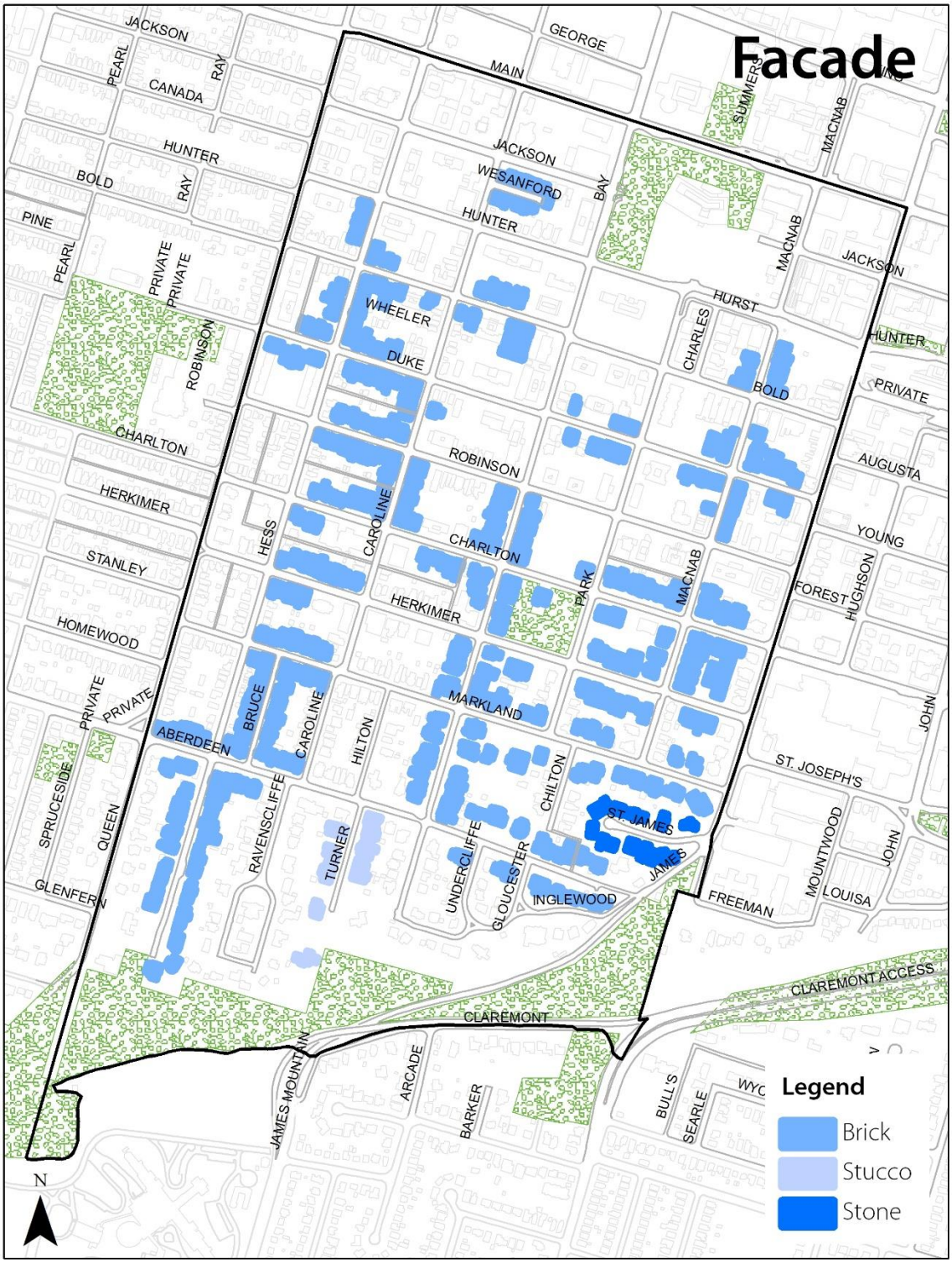
Figure 17 illustrates the percentages of façade material for all audit zones. In a majority of zones (77%) brick was the dominant type of façade material. The next most common types were stone (11%), stucco (9%), and then vinyl and wood (1% each).

Brick was the dominant façade type in most audit zones (21). Stucco was the majority façade in one zone, while stone was the majority type in another. These two outlier zones were located in the south end of the neighbourhood. (see Figure 18).

An example of a stone façade with brick on either side.

While 21 of the zones are majority brick, this material is more dominant in certain areas than others, for example in 10 of the zones, brick represented over 90 percent of all façade types.

Figure 18: Dominant Façade Material Across Individual Audit Zones



3.2.4 Front Door Orientation

This factor deals with how the house or building faces the street. Is the main door or entrance oriented towards the street, or is it on the side or back? Entrances that face the street help create more connection between the house and the streetscape.

Auditors recorded door orientation toward the street on a yes/no basis.

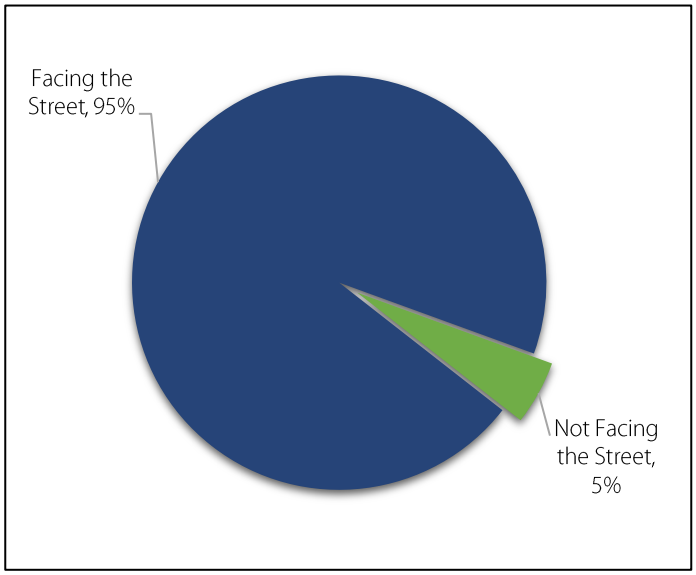
In cases where buildings had more than one entrance, as sometimes happened with single detached buildings converted into multiple units, the doorway that appeared to be the main original entrance was recorded. This decision reflects the importance of the original form of the dwelling over its current function.

The dominant orientation noted for all audit zones was for the main entrance to face the street (95%) (see Figure 19).

As displayed in Figure 20 below, the lowest percentage of doors facing the street was 76 percent; it was followed by zones with 84 percent and 85 percent. All other zones were 90 percent or greater, with eight zones at 100 percent.

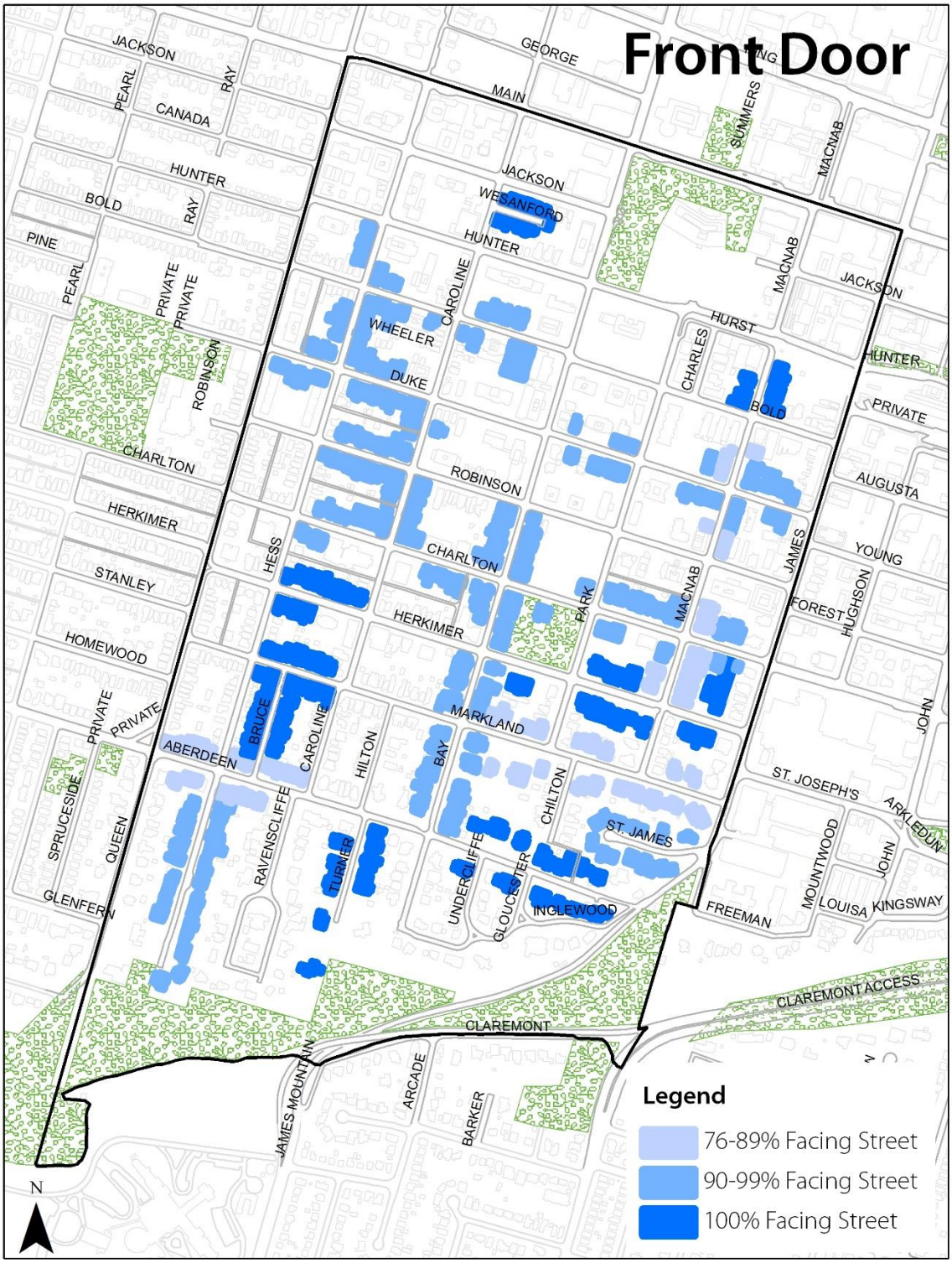
There is limited geographic grouping or patterning for the entrance orientation.

Figure 19: Overall Front Door Orientation Across All Audit Zones



An example of a street-facing front entrance.

Figure 20: Dominant Orientation Across Individual Audit Zones



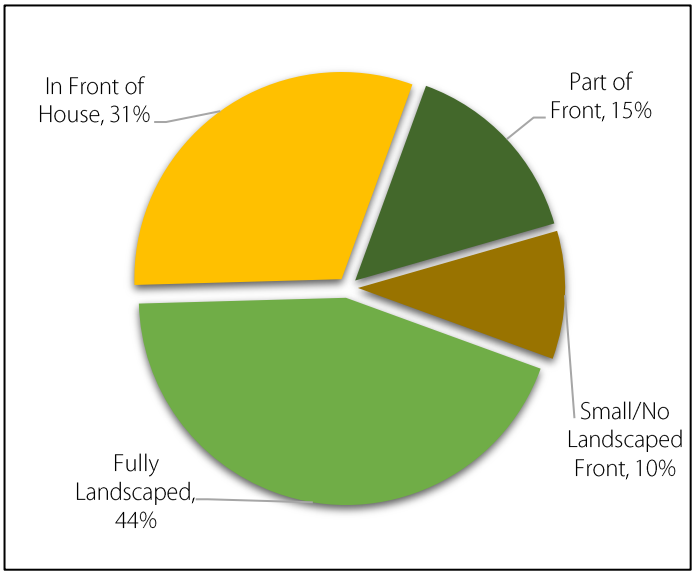
3.2.5 Landscaping

A landscaped front yard is one of the most noticeable factors when considering neighbourhood character. Landscaping refers to grass, bushes, gardens, trees, walking paths, and decorative features. How much of the front yard is landscaped? Does it just cover the area in front of the house, or extend across the entire lot?

Auditors were asked to select from four options of landscaping:

- Fully landscaped: the entire width of the lot facing the street is landscaped.
- In front of house: the area directly in front of the house is landscaped, but not the entire lot width. Buildings in this category often had driveways on one side.
- Part of the front of the house: the lot has landscaping, but part of the area in front of the house is not landscaped, often due to parking.
- Small/no landscaped front: there is little to no landscaping in front of the building. This is often the result of either full lot width parking or the building having limited setback.

Figure 21: Overall Landscaping Across All Audit Zones

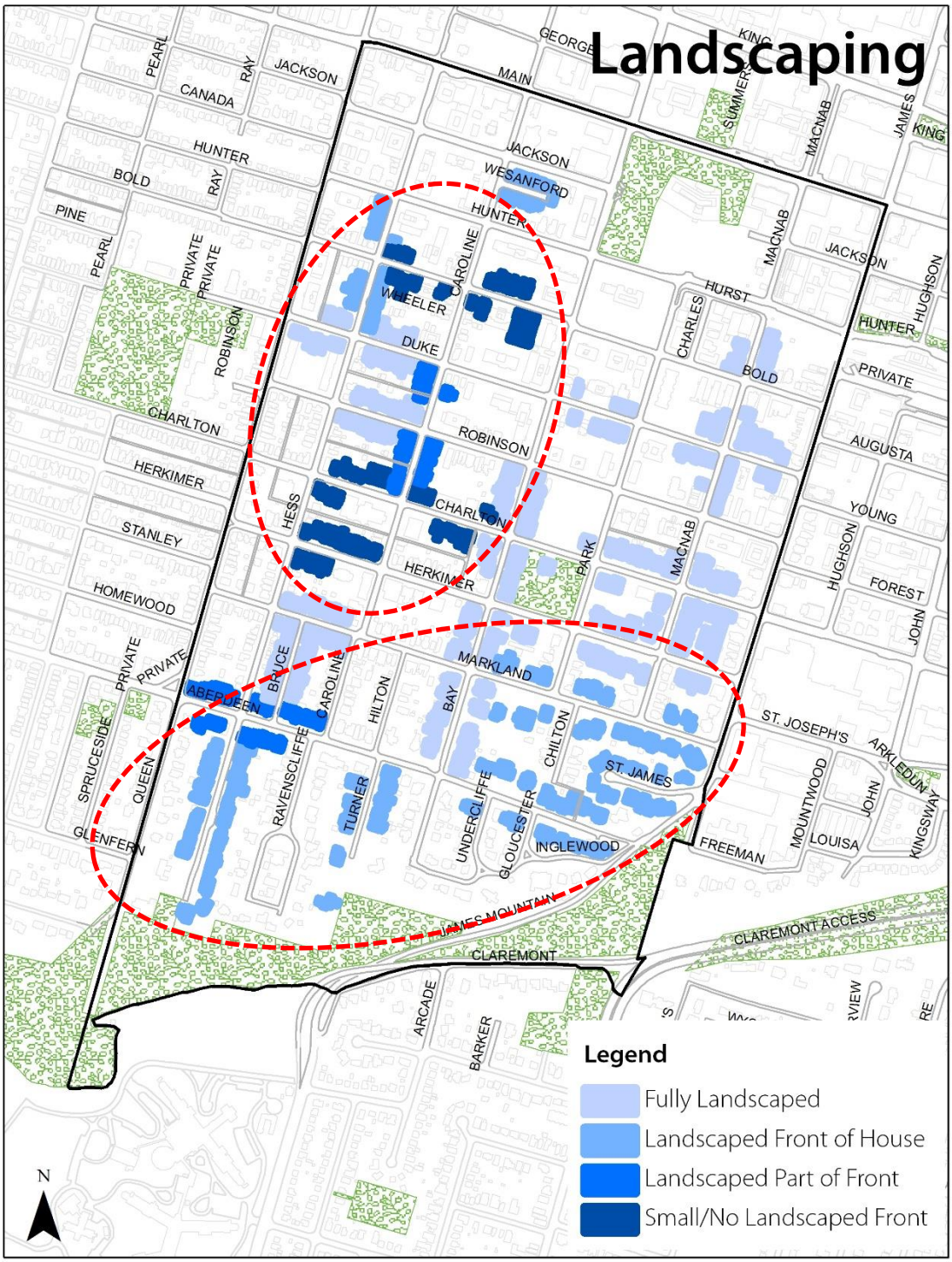


An example of a 1/3 – 1/2 landscaped front yard.

The largest single percentage of audit zones fell into the fully landscaped category (44%) (see Figure 21), with 12 zones meeting the criteria. Of the remaining zones, six were landscaped in front of the building, three had no landscaping, one was partially landscaped, and one was tied at 33 percent each between fully landscaped and landscaped in front of the building. Interestingly, there was significant diversity within each audit zone, with only 14 of the audit zones having a landscape option with over 50 percent prevalence, three zones above 80 percent, and only one at 100 percent.

There is limited grouping of similarly landscaped zones. The least landscaped zones tend to be on the west side of the neighbourhood and there is a strong presence of zones with landscaping only in front of the house in the south and south-east (see Figure 22).

Figure 22: Dominant Landscaping Across Individual Audit Zones



3.2.6 Mature Trees

An established tree canopy is a factor common to many older neighbourhoods. Large, mature, trees contribute to the character of the streetscape as do the houses themselves. Tracking this factor involves looking at whether individual properties have mature trees, meaning a tree over two storeys in height, in the front of the property.

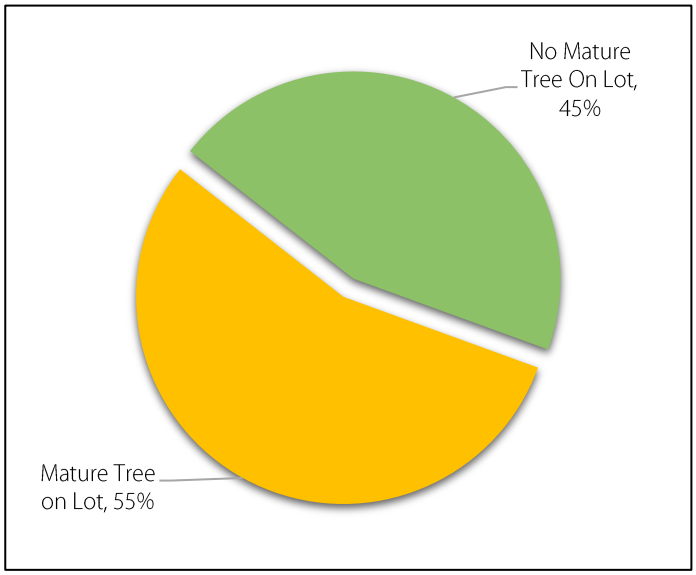
Auditors were asked to indicate the presence of a mature tree on the lot facing the street on a yes/no basis.

Auditors only recorded the first tree, so if there was more than one tree it was not counted.

Durand has a robust tree canopy, with the auditors recording an average of 55 percent of the lots across the zones with a mature tree (see Figure 23). The majority of lots in 14 of the 23 zones had a mature tree. Only the Wesanford zone (#17), which is an outlier for several reasons, had no trees (see Figure 24).

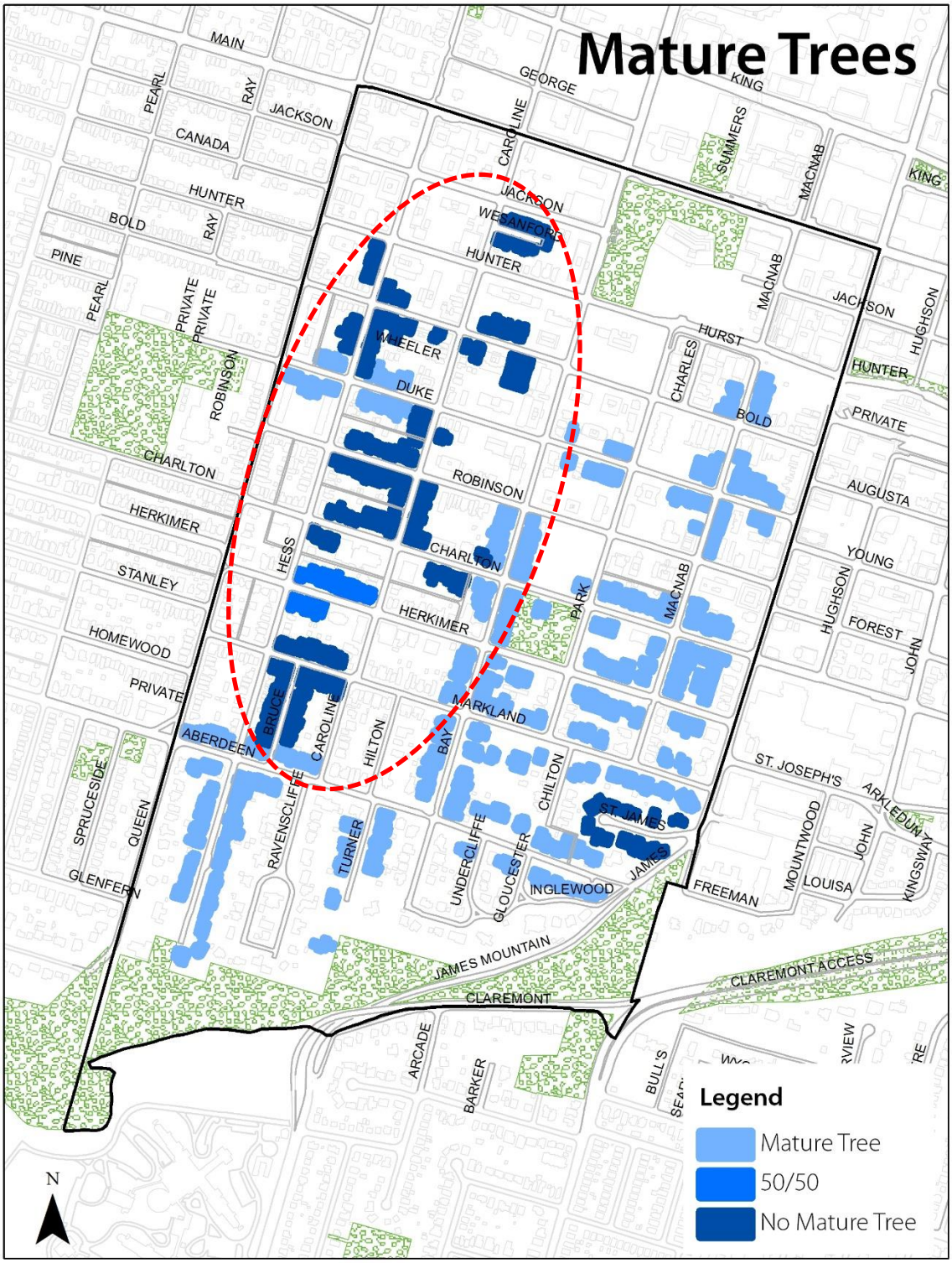
As illustrated in Figure 24 below, the north-western side of the neighbourhood tends to have fewer mature trees. By contrast, the other parts of the neighbourhood have mature trees on a majority of the properties.

Figure 23: Presence of a Mature Tree across All Audit Zones



An example of a street lined with multiple mature trees.

Figure 24: Presence of Mature Trees across Individual Audit Zones



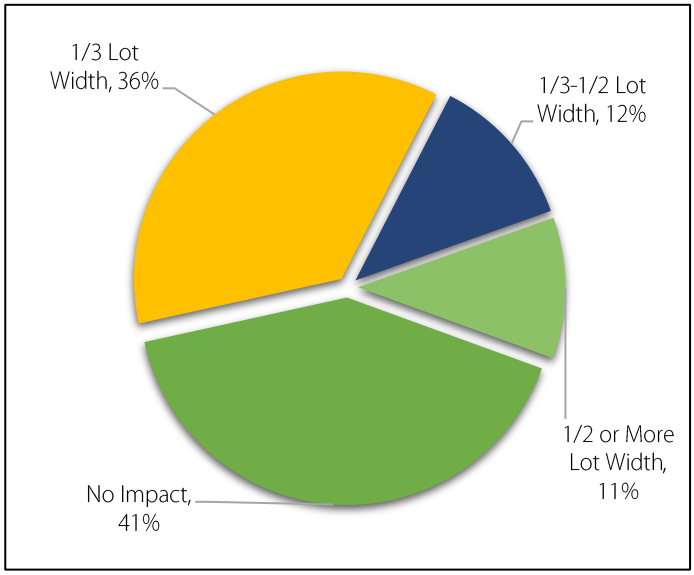
3.2.7 Parking

The extent of front yard, street accessible parking, relative to the overall lot, can impact the relationship between the property and the street.

A range of types of front parking were provided for auditors, including:

- No impact: there was no parking on the site facing the audit street.
- 1/3 of lot width: no more than 1/3 of the lot was parking. This could be in front or at the side of the building.
- 1/3 – 1/2 of lot width: up to half the lot, usually including at least part of the front of the building, was dedicated to parking.
- 1/2 or more of lot width: the front of the lot was dominated by parking.

Figure 25: Overall Parking Impact Across All Audit Zones

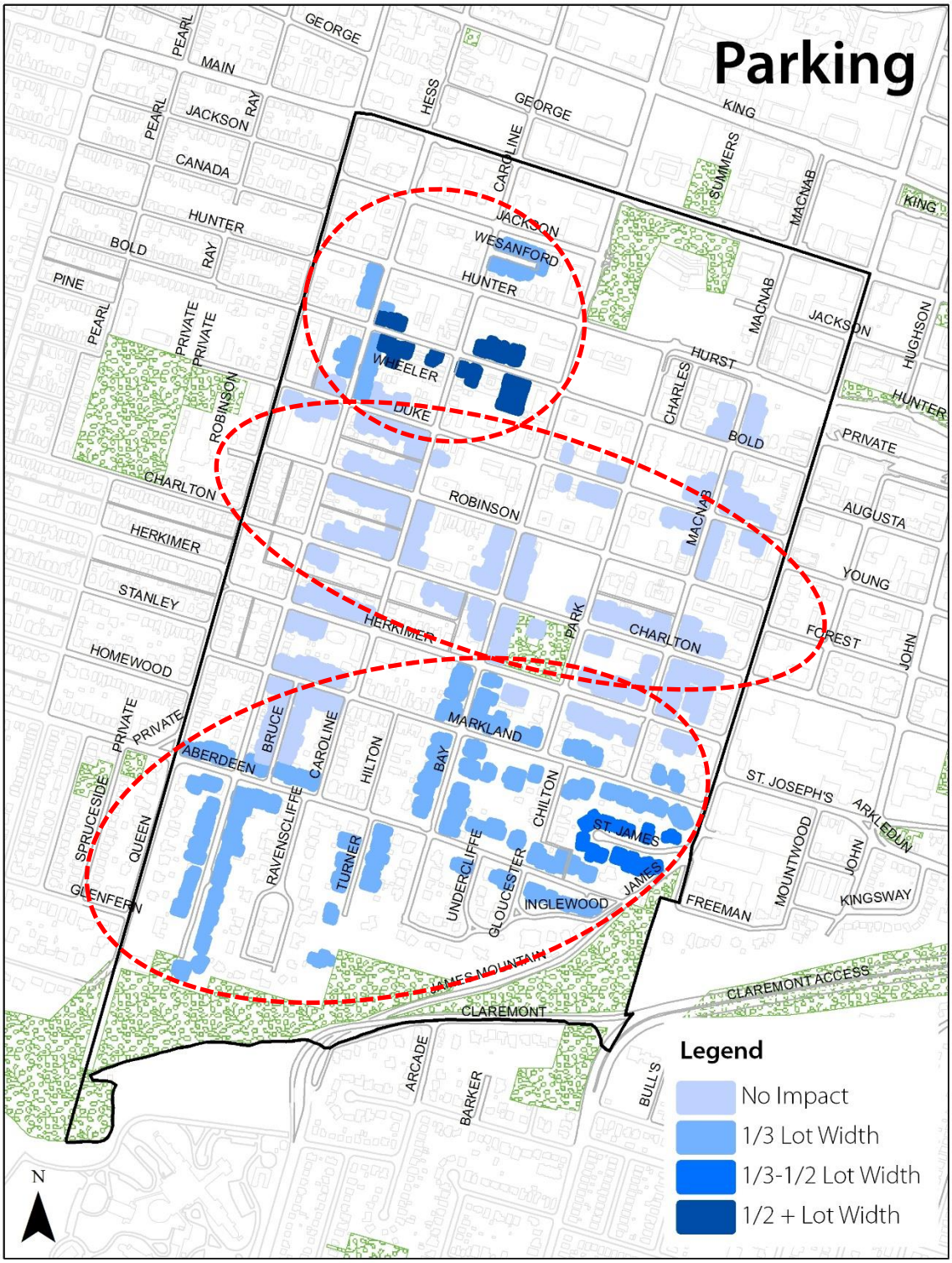


While the single largest category in the neighbourhood was no impact of parking (41%) (see Figure 25), all ranges were represented. Following the 'no impact' category was parking on a 1/3 of the lot width (36%), then parking on between 1/3-1/2 of the lot width (12%), and parking on 1/2 or more of the lot width (11%). In total, 13 of the 23 zones included the no impact on parking as the dominant factor. Also, it should be noted that 13 of the zones had properties representing all four categories and only 6 were over 80 percent dominated by one of the categories.

An example of a ½ width driveway.

Figure 26 displays the distribution of parking types. The neighbourhood tends to divide into three segments: the north, middle, and south. The north segment, from Bold St. north, has a variety of types of parking impact. The middle segment, from Herkimer to Duke, is largely a no impact parking area, and the south segment, from the escarpment to Aberdeen, is mostly parking on 1/3 of the lot width. However, it should be noted that there are pockets of other characteristic-dominant zones within these areas.

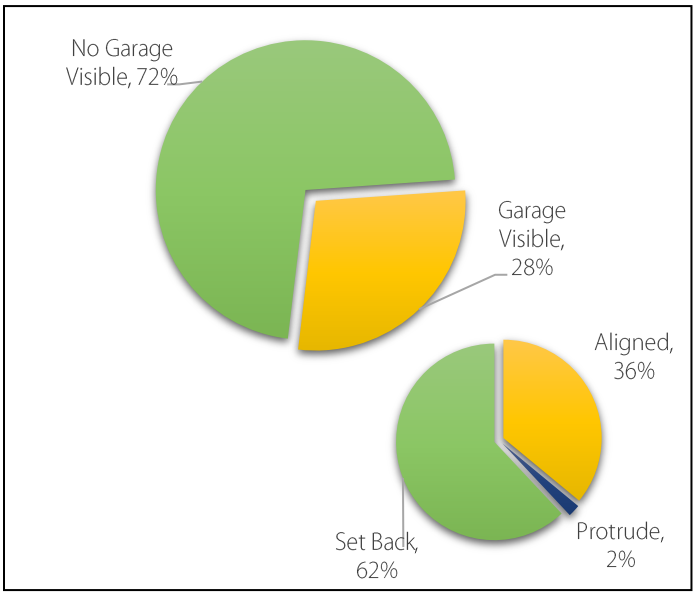
Figure 26: Dominant Parking Impact Across Individual Audit Zones



3.2.8 Garages

The existence and placement of a garage can have an impact on the character of a streetscape. Likewise, the size of a driveway, relative to the overall lot, can impact the relationship between the property and the street.

Figure 27: Overall Garage Presence across All Audit Zones



Auditors recorded the presence of a garage on the lot facing the street on a yes/no basis.

In addition to recording whether or not the property had a garage, the auditors also recorded the relationship of that garage to the house. There were three categories for this characteristic:

- Aligned: the garage is aligned with the front of the building.
- Protrude: the garage protrudes from the front of the building.
- Set Back: the garage is set back from the front of the building, often as a separate structure.

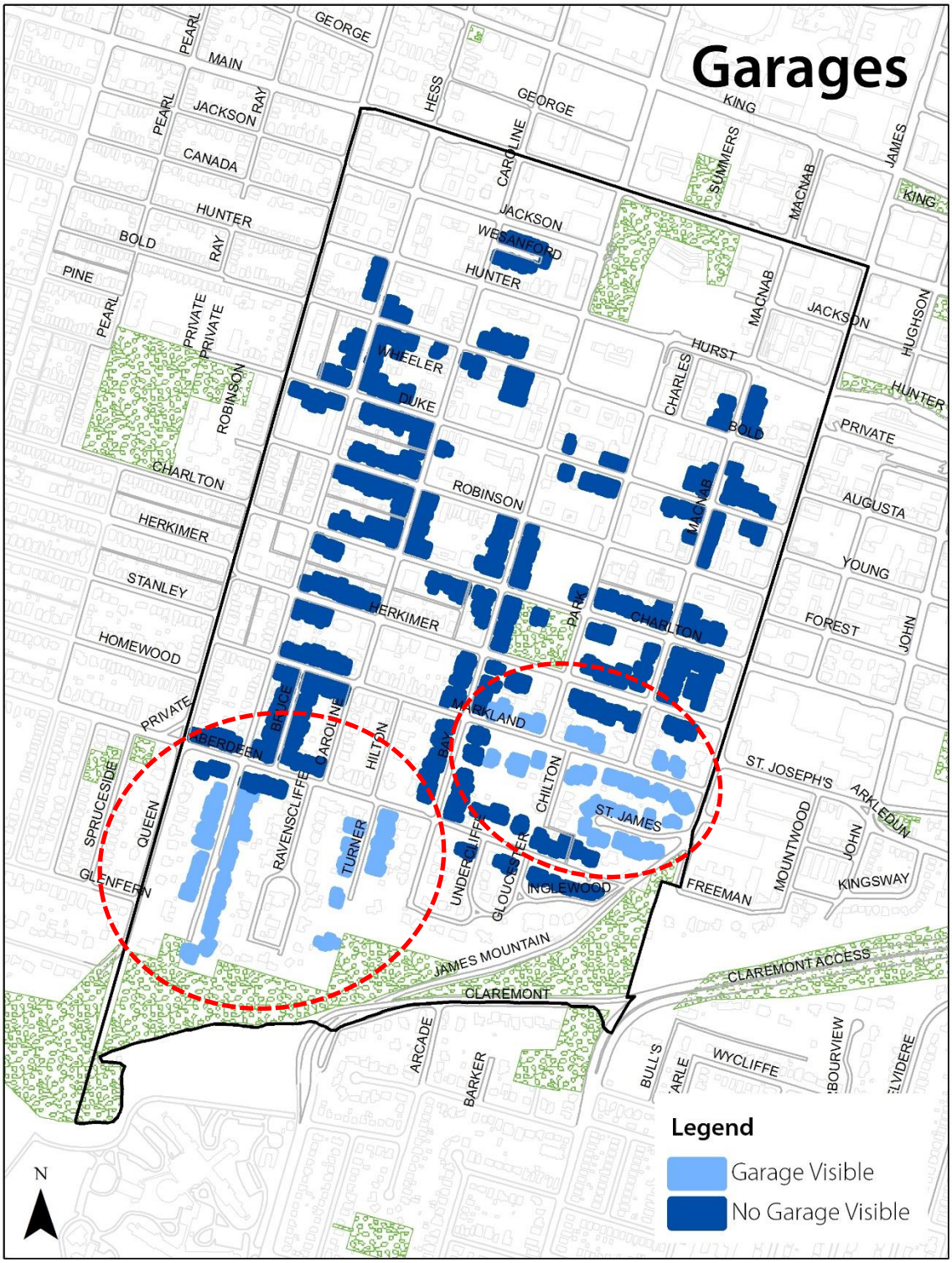
An example of a house with an attached garage.

Garages needed to be facing the audit street to be recorded. Therefore, if a building on Aberdeen, for example, had a garage, but that garage's door faced on to Hess St, then it was not counted as having a garage visible from the audit street.

The overall presence of garages across the audit zones was 28 percent (see Figure 27). The majority of buildings did not have garages visible from the front of the street. Only five of the 23 zones were garage-dominant, with Zone 5 recording the highest number of garages at 92 percent (see Figure 28). 13 of the zones had 80 percent or more without garages. When buildings did have garages, most often they were set back (62%).

The audit zones most likely to have garages are in the south and south-east area of the neighbourhood.

Figure 28: Dominant Garage Presence Across Individual Audit Zones



4.0 Resident Survey

To better comprehend how residents of Durand view neighbourhood character, and to gauge feedback about what factors are important to residents' understanding of the look and feel of their streets and neighbourhood, Civicplan conducted a resident survey. The survey was designed to gather feedback about the same factors that were being assessed as part of the neighbourhood audits.

4.1 Survey Notes

The survey design was informed by a best practices review of other jurisdictions that have studied the impact of neighbourhood character. Specifically, we looked at other jurisdictions in Ontario and Alberta.

The Durand Neighbourhood Survey was conducted both online and on paper from October 20, 2016 to November 18, 2016. The survey was available via the durandcharacter.com website, while paper copies of the survey were available at Durand Coffee on Charlton Avenue throughout this period. The survey was promoted on social media and through the Durand Neighbourhood Association email list. Further, additional outreach efforts were conducted to increase survey participation from seniors in the neighbourhood.

Respondents were asked three categories of questions, beginning with general information about the individual respondent (e.g. age). This was followed by detailed questions about streetscape character factors. Specifically, respondents were asked to describe the influence of 10 different factors on the character of their street. Finally, they were asked to provide additional details about their own observations of their neighbourhood.

In total, 174 responses were received both on paper and online.

Social Media Badge Promoting the Citizen Survey

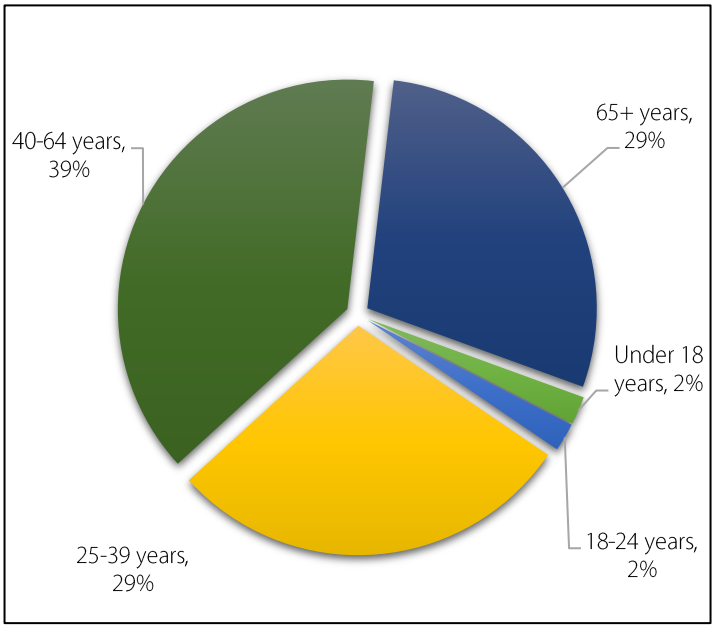
4.2 Resident Information

In terms of resident information, respondents were asked to indicate their age range, how long they have lived in the neighbourhood and what type of dwelling they live in (e.g. apartment, townhouse, etc.).

4.2.1 Age

Figure 29 displays the breakdown of responses by age of respondent. The majority of respondents (96%) were over the age of 25. The single largest age category were respondents between 40-64 years of age (39%), followed by those between the ages of 29-39 and those over 65 years old, each at 29 percent of respondents.

Figure 29: Age of Survey Respondents.

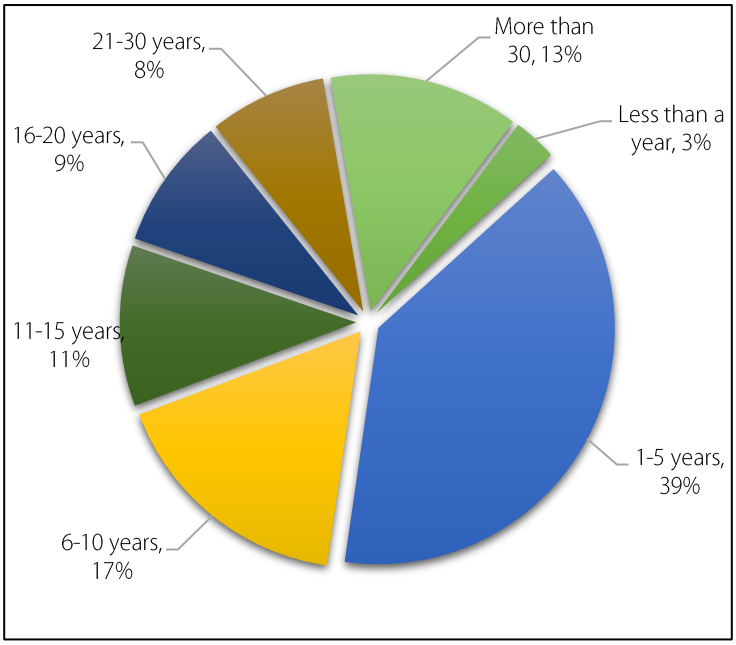


4.2.2 Length of Time in Neighbourhood

Respondents shared the length of time they have lived in the Durand neighbourhood. Figure 30 displays the percentage of time respondents indicated they have lived in the neighbourhood by year ranges.

The largest segment of respondents indicated that they have lived in Durand for a relatively short period of time, between one and five years (39%). This was followed by people who have lived in the neighbourhood for between six to ten years (17%), then those who have been there for more than 30 years (13%).

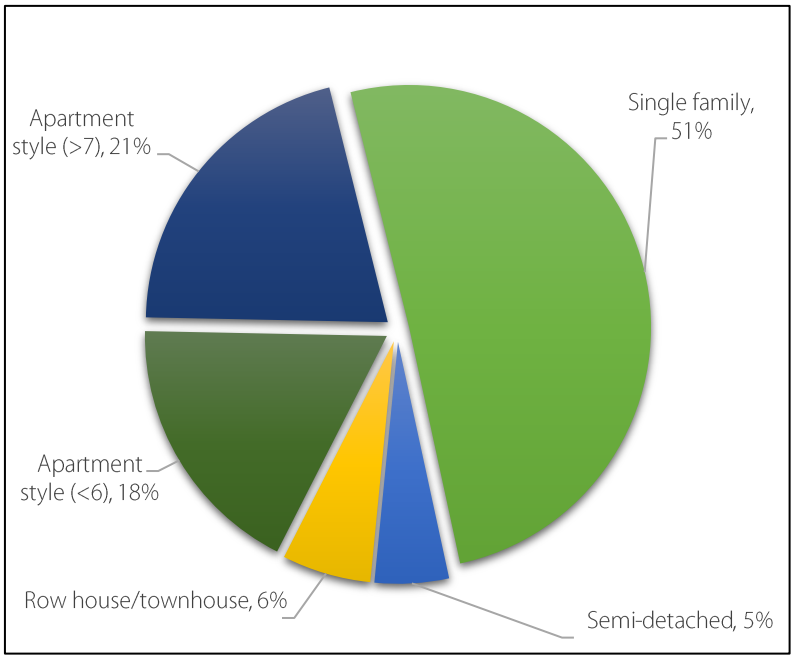
Figure 30: Length of Residency in Durand



4.2.3 Type of Dwelling

The last of the general information questions asked respondents to indicate the type of dwelling they currently live in. Figure 31 illustrates the responses by percentage. The majority of respondents (51%) indicated they live in a single family, detached home. The second largest segment of respondents were people living in apartments (39%). Of the respondents living in apartments, 21 percent indicated they lived in dwellings with more than seven storeys, while 18 percent indicated dwellings with six storeys or less.

Figure 31: Type of Dwelling



4.3 Streetscape Character Factors

The second section of the survey asked respondents to rate how 10 different factors influenced the character of their street. The influence rating ran from positive to negative, with the centre point as neutral. The following sections detail the responses for each of the 10 factors. Each section details the general responses for each of the factors, as well as additional information about how different age groups (those under 40 and those over 40 years of age) responded to the questions. Finally, the questions related to the height of dwellings were assessed based on the type of residences indicated by respondents, specifically whether or not they lived in apartments.

4.3.1 Mature Trees

There are multiple reasons why the presence of large, mature trees on a streetscape is important in cities, from improved air quality to reduction in heating and cooling costs. Respondents were overwhelmingly positive about the influence of this factor, with 95 percent indicating that this was a somewhat positive (10%) or positive (85%) (Figure 32).

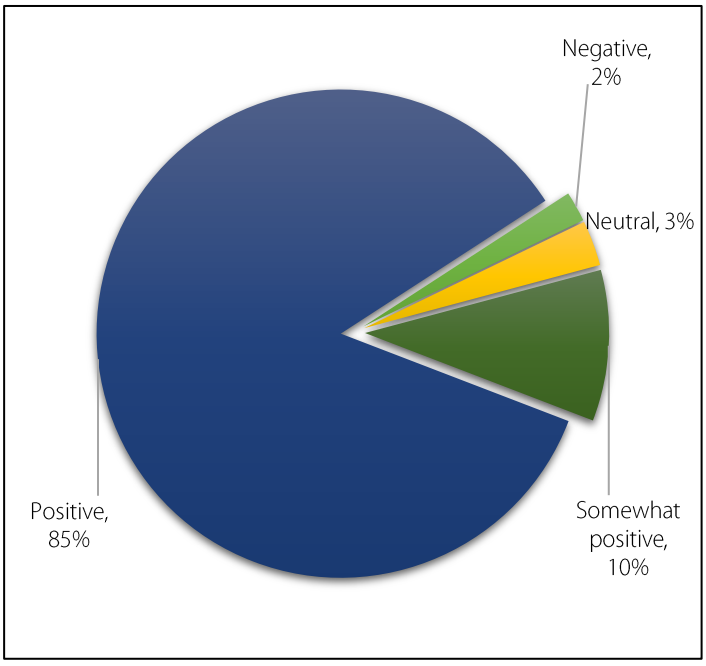
Under 40 / Over 40

There was no difference in the level of support for this factor by age, both those respondents under 40 years, and over 40 years old indicated that mature trees contributed positively to the look and feel of a streetscape.

Relation to Audit

The survey results align with the audits which showed mature trees were a prominent element of streetscapes.

Figure 32: Large, Mature Trees



4.3.2 Landscaped Front Yards

The second factor was the influence of landscaped front yards on the character of the streetscape. Landscaping, such as lawns, gardens and other green features on the front of the property, provide greater differentiation between the street and the dwelling. As displayed in Figure 33, 87 percent of respondents indicated that landscaped front yards positively influence the character of their streetscape.

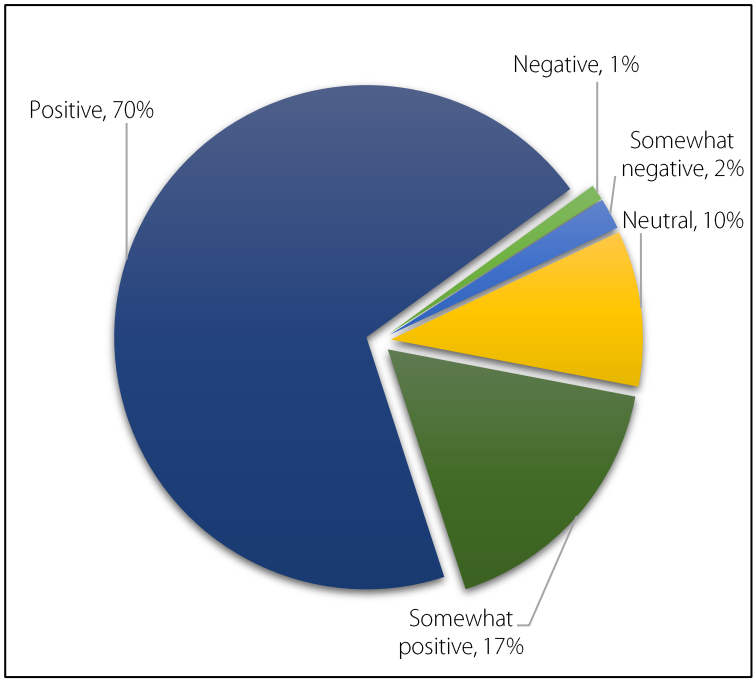
Under 40 / Over 40

While this was a positive factor for all age groups, those over 40 were marginally more positive on its influences (88%) than those under 40 years of age (85%).

Relation to Audit

The survey results align with the audits that showed that the vast majority of properties were either fully landscaped or at least landscaped in front of the house.

Figure 33: Landscaped Front Yards



4.3.3 Front Entrance

How people access a dwelling, whether through an entrance at the front of the building or via the side or back, influences how the dwelling connects with a streetscape. As Figure 34 illustrates, survey respondents indicated that a front facing entrance positively influenced the character of their streets (86%).

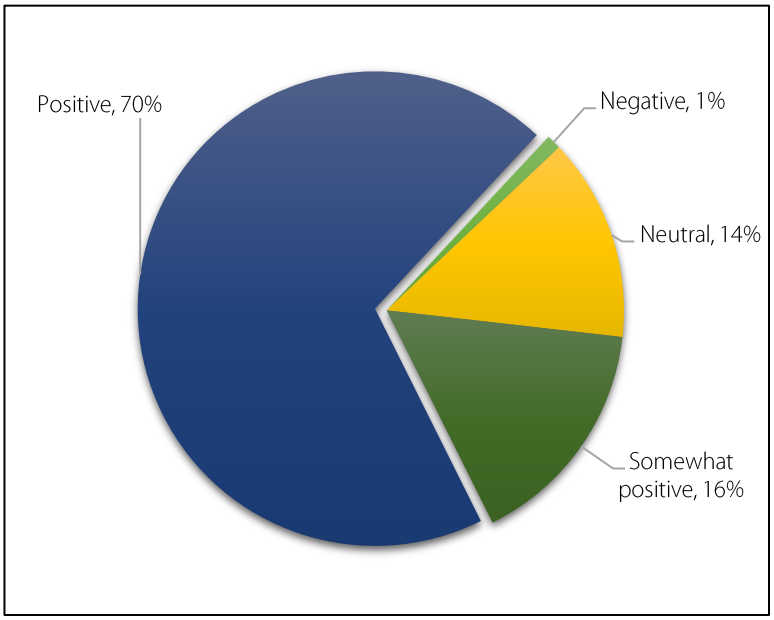
Under 40 / Over 40

The positive nature of this factor was equally supported across age ranges.

Relation to Audit

The survey results align with the audits that showed that the vast majority of properties had a front door facing the street.

Figure 34: Front Entrance Location



4.3.4 Height of Dwelling: 1-3 Storeys

The diversity or uniformity of dwelling height affects a streetscape in various ways. Respondents were asked to indicate the influence of different scale of dwellings by storey height. Figure 35 illustrates responses related to dwellings of 1-3 storeys.

Of all the survey respondents, the majority (53%) indicated that 1-3 storey buildings had a positive influence on streetscape character. Additionally, 16 percent indicated that it was somewhat positive.

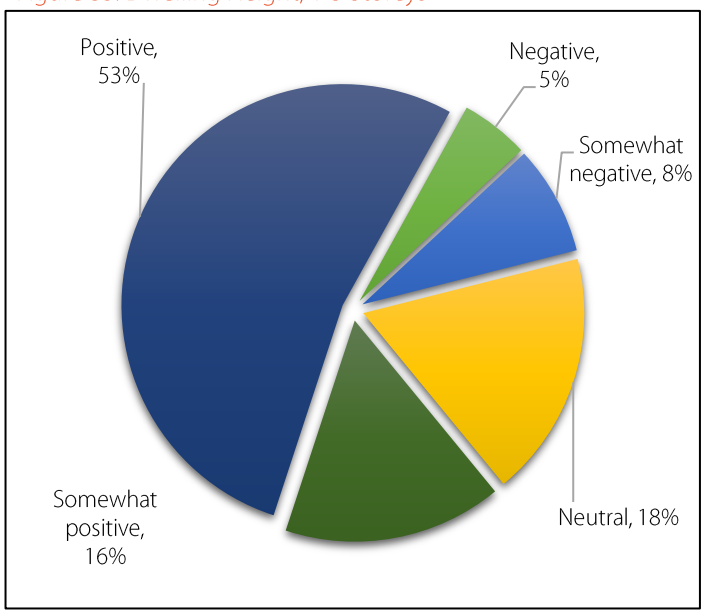
Under 40 / Over 40

In terms of the breakdown by age, respondents under the age of 40 were more likely to gauge this factor as positive. 75 percent of these respondents indicated this was positive or somewhat positive, whereas 66 percent of those above 40 selected these responses.

Relation to Audit

The survey results align with the audits which showed that over 80 percent of zones had average heights of 1-3 stories.

Figure 35: Dwelling Height, 1-3 Storeys



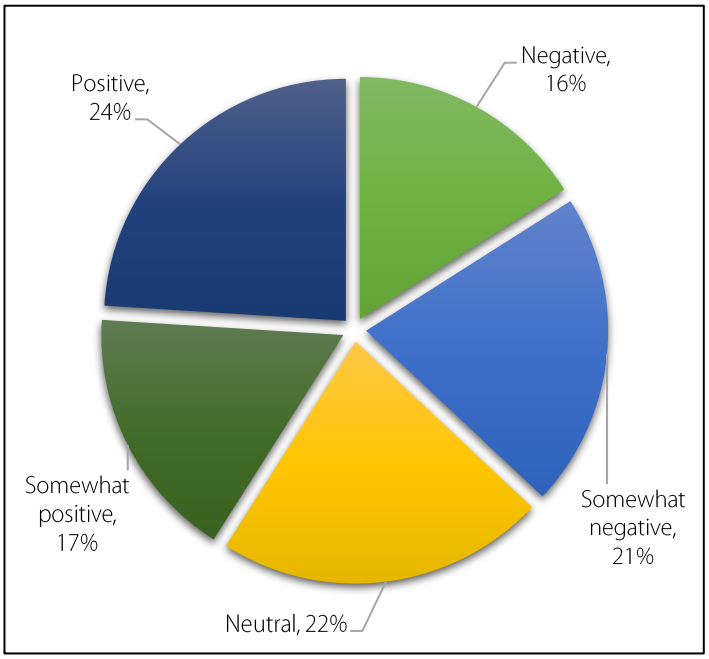
4.3.5 Height of Dwelling: 4-6 Storeys

Respondents were asked about their views on the influence of dwellings from 4-6 storeys. As illustrated in Figure 36, the results are not as definitive with lower level dwellings. A combined 41 percent of respondents indicated this height category of dwellings was a positive or somewhat positive influence on their streets, while 37 percent indicated it was a negative or somewhat negative influence. The largest single group of respondents (24%) indicated that 4-6 storey dwellings are positive influence on the streetscape. While 22 percent indicated they were neutral about the impact, and 21 percent indicating it was somewhat negative.

Under 40 / Over 40

When the data is broken down by age group, similar to the previous factor, those under the age of 40 (45%) indicated that this type of dwelling had a positive or somewhat positive influence on their street. Fewer of those over 40 (39%) saw this as a positive or somewhat positive influence. Additionally, those over 40 were more neutral (25%) than younger respondents (18%) about this factor.

Figure 36: Dwelling Height, 4-6 Storeys



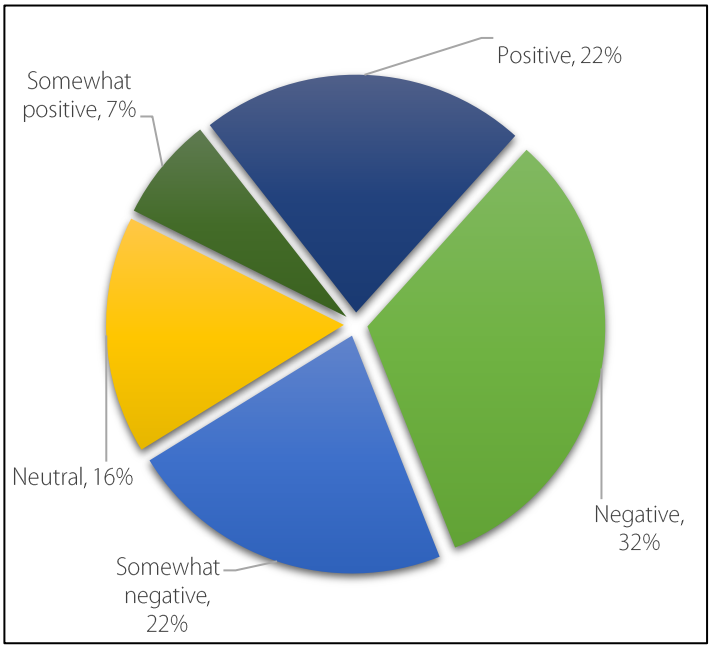
4.3.6 Height of Dwelling: More than 7 Storeys

In terms of the influence of dwellings of seven or more storeys, respondents indicated that this form of dwelling had a more negative influence on the streetscape. As detailed in Figure 37, a majority of respondents (54%) indicated that this building type was either negative or somewhat negative, as compared to 29 percent that indicated that it was positive or somewhat positive.

Under 40 / Over 40

The views about this factor by age demonstrates a change from the previous height categories. Whereas those under 40 years of age viewed dwellings of 6 storeys or less more favourably than their older counterparts, the responses shift with dwellings of seven storeys or greater. While the majority of
both groups indicated that this was a negative or somewhat negative influence on the street (57% under 40, 53% over 40), a larger percentage of those over 40 years of age felt that this factor had a positive or somewhat positive influence (33% over 40 to 21% under 40).

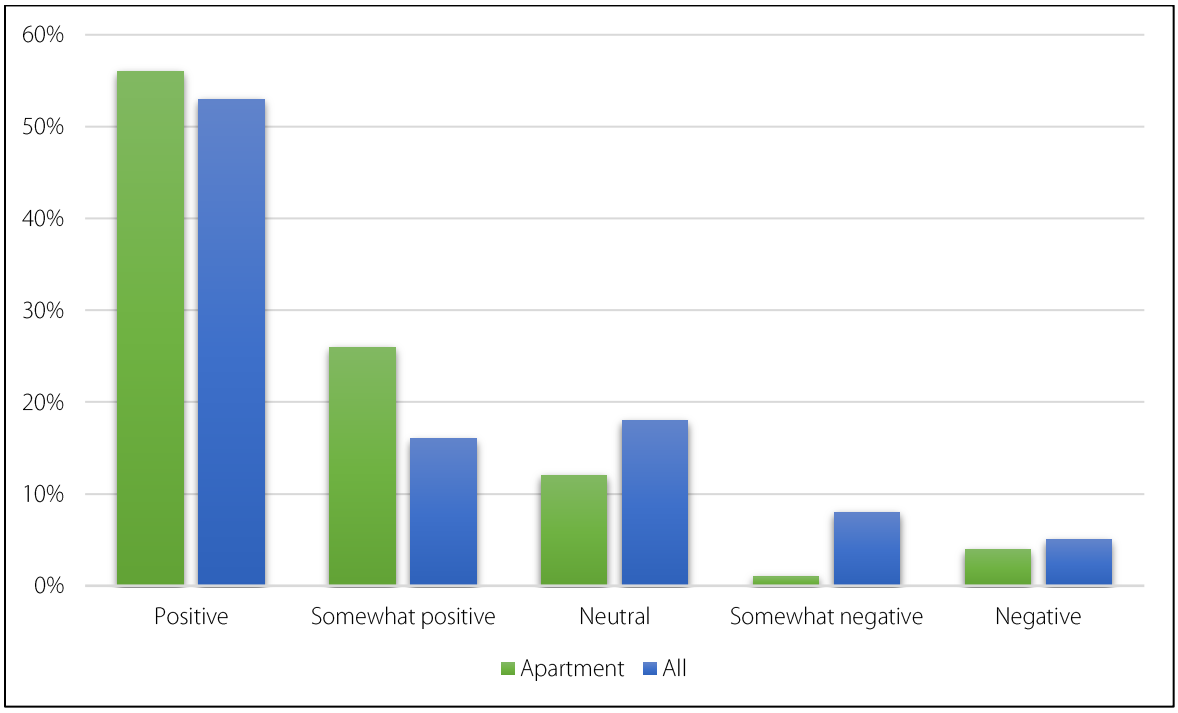
Figure 37: Dwelling Height, More than 7 Storeys



4.3.7 Apartment-Style vs All on Height of Dwelling

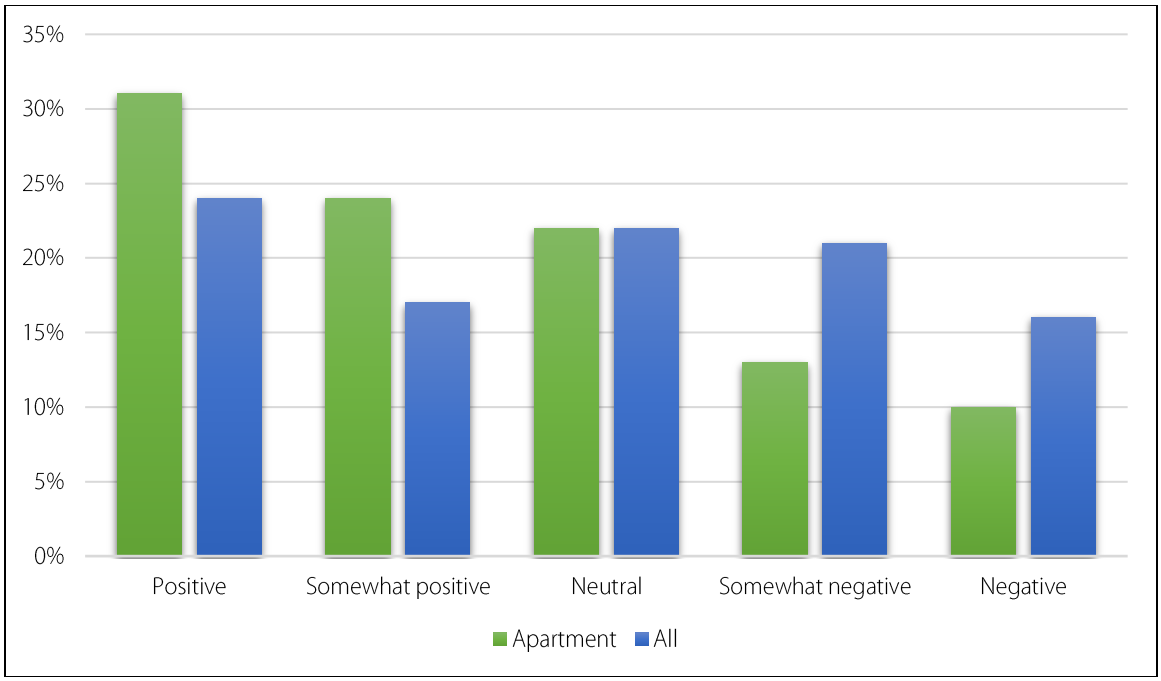
As apartment-style dwellers comprised a significant percentage of respondents (39%), their responses related to the height of dwellings was compared to total respondents for additional context. Figure 38 illustrates the responses of apartment-style dwellers as compared to all respondents as related to the dwelling height factor.

Figure 38: Apartment-Style Dweller Responses: 1-3 Storey Dwellings



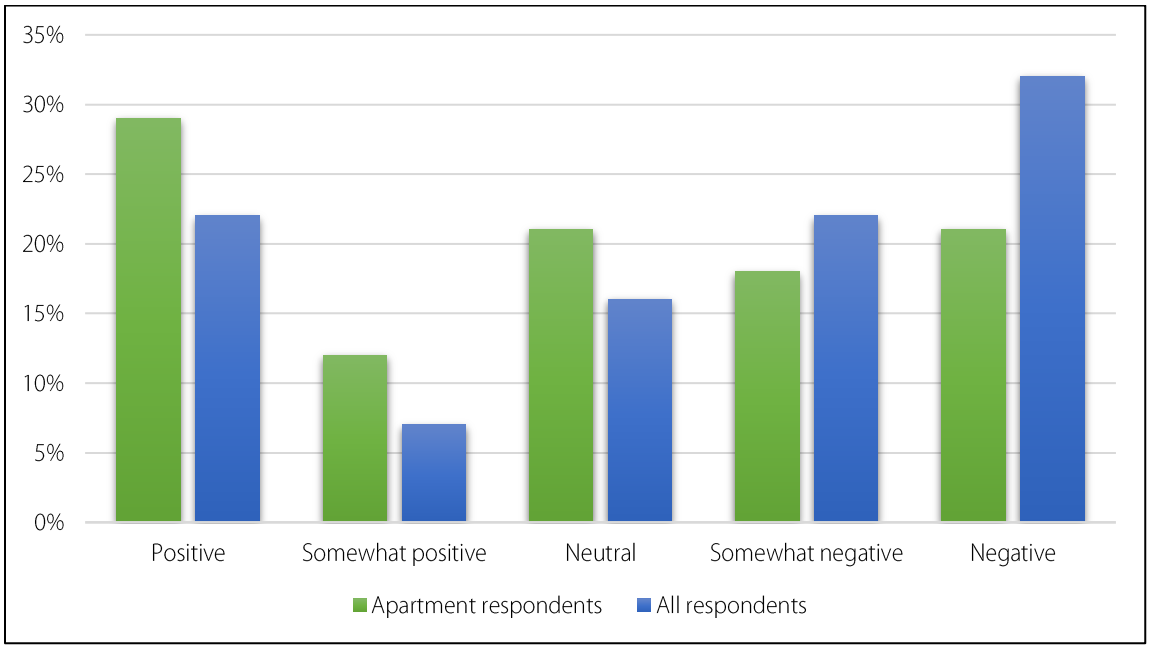
Those respondents who reside in apartment-style dwellings were slightly more positive (56%) about the influence of 1-3 storey dwellings than the total percentages of respondents (53%). They were less likely to be neutral and negative about the influence of these dwellings.

Figure 39: Apartment-Style Dweller Responses: 4-6 Storey Dwellings



In response to the question about 4-6 storey dwellings (Figure 39), respondents from apartment-style dwellings were more positive than the total respondents. 55 percent of apartment-style dwellers noted positive or somewhat positive, as compared to 41 percent of all respondents. Additionally, apartment dwellers were less negative (23%) as compared to all respondents (37%) about the influence of this scale of dwellings on a streetscape.

Figure 40: Apartment-Style Dweller Responses: 7 Storeys or Greater



As displayed in Figure 40 above, there is a difference between respondents who live in apartment-style dwellings and all respondents to the questions of the influence of greater than seven storey dwellings. 41 percent of respondents from apartments see dwellings greater than seven storeys as a positive influence on their streets, as compared to 29 percent of all respondents. In terms of negative impact, the difference is 39 percent of respondents from apartments versus 54 percent of all respondents view this scale as a negative.

4.3.8 Similarity in the Type of Housing

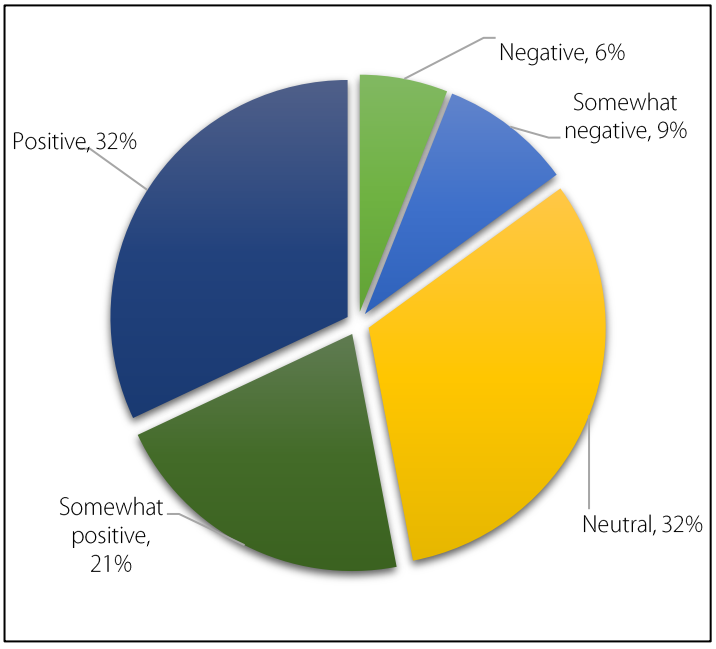
Another character factor is related to the similarity of type of housing that appears on a street. This refers to the type of dwelling form, for example whether it is a single family detached home, a town or row house, an apartment style dwelling, among others. Figure 41 displays the responses to the influence of this factor.

The majority of respondents (53%) indicated that similarity in the types of housing form was a positive or somewhat positive influence on a street. This factor, more than others, displayed a larger number of respondents indicating they were neutral about its influence (32%). A small percentage (15%) indicated that similarity in housing type was negative or somewhat negative.

Under 40 / Over 40

Respondents over the age of 40 were more positive about the influence of the similarity of housing type on the streetscape. 57 percent of this segment of respondents indicated positive or somewhat positive, while 45 percent of those under 40 indicated these responses.

Figure 41: Similarity in Type of Housing



4.3.9 Garages

The presence of garages can impact the character of a streetscape. As such, respondents were asked to indicate whether or not they felt garages were a positive or negative influence on the streetscape. Figure 42 displays the breakdown of responses to this factor by percentage.

The largest segment of responses by percentage for this factor was the neutral category (43%). This was followed by 35 percent of respondents who indicated that garages had a negative or somewhat negative impact on the street, and 22 percent indicating garages had a positive or somewhat positive influence.

Under 40 / Over 40

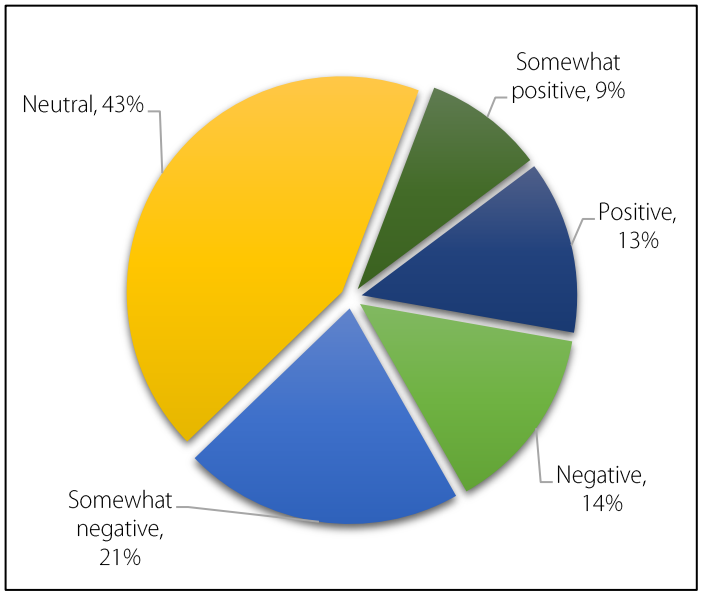
The responses to this factor differed by age group. While a majority of respondents under the age of 40 were neutral on this factor (52%), the second largest segment of respondents in this age range saw this as negative or somewhat negative (35%), and only 13 percent indicated it was positive or somewhat positive.

By contrast, the percentages for respondents over the age of 40 were more evenly spread, with 34 percent indicating this factor was negative or somewhat negative, 39 percent who were neutral, and 27 percent who viewed this as positive or somewhat positive.

Relation to Audit

The large number of neutral responses in the survey might be a function of the fact that the overall presence of garages across audit zones was only 28 percent.

Figure 42: Garages



4.3.10 Front Yard Parking

The presence of parking at the front of a property, such as a driveway or parking pad, is another factor that influences the character of a street. Specifically, parking reduces the amount of space at the front of a dwelling for landscaping. Figure 43 shows the responses to the influence of this factor.

The largest single percentage for this factor was neutral (29%). While 34 percent of respondents indicated that front yard parking was a positive or somewhat positive factor, 37 percent indicated it was negative or somewhat negative. Thus, this is not as decisive a factor in influencing the character of streetscapes as some of the others.

Under 40 / Over 40

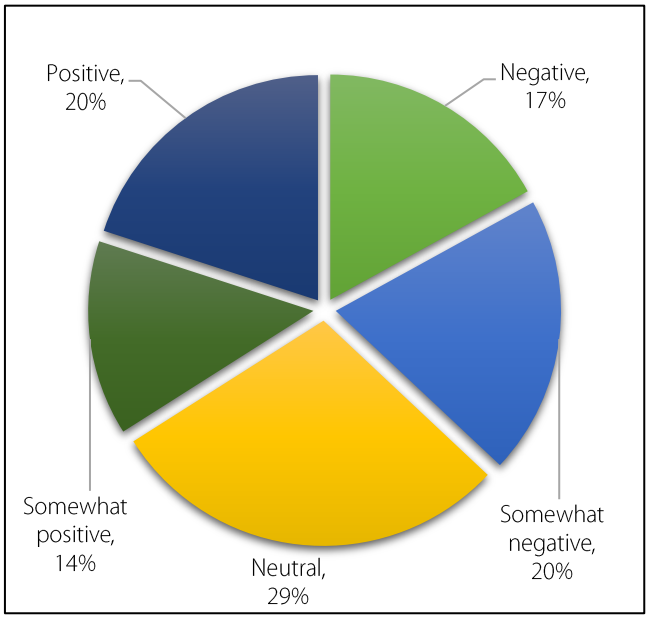
The presence of front yard parking was viewed differently by age. Responses from those under 40 years of age indicated a more even split of opinion, with the largest single segment (39%) as neutral. This was followed by 31 percent who indicated this was a negative or somewhat negative influence, and 30 percent indicating it was positive or somewhat positive.

For respondents over the age of 40, 40 percent indicated that this was negative or somewhat negative factor, and 37 percent indicating it was positive or somewhat positive. 24 percent were neutral on the influence of front yard parking.

Relation to Audit

The survey results suggest a lack of consensus on this issue, while the audits showed that over 77 percent of zones had low, or no street impact from parking.

Figure 43: Front Yard Parking



4.3.11 Façade Material

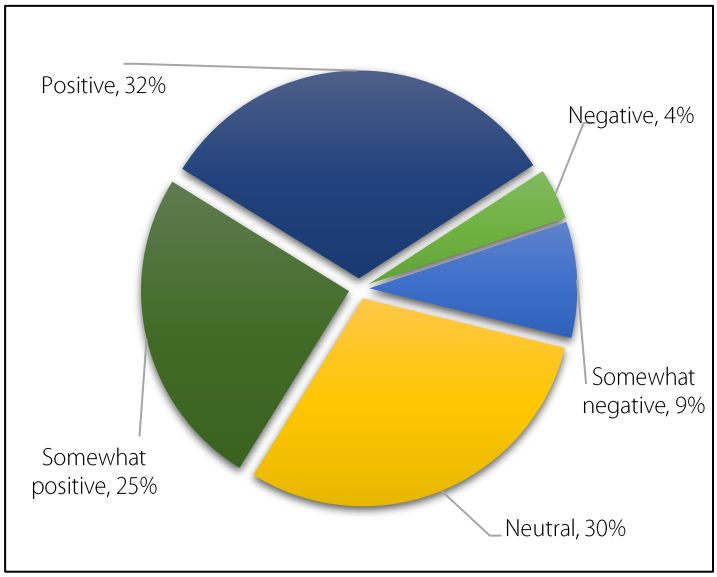
The similarity or diversity of façade material influences the character of a streetscape, as it suggests continuity in dwellings, separate of building type. Figure 44 displays survey respondents' views on the influence of this factor.

Respondents were notably positive about the influence of similar façade materials. While the positive category was the single largest, at 32 percent, the majority of respondents, (57%) selected positive and somewhat positive. There was a large percentage of neutral responses to this factor (30%), with only 13 percent indicating that this was a negative or somewhat negative factor influencing streetscape character.

Under 40 / Over 40

Responses to the influence of similarity of façade materials on character broken down by age demonstrated similar views. The majority of both age groups indicated that similarity in façade was a positive or somewhat positive factor (61% under 40, 55% over 40).

Figure 44: Façade Material



4.4 Types of New Development

Respondents were asked to indicate their preference of the type of new development that would fit best on their street. As intensification projects throughout the Durand neighbourhood are currently underway and planned for the future, it is helpful to get a sense from residents about what types of new development would be acceptable. Figure 45 illustrates the most popular responses by dwelling type, as indicated by respondents.

Of all respondents, the single most popular type of new development was for new single family detached homes (32%). This was followed by row/townhouse (22%) and semi-detached homes (21%). The next most popular option was for apartment style dwellings lower than six storeys. Only three percent of respondents indicated support for apartment styles dwellings at seven storeys or above.

Five percent of respondents chose other options, which included respondents indicating that they did not want to see any new development in the neighbourhood, those identifying the need for a mix of types all at a lower height, and finally there was an emphasis on encouraging affordability in any new developments in the neighbourhood.

With respect to how different segments of respondents viewed new development, Figures 46 and 47 below display responses by age and by type residence.

Figure 45: Types of New Development

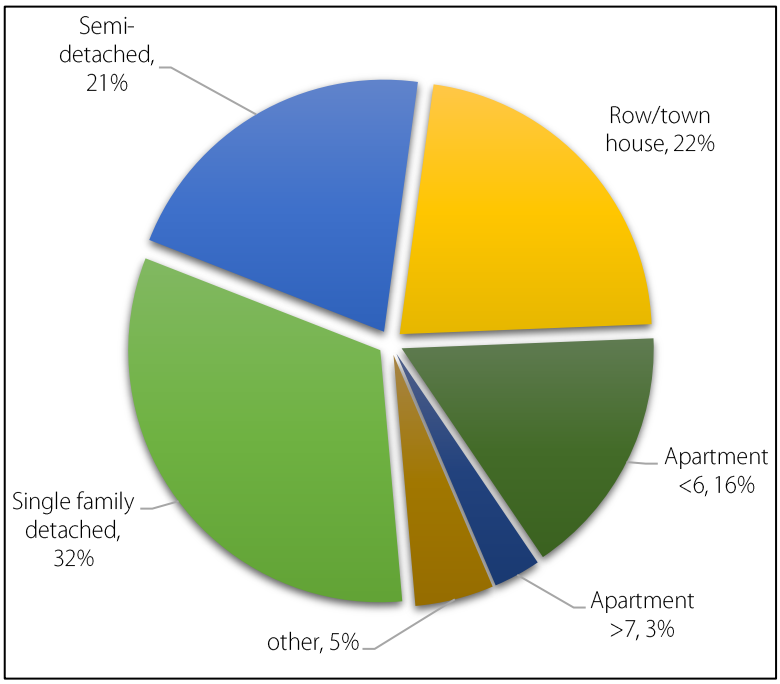
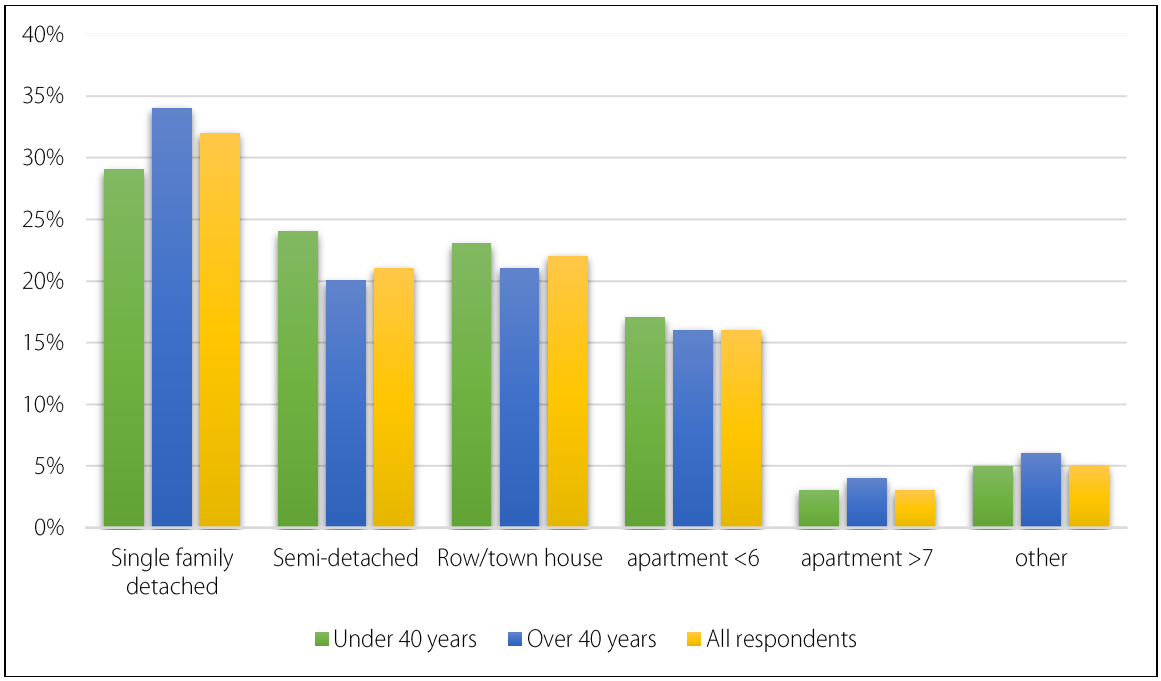


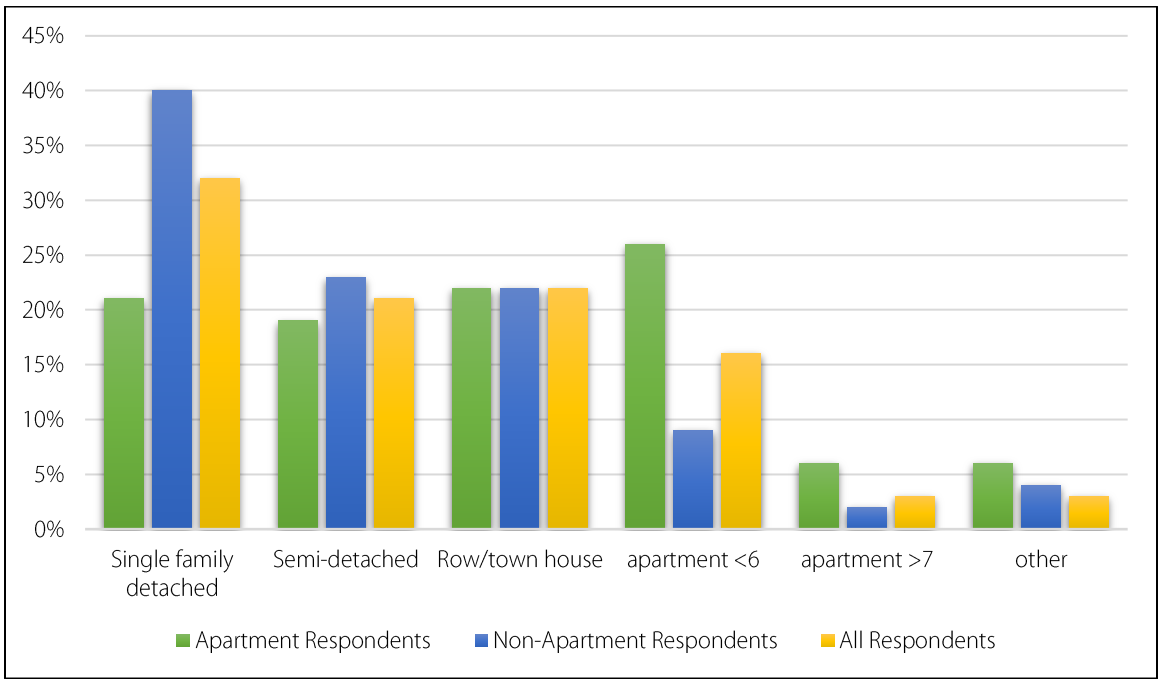
Figure 46: Types of New Development by Respondent Type



Responses to the question about new development types is quite similar when viewed by the two age groups. Some small differences are present, specifically, those over 40 were more in favour of single family detached homes as a new development form. Those under 40 indicated that low level but increasingly denser forms of new development are more favourable, for example semi-detached, row/townhouses, and apartment style dwellings of six storeys or less.

The most popular type of new development for those living in apartments was for lower height apartment type buildings. Respondents who do not live in apartments favoured single family detached homes. Semi-detached homes and row/townhouse types of development were both similarly popular for both types of respondents.

Figure 47: Types of New Development by Respondent Type



4.5 Survey Summary

The resident survey collected ample data on the view of Durand residents on how character factors influence their streets. A summary of key survey results are as follows:

- Many of the character factors in the study, such as mature street trees, front facing entrances, landscaped front yards, were seen as positively influencing the character of a streetscape.
- In general, lower dwelling heights were viewed as a more positive influence.
- In terms of new development, again lower heights were viewed more favourably for future intensification in the neighbourhood, although there was a notable difference between the responses of apartment-style and house dwellers on this question.
- There was a parallel between many survey results and the audit data. Specifically, where audit results reported a dominant factor, (e.g. mature trees) these factors were viewed by survey respondents as positive influences on streetscapes.

5.0 Recommendations

The following section builds on existing neighbourhood policy research, the neighbourhood character audits, and the resident survey to detail specific recommendations for maintaining neighbourhood character in Durand. The recommendations are ordered by each policy framework that should be updated.

5.1 A New Durand Secondary Plan

The previous Durand Neighbourhood Plan is 30 years old and is slated to be updated in the mid-term.[27] Building on the policy context set by the new Urban Hamilton Official Plan (UHOP), a new Durand Secondary Plan could provide specific principles, objectives, and policies on issues such as land use and design guidelines. By creating a new secondary plan specific to the Durand neighbourhood, the City will be able to promote land-use and development that reflects the contemporary context and needs of the neighbourhood.

Durand is a good candidate for an updated secondary plan as described in the policy goals of the new Urban Hamilton Official Plan (UHOP). Specifically, the UHOP suggests that secondary plans are appropriate in areas "undergoing change where general policies are insufficient to guide redevelopment or warrant localized reconsideration, and in particular: areas in need of stability and strengthening such as older residential neighbourhoods, commercial areas and heritage areas."[28]

Further, any planning that supported the maintenance of existing Durand neighbourhood character would be consistent with the City's assessment of built heritage in the neighbourhood. The City of Hamilton Durand Neighbourhood Built Heritage Inventory recommended that 76 percent of the buildings in the neighbourhood should be placed on Hamilton's Register of Property of Cultural Heritage Value or Interest.[29] The report further recommended that 60 buildings be designated under Part IV of the OHA.[30]

<u>Suggested Policies for a Durand Secondary Plan</u>

Existing secondary plans developed for Strathcona[31], Ainslie Wood Westdale[32], and the West Harbour[33] neighbourhoods in Hamilton provide some useful guidance and structure for a new Durand plan. Specifically, there are a number of principles, objectives, and policies approved in these Secondary Plans that could speak to the issue of maintaining Durand's neighbourhood character within the contemporary planning policy context of the City of Hamilton. Additionally, the previous Durand Neighbourhood Plan[34] from 1987 also contains a number of policies that are still relevant to the community.

Drawing from the audits, survey and policy research, the follow sections provide some suggested inclusions in a revised Durand Secondary Plan.

5.1.1 Vision

A Durand Secondary Plan would present a vision for the neighbourhood. This vision could explicitly speak to the older urban character of the neighbourhood, and to the need for redevelopment to be consistent with, and complementary of, existing character.

5.1.2 Principles

Following on the vision, a Durand Secondary Plan should establish a set of principles, some of which can expand on the issue of maintaining neighbourhood character.

- One principle could speak to the **historic nature** of the neighbourhood given its settlement pattern, age of structures, and important role in the growth and development of Hamilton.
- In addition, Durand's explicit **urban nature** should be articulated as a principle. This could speak to the compact urban form, street pattern, distinctive streetscapes that all contribute to the identity of the neighbourhood.
- Building on the tradition in the neighbourhood, including provisions in the 1987 Durand Neighbourhood Plan, **community participation** should be embedded as a principle of a new Plan and its ongoing implementation.

5.1.3 Objectives

A set of objectives for Durand should be established in the Secondary Plan that would speak to the type of development desired. Certain objectives, similar to those found in other secondary plans, can be directed at the theme of neighbourhood character.[35] Objectives could strengthen the existing neighbourhood by stating the intent for development to:

- Promote and protect character of the neighbourhood
- Encourage development that reflects the neighbourhood character of Durand through attention to elements of urban design
- Protect and enhance locations identified as stable residential areas
- Protect and preserve existing trees while providing new planting where appropriate

5.1.4 General Policies

A Durand Secondary Plan can provide more specific policies that would articulate what should be considered when evaluating an application for development or redevelopment. These can be consistent with policies in other secondary plans.[36]

Some policies can relate to height, massing, and scale stipulating that:

- The height, massing, scale and arrangement of buildings and structures should be compatible with adjacent development and should be sympathetic to the character of the neighbourhood. This is consistent with polices in the Strathcona and West Harbour Secondary Plans.

Other policies can relate to design elements at the street level stipulating that:

- Changes to the existing housing stock, such as new infill construction and renovations, should be comparable to existing housing styles on the same block and street. This is consistent with a policy in the Ainslie Wood Westdale Secondary Plan where new construction is encouraged to reflect similar housing styles, massing, height, setbacks, and other elements of style as the adjacent homes, on the same block and street.[37]

5.1.5 Residential Designations

Policies related to residential land use designations would be included in a Durand Secondary Plan. These designations are zones that outline height limits for future development. Following the model of other recent secondary plans in Hamilton[38], Durand would have several land use designations, three of which are of particular relevance when considering policies about maintaining residential neighbourhood character:

- Low Density Residential 3: This designation would keep maximum building heights at 2.5 storeys which would be consistent with large parts of the neighbourhood as found in the streets audits (see Figure 14).

- Medium Density Residential 2: This designation would keep maximum building heights at 6 storeys, which is the tallest height of structures examined in the streets audits. Further, policies for these designations could also stipulate that infill development be sympathetic and complementary to the existing character of the neighbourhood, including built form, massing, and materials that are compatible with existing adjacent residential forms.

- High Density Residential: This designation would allow maximum building heights of up to 10 storeys. These heights could pose problems with maintaining neighbourhood character on lower density streets and thus, additional policies can be proposed to mitigate this. For example, an Urban Design Brief could be required for new high density development demonstrating what steps are being taken to improve compatibility with lower density built forms (e.g. step backs).

5.1.6 Cultural Heritage Policies

As an established residential neighbourhood, policies in a Durand Secondary Plan should address cultural heritage. Policies that exist in other contemporary secondary plans[39] provide direction on how rules can stipulate that:

- New development respect the design of any surrounding heritage buildings including those within heritage conservations districts, including factors such as:
    - Maintaining a consistent street orientation
    - Maintaining building heights that reflect the existing built form
    - Reflecting the character, massing and materials of the surrounding buildings.
- Intensification through the conversion of existing built heritage should be encouraged only where original building fabric and architectural features are retained. This can include limiting alterations to principal facades and limiting the paving of front yards for parking.

5.1.7 Cultural Heritage Landscapes

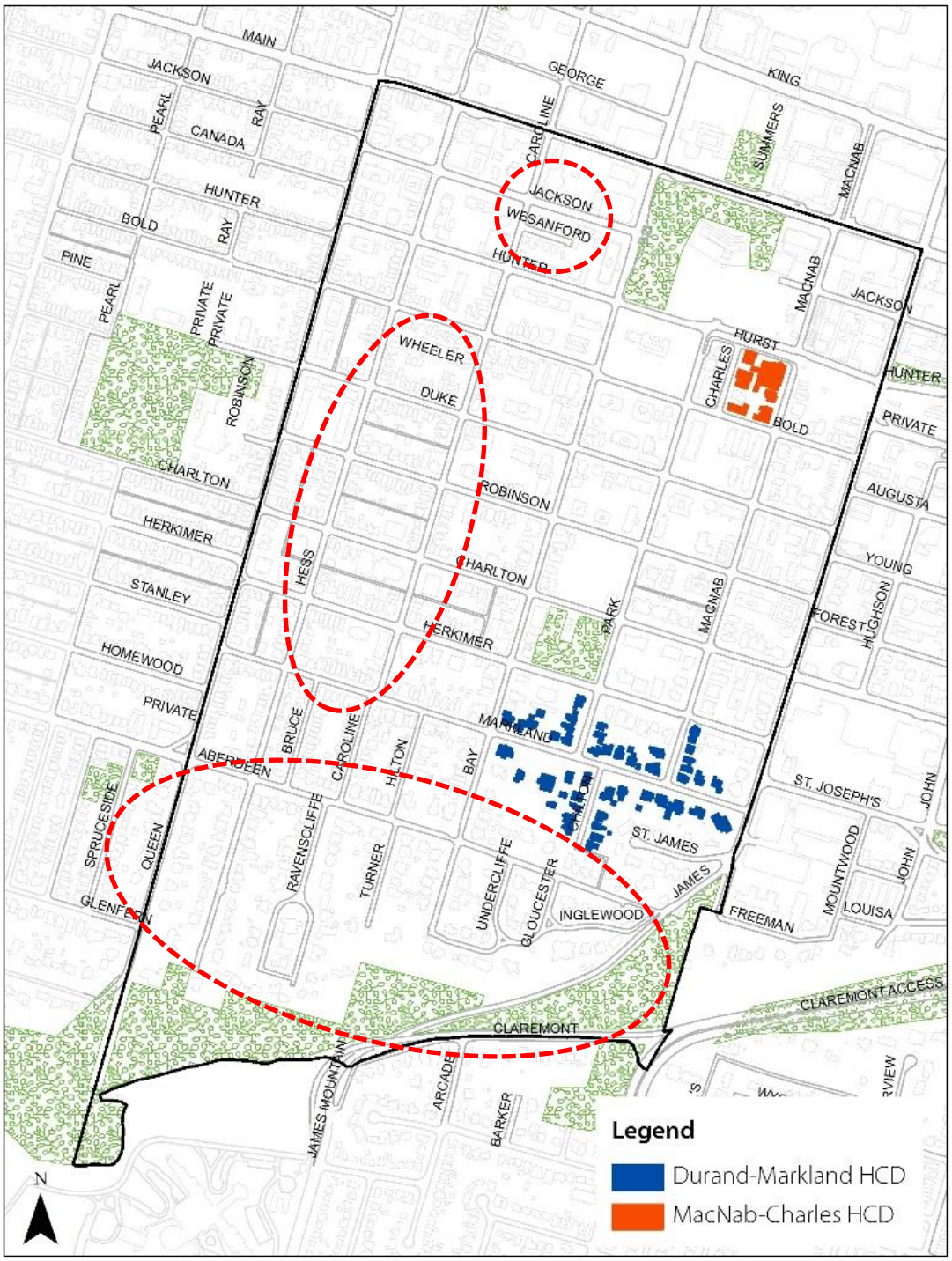
A cultural heritage landscape is a defined geographical area characterized by human settlement activities that have resulted in changes and modifications to the environment, which is now considered to be of heritage value of interest.[40] Between the Ainslie Wood Westdale and the Strathcona Secondary Plans, 10 Culture Heritage Landscapes are identified based on a variety of reasons. Some of the landscapes and their rationale for significant are outlined in Table 4.

Table 4: Selected Culture Heritage Landscapes in Strathcona and Ainslie Wood Westdale[41]

Landscape	Neighbourhood	Rationale
MacNab's Survey	Strathcona	This cultural heritage landscape encompasses the area west of Strathcona Avenue, south of York Boulevard and north of King Street. The existing character of this area is early-twentieth century one to two-storey dwellings. The lot sizes in this area vary slightly in width and depth, but tend to be deeper than the lots in other areas of the Strathcona Neighbourhood.
Mill's Survey	Strathcona	Part of a larger survey by James Mills, this cultural heritage landscape encompasses the area south of King Street, east of Dundurn Street, north of Main Street and west of Queen Street. The area is divided into narrow residential lots containing mid- to late-nineteenth century, one to two-storey single and semi-detached residences.
Arnold's Survey	Strathcona	The lands contained in J. Arnold's Survey include some of the earliest to be developed in the Strathcona Neighbourhood. This area comprises the lands north of King Street, east of Strathcona Avenue, south of York Boulevard and west of Queen Street. The intact streetscapes of this area are characterized by narrow, shallow parcels of land containing mid-nineteenth century one- to two-storey single detached dwellings.
Burke Survey	Ainslie Wood Westdale	This area is bordered by Main, Emerson, Broadway and the Escarpment. The survey is an early 20th century survey of single family homes south of McMaster university.
Veteran's Housing Area	Ainslie Wood Westdale	This area is located on streets south of Main St West, spanning from Haddon to Stroud. The area contains single family houses built following the end of the Second World War.
Planned Suburb of Westdale	Ainslie Wood Westdale	The Westdale planned suburb is one of, if not the, first planned communities in Canada. It was built on 800 acres of land bordered on the east side by what is now the 403, on the west by McMaster, and between Cootes Paradise and Main street.

The variety of rationale described in Table 4 demonstrates that one or more culture heritage landscapes could be designated in Durand based on a variety of factors, such as clusters of housing form with similar attributes ranging from intact streetscapes, housing type, and lot shape. With a culture heritage landscape, any new development can be required to provide a cultural heritage impact assessment that would identify and evaluate all potentially affected cultural heritage resources. This provides another "lens" through which to view neighbourhood character. Figure 48 shows some potential clusters for cultural heritage landscape that could be explored further.

Figure 48: Potential Cultural Heritage Landscapes Alongside Existing Heritage Conservation Districts



5.1.8 Natural Heritage Policies

Policies in a Durand Secondary Plan can speak to the issues of natural heritage and the street canopy stipulating that:

- Street trees should be planted and replaced along streets in the community to improve and maintain the appearance of the streetscapes. This is consistent with policies in the Ainslie Wood Westdale Secondary Plan.[42]

5.1.9 Urban Design Policies

Policies regarding urban design can be included in a Durand Secondary Plan. These policies can address how new development should create and enhance the existing neighbourhood character through elements like a focus on the pedestrian experience and promoting human-scaled design, while creating links between built form and the neighbourhood character. More specifically, urban design policies can stipulate that:

- Development or redevelopment within Durand shall be sympathetic to and reflect the character of the existing built form for the neighbourhood.
- Elements such as landscaping, trees, setbacks, and massing should be used to minimize the impact of adjacent lower density residential from new development or redevelopment.

5.1.10 Urban Design Guidelines

Further, Urban Design Guidelines can be developed that will elaborate on how development or redevelopment can help maintain neighbourhood character in Durand. The purpose of the Urban Design Guidelines is to describe and direct design, and illustrate how design elements can guide future redevelopment and intensification potential. The Strathcona Urban Design Guidelines are an excellent, Hamilton-focussed model that can provide inspiration for Durand.

Typically, a set of **design principles** frame the guidelines. For Durand and the maintenance of its character, such principles could include the direction that:

- New development should address (face) the street so that it reinforces the streetscapes of the neighbourhood.
- New development that brings intensification should be moderately scaled so that it is more compatible with the existing built fabric. By referencing surrounding structures, new development should provide appropriate transitions within the neighbourhood.
- The pedestrian environment should be enhanced through development or redevelopment, including the provision of amenities such as street trees.

Under principles, **Built Form and Streetscape Guidelines** can then suggest that:

- Development shall be designed with a scale that balances height and massing with street widths and provides appropriate transitions to adjacent areas.
- Primary building entrances shall face the street and provide direct access from public sidewalks through well defined pathways to promote pedestrian safety and convenience.
- The number and widths of vehicular driveways and accesses shall be minimized, where possible.
- Street trees are an important part of the public realm and should be used to enhance the role of the street and promote visual interest.

5.2 Zoning

The next level of policy that should be used to help maintain Durand's neighbourhood character is zoning. Zoning regulates at a parcel by parcel level and covers elements such as how the property may be used, such as lot sizes and dimensions, parking requirements, building heights, and distance from the street. Zoning should be consistent with the Official Plan and any applicable Secondary Plans.

5.2.1 Existing Zoning

The majority of Durand falls under City of Hamilton Zoning By-Law No. 6593, originally passed in 1950. The Northern most portion of the neighbourhood (from Hunter Street to Main Street) falls under the newer Downtown Zoning By-Law. Under current zoning some zone districts keep single family dwellings at 2.5 storeys or less. However, for multi-family dwellings, heights can go up to 12 storeys in some circumstances and higher density development can range between 8-18 storeys depending on the particular location.

The City of Hamilton is updating city-wide Comprehensive Zoning By-law No. 05-200 in stages. In July and October 2015, the City passed a series of zoning by-law amendments to add new zones for the rural area. The next phase of Zoning By-law No. 05-200 is focused on Commercial and Mixed Use Zones. Of particular relevance to Durand is an update to Residential Zones that will be dealt with in a subsequent phase.

5.2.2 Updates to the Comprehensive Zoning By-law No. 05-200

Outcomes from the Durand Neighbourhood Street Audits and Citizen Survey can be used as inputs into the update of the city-wide Comprehensive Zoning By-law when it enters the Residential Zones phase. This can inform how zones might be delineated to allow more compatible development within the existing neighbourhood. For example, the dominant lower heights (e.g. 2.5 storeys) around many parts of the neighbourhood could inform an update to where larger scale development is allowed and not allowed (e.g. up to 10-12 storeys).

This is consistent with the general approach to zoning in the existing by-law. However, a more location sensitive approach for heights could be applied. This would be consistent with policies for urban design contained in the 1987 Durand Neighbourhood Plan which suggested that zoning should be reviewed to ensure, "reduced heights for portions of the neighbourhood where lower heights predominate or where there are significant heritage buildings or streetscapes which should not be disturbed."[43]

Aside from height, many other elements can be incorporated into an update of the Comprehensive Zoning By-Law. Currently, one part of the By-Law that is already updated deals with the issue of parking across all property types. Of relevance to Durand is the section that deals with Single Detached Dwellings, Semi-Detached Dwellings and Duplex Dwellings. Policies.[44] Current policies regarding driveways would allow some dwelling units to have a driveway width of up to 50 percent of the lot width. This width would be inconsistent with the dominant character width found in the street audits (see Figure 26). Thus, a more specific solution would need to be employed in Durand.

5.3.3 Durand Neighbourhood Zoning Overlay

Aside from updates to the Residential Zones in the Comprehensive Zoning By-law, the DNA can advocate for the approach whereby a neighbourhood overlay is adopted that ensure than an additional set of rules are applied to Durand that would address elements that speak to maintaining neighbourhood character. Specifically, there can be rules for some of the elements that were included in the street audits, consistent with the Ottawa overlay. The Ottawa approach stipulated that the dominant characteristics for each element would form the rules for development or redevelopment along a particular streetscape.

Further, the DNA could advocate that a mechanism similar to Ottawa's Streetscape Character Analysis (SCA) be employed to determine what rules would apply to properties that fall under the overlay. In this way, "Your Street Gives You Your Rules" provides transparency as to why rules might be different street to street. It also provides flexibility street to street, which would accommodate some of the variations in character elements found in the Street Audits. The nature of the SCA also aligns well with the idea of active public participation in the implementation of policies related to neighbourhood planning, which was an original objective of the 1987 Durand Neighbourhood Plan and should be continued as part of an update to the Plan.

It is important to reiterate that the idea that surrounding houses on a street should give you a framework for rules moving forward is not new in the Hamilton context. As discussed earlier, the Ainslie Wood Westdale Secondary Plan contained policies that specifically advocated for this approach.[45] The Streetscape Character Analysis simply puts more detail on what elements of the surrounding houses are important and enshrines the process at the zoning level as an overlay.

The overlay is applied as a zoning by-law amendment, so this could be investigated and applied on top of the updated zoning by law. An example of the Ottawa by-law is provided in Appendix B. The Streetscape Character Analysis (SCA) approach was explored earlier, including how it might look in Durand. For more information, the formal (SCA) manual is provided in Appendix A.

Note that the Ottawa approach uses three of the elements used in the Durand character audits and they cleared an appeal at the OMB. Potentially, additional character factors could be managed through other mechanisms and policies (e.g. secondary plan, zoning).

6.0 Implementation and Next Steps

The recommendations outlined in Section 5 touch on a number of issues, across a variety of policy areas. However, implementation of many recommendations will depend on the City of Hamilton's timelines. Thus, the following list prioritizes suggested next steps for the Durand Neighbourhood Association to forward its efforts to maintain neighbourhood character.

The goal of the next steps is to provide direction for the DNA on how to achieve effective and concrete protections for neighbourhood character in the short term, while also ensuring that the unique character of the neighbourhood are recognized and protected in future planning regulation and policies.

Short Term Actions

1. Confirming Timeline for A New Durand Secondary Plan

The previous Durand Neighbourhood Plan is 30 years old and requires updating. A new secondary plan will be a major policy tool to help maintain neighbourhood character in Durand. While a new secondary plan has been identified for Durand, the timing has not been confirmed and is marked by the City as a "mid-term priority".[46]

Action: The DNA should confirm a timeline for a new Durand Secondary Plan.

2. Durand Neighbourhood Zoning Overlay and Streetscape Character Analysis Pilot Project

As many municipal planning policy documents, including the secondary plan and zoning by-law, will potentially not be updated for a number of years, a neighbourhood overlay and streetscape character analysis pilot project should be considered for Durand. Ideally, an overlay should be introduced in coordination with an updated zoning by-law. However, the current timelines for this are uncertain, and therefore the pilot study should be considered in the short term.

An overlay could ensure that an additional set of rules are applied to Durand that would address elements that directly address maintaining neighbourhood character. In addition, the DNA could advocate that a mechanism similar to Ottawa's Streetscape Character Analysis (SCA) be employed to determine what rules would apply to properties that fall under the overlay.

The Pilot project would allow the DNA, and the City, to build on key elements of existing regulation (e.g. 1987 Secondary Plan elements highlighting the importance of maintaining public participation in the implementation of the plan, or the UHOP, which details the importance of "established historical neighbourhoods"). An Overlay Pilot Project would allow the City to test this model, building on the research identified in this report, leading to a more permanent solution when the relevant policies and regulations are updated.

Action: The DNA should advocate for an Overlay Pilot Project for Durand, employing a streetscape character analysis tool.

Medium Term Actions

3. Updates to the Comprehensive Zoning By-law No. 05-200

The majority of Durand falls under the old City of Hamilton Zoning By-Law No. 6593. The City of Hamilton is updating the new city-wide Comprehensive Zoning By-law No. 05-200 in stages. In July and October 2015, the City passed a series of zoning by-law amendments to add new zones for the rural area. The next phase of Zoning By-law No. 05-200 is focused on Commercial and Mixed Use Zones. Of particular relevance to Durand is an update to Residential Zones that will dealt with in a subsequent phase.

Action: Outcomes from the Durand Neighbourhood Street Audits and Citizen Survey should be used as inputs into the update of the city-wide Comprehensive Zoning By-law when it enters the Residential Zones phase.

4. A New Durand Secondary Plan

When the development of a new Durand Secondary Plan gets underway, the recommendations, policy research and data contained in this report can provide input for that process.

Action: Recommendations from this report, as well as the results of the Durand Neighbourhood Street Audits and Citizen Survey should be used as inputs into the development of the new Durand Secondary Plan

Ongoing

5. Current Durand Planning

While the DNA pursues clarity on the timing of regulatory and zoning updates, it should continue to actively engage in public processes related to changes being sought for properties in the neighbourhood, for example via Committee of Adjustment or rezoning applications. The results of this report can assist the DNA in this effort in three ways, first it provides a detailed chronology of existing (albeit outdated) policy and regulation relating to the neighbourhood. Second, the streetscape audits provide detailed data about a variety of specific character elements across the neighbourhood, highlighting distinct areas where certain character features are dominant and should be preserved. Finally, the results of the resident survey provides the DNA with clear direction from a cross section of residents about the importance of maintaining neighbourhood character.

Action: The outcomes contained in this report, including the neighbourhood research, street audits and citizen survey, could be used to inform contemporary planning decisions in Durand including through Committee of Adjustment applications, development, or re-zoning applications.

7.0 Conclusions

Durand is at a transformative moment in its history. It is a neighbourhood facing the challenge of managing new development and redevelopment while maintaining existing neighbourhood character.

The Durand Neighbourhood Association (DNA) is rising to this challenge. It is working to better understand the existing character of its neighbourhood and the perspectives of its residents. This knowledge will help lay the foundations for future residential development that complements and enhances the existing community, helping the neighbourhood to grow in a way that reflects and respects its long history.

This study provides valuable information and guidance for the DNA, City planning staff, civic leaders, and the community as a whole.

At its heart, this is a made-in-Durand solution. While it builds on a selection of existing planning documents and best practices for understanding neighbourhood character, it is rooted in the local community. It reflects not just the thoughts and input of local residents about their neighbourhood, but also their direct participation in cataloguing its existing built environment. The steps proposed here provide the Durand Neighbourhood Association with several avenues it can pursue to promote growth and change in the neighbourhood that is consistent with its existing character.

8.0 Endnotes

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[13] Ibid. p. 12-15

[14] Ibid. p. 18

[15] Ibid. p. 43

[16] Ibid. p. 16

[17] Ibid. p. ii

[18] Ibid. p. 45

[19] City of Hamilton Zoning By-Law No. 6598, Consolidated April 2015, https://www.hamilton.ca/sites/default/files/media/browser/2015-03-30/hamilton-zoning-by-law-6593.pdf

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[23] Ibid. p. 6

[24] Ibid. p. 69

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[26] Ottawa Business Journal, *City of Ottawa Infill Zoning By-law and Mature Neighbourhoods,* http://www.obj.ca/Blog-Article/b/26994/City-of-Ottawa-Infill-Zoning-Bylaw-and-Mature-Neighbourhoods

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Appendix A

STREETSCAPE CHARACTER ANALYSIS (SCA) MANUAL

A Streetscape Character Analysis is required for development, or an addition in the front, side or corner side yard, or for a private approach, in the area covered by the Mature Neighbourhoods zoning overlay

In the Mature Neighbourhoods, "*Your street gives you your rules*". In addition to the regular zoning that applies to your property, certain rules are based on your streetscape. To determine all your zoning requirements and permissions, a Streetscape Character Analysis is required.

To determine all your zoning requirements and permissions, a Streetscape Character Analysis is required. These rules apply to parts of Wards 12 and 13, and all of Wards 14, 15 and 17.

A Streetscape Character Analysis must be completed using a simple online form, and must be confirmed prior to any development application review process in the Mature Neighbourhoods. Only those proposed developments, which are compatible with and reinforce the look along the street, are permitted.

A Streetscape Character Analysis is required for the purposes of establishing zoning requirements for residential development of four storeys or less, for all of the following applications on properties located within the Mature Neighbourhoods Overlay as identified in Zoning By-law 2008-250:

- Building Permit, for any development of, or additions to, a residential use building that is visible from the street
- Consent for severance, Minor Variance to the Committee of Adjustment
- Permission to expand or change a legal non-conforming use only if expansion includes alterations to the exterior of the dwelling that alters the front or corner side yard, the driveway, parking, or removing the front door from facing the street to the Committee of Adjustment
- Site Plan Control
- Zoning By-law Amendment
- Private Approach Permit, for a new or the widening of a curb cut leading to a driveway or parking space from a public street

It does not apply to:

- Mid-rise and High-rise Apartment Buildings, and also excludes that portion of a mid- or high-rise apartment building that may be four storeys or less
- Internal changes to a dwelling that do not result in exterior changes that are visible from the street
- Dwellings that front on a private way and not on a public street
- Additions that do not abut or extend into the front yard or corner side yard
- Accessory buildings, such as sheds but not garages, to be located in the rear yard
- A lot in a Plan of Subdivision that faces a new public street

If you are unsure as to whether your proposal requires a Streetscape Character Analysis, please contact staff at 311 or by leaving an email at sca-apr@ottawa.ca.

This manual has been prepared to assist any person who wishes to develop a new residential use building or make exterior changes to their dwelling that are visible from the street, and as such, has been written in plain language. For exact wording, please see Sections 139 and 140 of the *Comprehensive Zoning By-law 2008-250*. Where there may be any discrepancy, the By-law takes precedence.

HOW TO COMPLETE A STREETSCAPE CHARACTER ANALYSIS

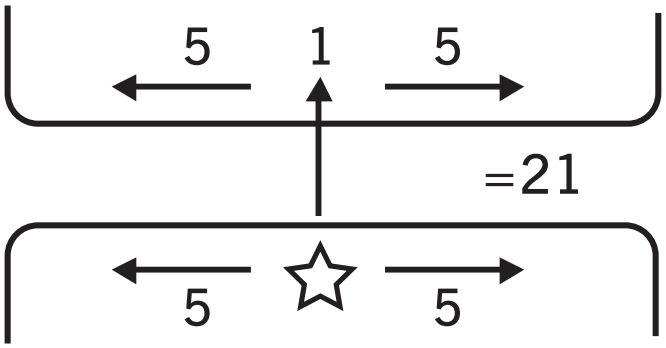
Step 1 Determine extent of your streetscape

- Tools you need: geoOttawa + properties layer (see page 7)

What is "a streetscape"? Ottawa's zoning defines it as the 21 lots around your property, along your street. To determine the streetscape that you have to document, use **maps.ottawa.ca/geoOttawa/** to locate your property, then use the properties layer to see all the lots along your street.

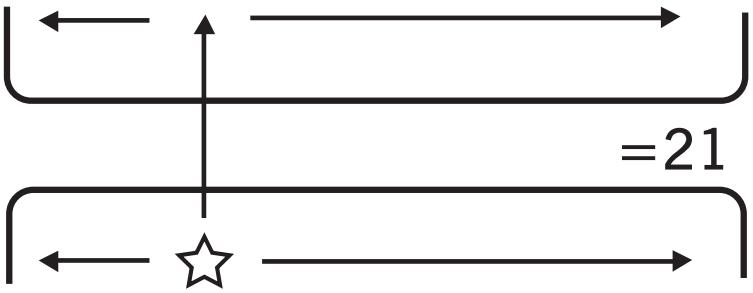
On a basic level, the By-law says to count 5 lots to the right and 5 lots to the left of yours, then one across the street, then 5 to the right and 5 to the left of the lot across the street, all of which are located on the same block.

By-law reference: 139(5)(b)



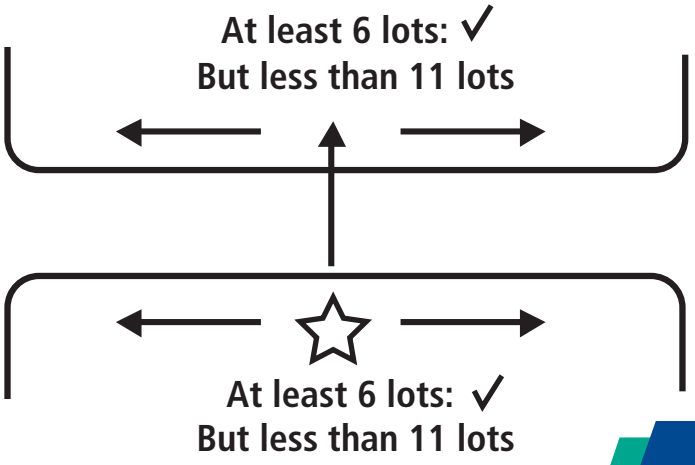
If your lot is closer to an intersection, the By-law says to stay within your block to get to 21 lots without crossing intersections. You might then have 2 to the left and 8 to the right of yours, and 3 to the left and 7 to the right of the lot across the street.

By-law reference: 139(5)(b)



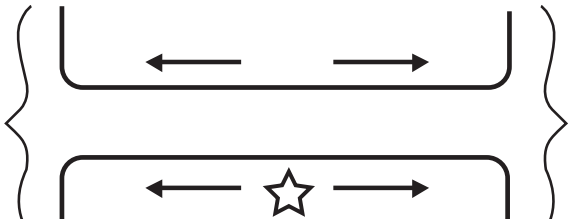
Where your lot is located on a block between two intersections where the total number of lots on both sides of the street is less than 21, but there are at least 6 lots (including yours) but less than 11 lots on your side of the street and at least 6 lots but less than 11 lots on the opposite side of the street, the total is deemed to comply with the requirement for documentation.

By-law reference: 139(5)(c)



If your lot is on a block between two intersections where the total number of lots on both sides of the street is less than 21 but more than 11, documenting all lots on the block on both sides of the street will comply with the requirement for documentation.

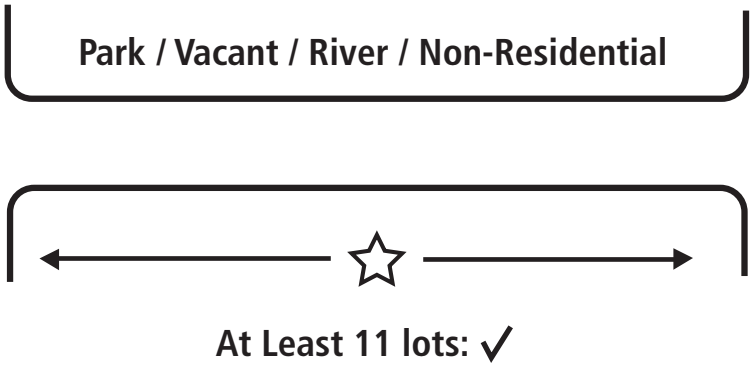
By-law reference: 139(5)(d)(i)



Total number of lots on your block, on both sides of the street, is at least 12 lots but less than 21

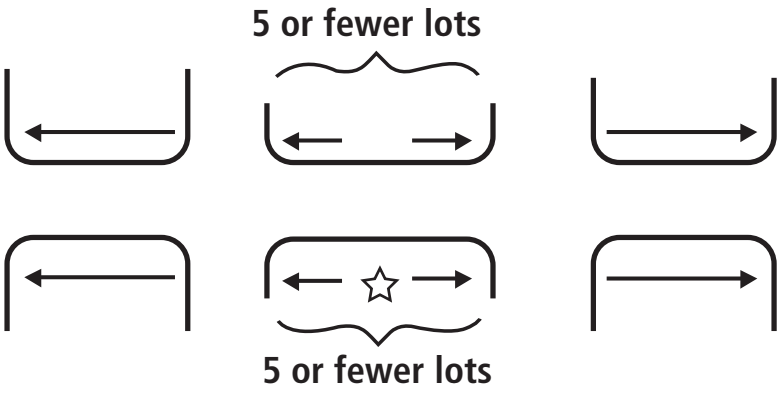
If your lot is on a block [between two intersections] where there are at least 11 lots on your side of the street, and across the street there are no residential uses at all, then documenting all of the lots on your side of the street will comply with the requirement for documentation.

By-law reference: 139(5)(d)(ii)



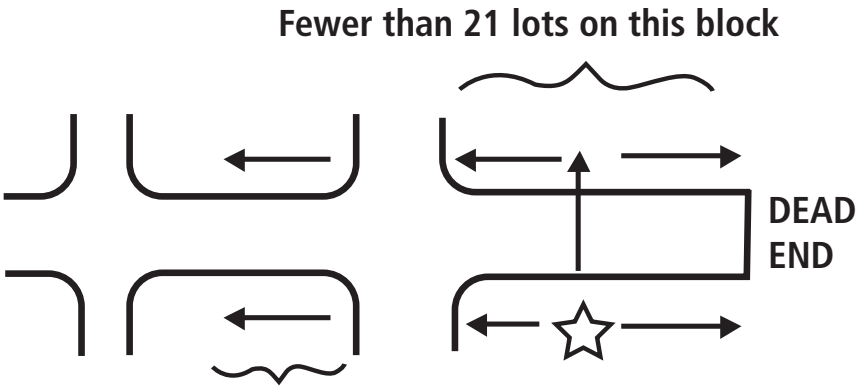
If there are 5 or fewer lots on your block, on your side of the street and/or across the street, and there are 5 or more lots on either side of the same street beyond either intersection, go beyond one intersection on either side to get to 21 lots.

By-law reference: 139(5)(e)(f)



If your street dead-ends at the end of your block, but has one or more blocks in the other direction, and that block has more than 5 but less than 21 lots, you are required to go beyond the intersection to document lots to get to 21 lots.

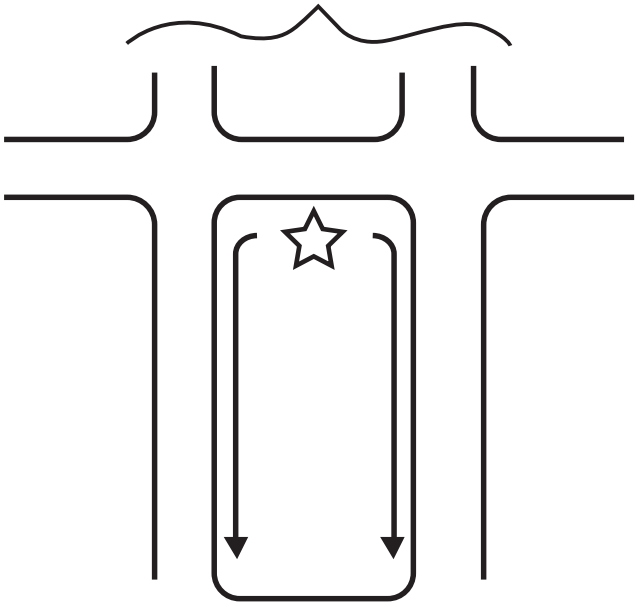
By-law reference: 139(5)(g)



If your block has 5 or fewer lots, or contains lots with dwellings that face a street other than yours then stay within your block and get to 21 lots on the side streets.

By-law reference: 139(5)(h)

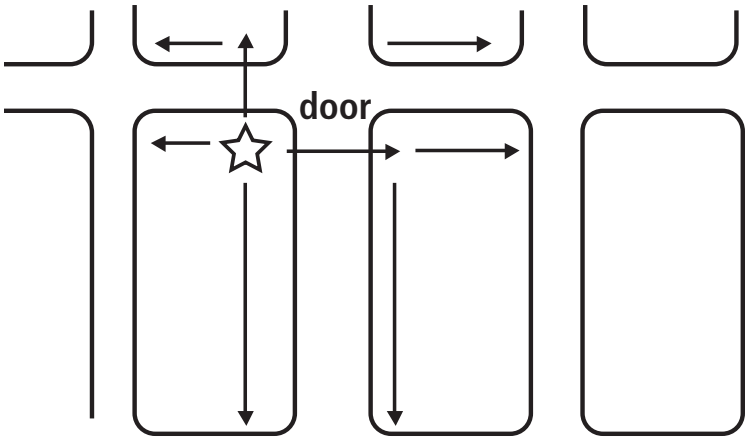
Fewer than 5 lots or contains lots with dwellings that face a street other than yours



If you are on a corner lot and are proposing a building with dwellings that front on each of the two streets, you must document both streetscapes using two separate Forms (21 lots fronting on the same street as the main door of your lot, and 11 lots fronting on the same street as your lot's corner side lot line).

By-law reference: 139(5)(k)

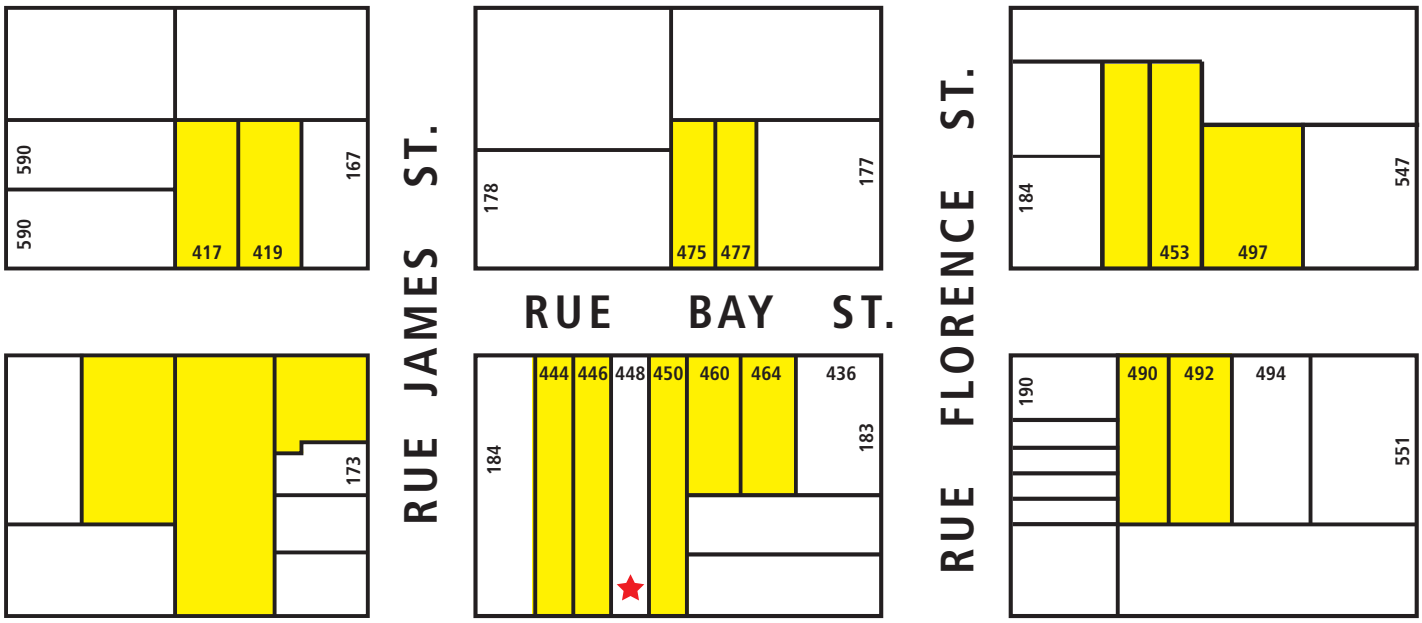
11 lots on both sides



HOW TO DOCUMENT YOUR STREETSCAPE

On the reverse side of the **Streetscape Character Analysis Form** (at the end of this manual and also available at **www.ottawa.ca** and at Client Service Centres), there is a large rectangular space for you to draw the street and lot pattern of your streetscape that must show lot addresses. An example of such drawing is shown below, using a complex lot pattern. Only use lots that are facing the same street as yours.

On this drawn example:



- Identify your property with a star
- Include all street names
- Write down the street address of all the properties (lots) that you document
- You may also wish to use a highlighter pen to identify the 21-lot area that you are documenting.

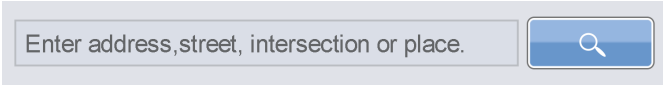
In the above example, the streetscape has a total of 17 lots: five to the right, five to the left, one across the street, four to the right and two to the left of the one across the street.

Where townhouses or stacked townhouses exist, you must look on **maps.ottawa.ca/geoOttawa/** first to determine whether they are all located on one lot or whether they are severed and located on individual lots. Where they are located on one lot only, all of the townhouses count as one lot only, because the character to be documented is of the 21 (or fewer) lots.

HOW TO USE GEOOTTAWA

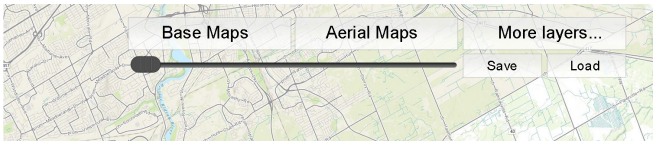
To access the City of Ottawa online map, go to **maps.ottawa.ca/geoOttawa/** and follow these few important steps:

1. Type your complete address including Street, Avenue, etc. into the search bar at the top where it states "Enter Address, street, intersection or place."



2. The pop-up information will show your zone code (e.g. R4V). The Zone Code will tell you what kind of dwelling you may build, the yard setbacks, and the maximum height permitted.

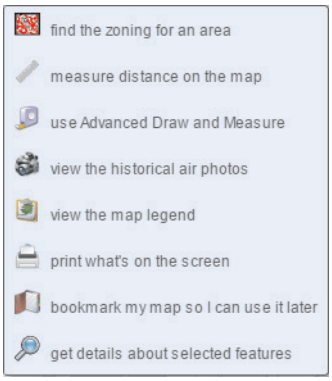
3. Go to the top Right and click on "More layers…"



4. Click the box next to "Property Parcels". This will show you the property lines and help determine which lots to include in the 21-lot SCA. See Pages 2-3 for variations where there are fewer than 21 lots adjacent to your site. Zoom in until you see addresses and mark down the address numbers on the SCA Form in your drawing of each lot that is to be documented in the SCA Form.

5. Slide the marker along the thick black line located on the Left, beneath "Base Maps". This allows you to switch from property information to air photos. Use the air photo setting to do the required measurements for driveway widths on each lot.

6. Go to the top Left and click on "I want to…" and click on "Measure distance on the map". This will create a new pop-up that will show the total distance once the linear area has been measured.



7. Zoom in to measure. **You are required to check the width of the lot,** by placing the mouse arrow at one end of the front lot line where it meets the side lot line – it will indicate the word "Start"; place the arrow where the front lot line meets the other side lot line and click. The number will be the lot width.

8. **You are required to check the width of a driveway.** Zoom in as far as you need to, place the mouse arrow at one end of all driveways along front lot line, and then place the arrow at the other end of the driveway along the front lot line.

9. If you are proposing to develop a corner lot, **you are required to measure the actual lot widths and driveway widths of 21 lots located along the street that your house will face, and 11 lots along the other street frontage**. See By-law for exact wording.

In addition, you must take **photographs of each of the lots that you are documenting** in the Streetscape Character Analysis Form. Photographs are to be submitted with the SCA Form. Make sure to show the street sign name as part of your photos to confirm the location of the photos.

HOW TO FILL OUT SCA FORM

STEP 2 Documenting the patterns and Character of the Streetscape

"YOUR STREET GIVES YOU YOUR RULES"

The key idea is to look around you, on the street where you are proposing to build something new (either an infill house or an addition that is visible from the street). The first consideration, and the top job for your architect, is "how can I build something that fits into, respects and reinforces the established character of my street – even if the new house or addition ends up being architecturally unique, original, or creative?"

While you retain complete architectural freedom to design according to your tastes and wishes, there are three key streetscape attributes that the City now regulates to ensure that streetscape character is maintained and strengthened in our Mature Neighbourhoods. Those are: front and corner side yards, parking and driveways, and the location of the main entrance to the house.

The **dominant character**, on your streetscape for each of (1) front yards, (2) parking and driveways, and (3) the main entrance to the house, **sets your zoning rules**. To find out what the zoning allows you to do, you must first establish what the dominant character is for each of the three attributes named above.

- On the **Streetscape Character Analysis Form**, located at the end of this Manual and online at www.ottawa.ca (Search "Streetscape Character Analysis"), you will have written the address of all the lots that make up the streetscape (the 21 lots around yours, or the lots that correspond to the situations described in Step 1). Also write the **address** of your property, which is the one identified by a star. Where a street intersects, draw a thick line after the lot that ends the block (figure 6).
- In the first section (Front Yard / Corner Side Patterns), document the **type of front yard** found on each of the lots that make up your streetscape, using the types listed and illustrated below. and as described in Section 140(1) of the Zoning By-law On the **SCA Form**, in the *Front Yard /Corner Side Character* Table, add up how many lots have each of the patterns from each of the four Character Groups that **are present on the streetscape**. The most prevalent Character Group (the one with the most occurrences) is your **front yard** (and **corner side yard**) **requirement(s)**.
- In the second section (*Access and Parking Character*), document the type of **driveway** (e.g. single, double, shared) **and parking** (e.g. surface, garage, carport, rear detached, underground), if any found on each of the lots that make up your streetscape, using the types listed and illustrated below and as described in Section 140(2) of the Zoning By-law. In the *Access and Parking Character* Table, add up how many lots fall within each of the patterns from each of the Character Groups that are present on the streetscape. The most prevalent group (the one with the most occurrences) is what you are **allowed to do**. *NOTE*: Parking is not required for buildings of 12 or fewer dwelling units. It is permitted ONLY if it is provided in a pattern that belongs to the Character Group most prevalent on your streetscape, or a pattern with less impact. For buildings of more than 12 dwelling units, parking must be provided in accordance with the dominant character.
- In the third section (*Main Door Character*), document the type of **main entranceway** to the houses found on each of the lots that make up your streetscape, using the types listed and illustrated below and as described in Section 140(3) of the Zoning By-law. In the *Main Door Character* Table to the right, add up how many of the patterns from each of the Character Groups are present on the streetscape. The most prevalent group (the one with the most occurrences) is your main entranceway **requirement**.

IDENTIFYING CHARACTER:

What are the Character Groups?
What are the patterns within each group?

Front yards and Corner Side yards

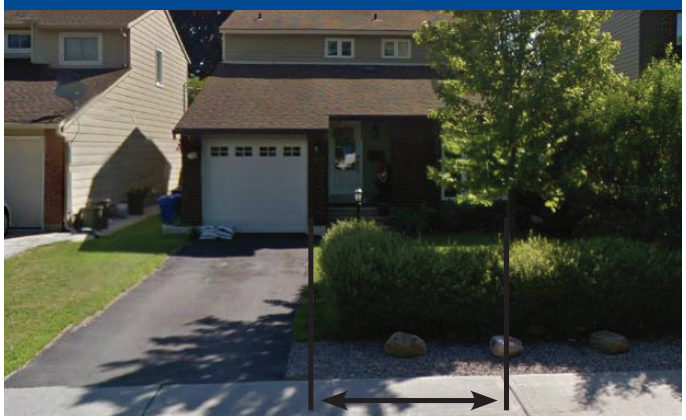
GROUP A: Fully landscaped front or corner yard

Entire front yard or corner side from lot line to lot line is landscaped (can be soft or hard landscaping, or a mix of the two, as long as a car can't park there) – walkways allowed.

GROUP B: Landscaped front or corner yard in front of the house

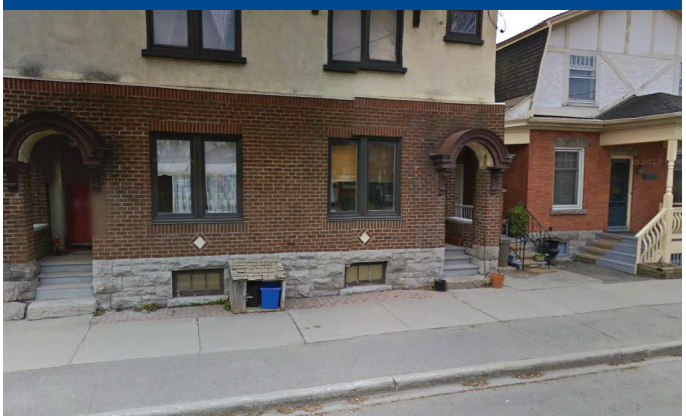
There is landscaping across the entirety of the front or corner side wall of the house (can be soft or hard landscaping, or a mix of the two, as long as a car can't park there) – walkways allowed.

GROUP C: Landscaped front or corner yard in front of part of the house



There is landscaping in front of a portion of the front or corner side wall of the house (can be soft or hard landscaping, or a mix of the two as long as a car can't park there) – walkways allowed.

GROUP D: Small or no landscaped front or corner yard



Either the house extends to the front lot line or corner side, or a permitted projection (porch, stoop) extends to the front lot line and occupies all or part of the width of the front yard.

You MUST provide a front yard of a type that is within the same Character Group as the most prevalent on your streetscape. There are FOUR Character Groups noted in the By-law as illustrated above.

Within these Character groups there can be the following patterns (**in all cases, landscaping may contain a walkway**, the latter of which is subject to maximum depth and width under Subsection 139 (16)), as identified in Section 140 of the Zoning By-law 2008-250. Please consult the Zoning By-law or contact a Development Information Officer (phone 311) for definitions of soft and hard landscaping, front wall, front yard, side yard, corner side yard and carport:

(i) Entire front yard, from side lot line to side lot line, consists of soft landscaping.

(ii) Entire front yard, from side lot line to side lot line, is a mix of soft and hard landscaping.*

(iii) Soft landscaping across the entire front wall of the house, except for a driveway where one is permitted.

(iv) Mix of soft and hard landscaping across the entire front wall of the house, except for a driveway where one is permitted.

(v) Soft landscaping in front of the part of the house that doesn't contain a garage, or covering the front yard aside from a legally-established front yard parking space.

(vi) Mix of soft and hard landscaping in front of the part of the house that doesn't contain a garage, or covering the front yard aside from a legally-established front yard parking space.

(vii) A projection (such as a porch) occupies part of a shallow front yard between the house and the front lot line.

(viii) No front yard (the house is built at the lot line).

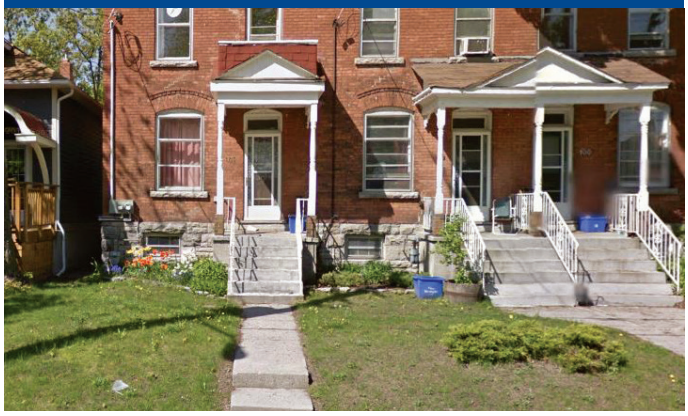
* Any front yard parking space whose legal status is not confirmed MUST be documented as "hard landscaping".

Note: The roman numerals noted above, are represented as patterns and shown as columns on the Form. The Form is found at the end of this Manual.

Parking and Driveways

The parking you provide, either by choice or to meet a requirement, may ONLY be provided if it is in a pattern that belongs to the Character Group that is most prevalent on your streetscape. Parking is not required for residential buildings of up to 12 dwelling units. For residential buildings with more than 12 units, parking is required and calculated on the basis of the total number of dwelling units minus the first 12. There are FOUR Character Groups defined in the By-law:

GROUP A: No streetscape impact from on-site parking

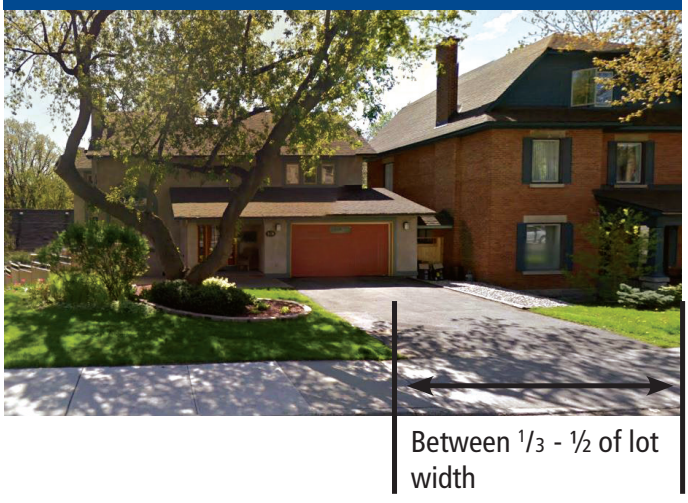


The property either has no on-site parking, or has parking accessed from a rear lane or a side street (if on a corner).

GROUP B: Low streetscape impact from on-site parking

A permitted driveway will measure no more than **one-third of the lot width**. It can be a shared driveway and it can pass through a carriageway.

GROUP C: Medium streetscape impact from on-site parking



A permitted driveway will measure **between one-third and one-half of the lot width**.

GROUP D: High streetscape impact from on-site parking

A permitted driveway will measure **half or more** of the lot width.

Driveways

If your property is on a streetscape in Character Group A, you are not allowed a driveway from the street. If your property is on a streetscape in Character Groups B, C or D, the following are the MAXIMUM permitted widths for driveways:

For lot widths, or in the case of dwelling unit parcels that are not severed, for street frontage widths, of	Maximum width, shared driveway	Maximum width, single driveway	Maximum width, double driveway
Under 6 m	3.0 m	Not permitted	Not permitted
Between 6 m and 7.49 m	3.0 m	2.4 m	Not permitted
Between 7.5 m and 8.24 m	3.0 m	2.75 m	Not permitted
Between 8.25 m and 14.99 m	3.0 m	3.0 m	Not permitted
Between 15 m and 17.99 m	3.0 m	3.0 m	5.5 m
18 m and more	3.0 m	3.0 m	6.0 m

Within these Character groups there can be the following patterns:

(i) No on-site parking.

(ii) Surface parking or garage (single or double) off travelled rear lane.

(iii) On a corner lot, a driveway from either the main or the side street to parking in the side or rear yard..

(iv) Single driveway to rear yard surface parking or detached or attached garage.

(v) Single driveway to interior side yard surface parking, garage or carport.

(vi) A shortened driveway that no longer leads to parking in a side or rear yard and results in front yard parking.*

(vii) Shared single driveway, that may pass under a carriageway, to access parking in rear yard, interior side yard or interior yard

(viii) Shared double driveway, which may pass under a carriageway, to access parking in rear or interior side yard.

(ix) Single driveway to an attached garage that is set back further than the front wall of the house.

(x) Attached garage that is flush with the front wall of the house.*

(xi) Legally-established front yard parking space.*^

(xii) Attached garage located closer to the front lot line than the house.*

(xiii) Double driveway to attached garage that is set back further than the front wall of the house.

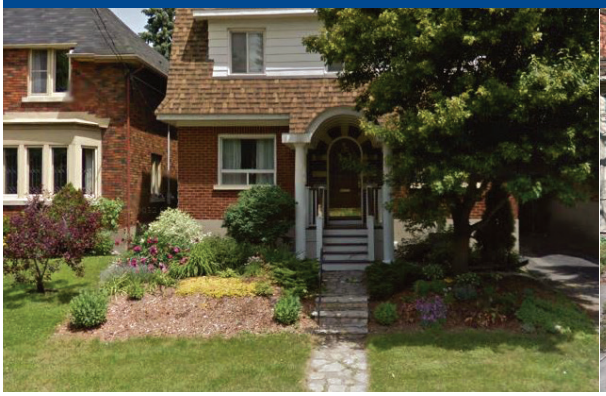
*To be able to develop in one of these manners, the pattern itself must be dominant and not merely in the dominant Character Group, e.g.(vi) only if that pattern is the most prevalent may it be developed.

^The onus is on the applicant to undertake the legal research, and pay any applicable fees, associated with establishing the legal status of a front yard parking space.

Main door

The main entrance to your house should be visible from the street. However, where the dominant Character Group on your streetscape represents main entrances that do not face the street, then such is also permitted. There are TWO Character Groups defined in the By-law:

GROUP A: Main door facing the street



The principal entranceway into the house either faces the front lot line, or is part of a "permitted projection" (such as a porch) but doesn't face the front lot line.

GROUP B: Main door does not face the street

The principal entranceway into the house in the middle does not face the street.

Within these Character Groups there can be the following patterns:

(i) The main door of the house, with or without a projection accessing it, faces the front lot line.

(ii) The main door of the house is part of a permitted projection located along the front wall of the house, that does not face the front lot line (e.g. on the side of an enclosed porch).

(iii) The main door of the house does not face the front lot line.

WHAT IS A "DOMINANT" CHARACTER?

The By-law defines "dominant" as being "the most frequently occurring".

For example, in a 21-lot Streetscape Character Analysis,

- A Character Group that is present on 11 lots is the most frequently occurring;
- If there are 7 lots in Group B, 6 lots in Group C and 6 lots in Group D, then the dominant Character would be Group B.

In a Streetscape Character Analysis that has an even number of lots and there is a **tie between two Character Groups**, then both Groups are deemed to constitute the dominant character of that streetscape and any pattern from either is permitted, except in those instances where the pattern itself must be the most prominent.

In a Streetscape Character Analysis that has an off number of lots and there is **a three-way tie between three Character Groups**, then all three Groups are deemed to constitute the dominant character of that streetscape (which would then be described as an 'eclectic' streetscape).

CHECKLIST

- ☐ Measure actual lot width and actual driveway width of each lot (see page 7 in Manual)
- ☐ Measure existing front yard setbacks of the one or two lots immediately next to yours
- ☐ Fill in both sides of the SCA Form
- ☐ Scan and submit completed Form and accompanying photographs to to sca-apr@ottawa.ca, or to a staff in a Client Service Centre, or at a development pre-consultation meeting with a development review planner.

STREETSCAPE CHARACTER ANALYSIS FORM

Name: _____ Email: _____ Address of proposed development:_____

Type of Development Review Application Being Submitted: ☐Zoning ☐Site Plan ☐Minor Variance ☐Severance ☐Private Appoach ☐Building Permit

This form is required in order to determine zoning requirements and permissions with respect to front yards and corner side yards, access and parking, and front doors. When filling in this form, please bring and refer to the **Streetscape Character Analysis Manual**, available at Client Service Centres and at: **ottawa.ca/Streetscapecharacter** This form must document 21 lots around your lot. See Manual for cases where less than 21 lots on a street. Once this form has been approved, then a development application will be considered complete. Submit this Form and photograph of each of the lots to **sca-apr@ottawa.ca**, or to a Development Information Officer in a Client Service Centre, or at a pre-consultation meeting. Remember that your immediate neighbours' front yard setbacks on either side of you must be measured. You must also measure each of the 21 lots' actual lot width and driveway width by using GeoOttawa so you may know which Access and Parking Character Group in Table 2 identifies your streetscape.

TABLE 1 FRONT AND CORNER SIDE YARD CHARACTER		HOW MANY LOTS?
Character Group	*Refer to S.140 Table 140(A) Zoning By-law 2008-250*	Total
A. Landscaped front yard and corner side yards (side lot line to side lot line) where there is no driveway off the street(s)		
B. Mix of soft and hard landscaped front yard in front of the entire front wall of the house		
C. Mix of soft and hard landscaped front yard in front of a portion of the front wall of the house		
D. No front yard (buildings at or close to the front property line), or short, undersized front yard occupied mainly by permitted projections such as a front porch or stoop		
Note: Lots containing a residential use dwelling(s) that is set back at least the minimum required front yard setback, and where the front yard consists mostly or entirely of parking spaces whose legal status has not been established, and where there is also a driveway providing access to garage, carport or surface parking, must be documented as Front Yard Character Group B		

TABLE 2 ACCESS AND PARKING CHARACTER		HOW MANY LOTS?
STEP 1. Character Group	*Refer to Table 140(B) of Zoning By-law 2008-250*	Total
A. No driveways along lot lines abutting a street		
B. Driveways are up to ⅓ of the lot width **Note:** Lands used for front yard parking are not counted within the driveway width		
C. Driveways are between ⅓ and ½ of the lot width **Note:** Lands used for front yard parking are not counted within the driveway width		
D. Driveways are ½ or more of the lot width **Note:** Lands used for front yard parking are not counted within the driveway width		

Date Submitted: _____ Date confirmed:_____ Staff signature: _____ (Page 1 of 2)

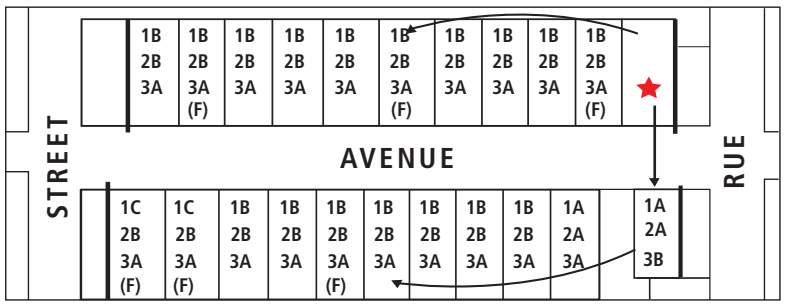
(revised June 22, 2015)

TABLE 2 ACCESS AND PARKING CHARACTER	HOW MANY LOTS?
STEP 2. Parking Patterns must be identified for each lot: (see S. 139 (10) Zoning By-law) **ONLY** fill this out if you want one of the following:	
IF you propose new front yard parking space (s), identify how many properties have legal front-yard parking spaces	
IF you propose a garage that is set back the same distance from the front and/or corner side lot line as the dwelling unit itself, identify how many properties have garages that are set back the same as their dwelling unit	

Table 3 MAIN DOOR CHARACTER		HOW MANY LOTS?
Character Group	*Refer to Table 140(C) of Zoning By-law 2008-250*	Total
A. Main door faces the front lot line and the street, or is accessed by a structure located along the front wall of the dwelling but does not face the front lot line and street		
B. Main door does not face the front lot line and doesn't face the street		
Note: If you have a corner lot, A and B also apply when documenting doors along the corner side lot line		

Please draw your streetscape, including the street(s) on which your proposal will front, the 21 lots (or less) required for the Streetscape Character Analysis, and identify: 1) name of street; 2) street address number of the 21 lots on both sides of the street; 3) draw a star on your lot; 4) and for each lot, identify the Character Groups (represented by the numbered groups on page 1), and identify the pattern (represented by the roman numerals associated with each of the Character Groups) as shown in the example below. You **must** fill out two Forms when developing a corner lot wihere one or more dwelling units front on one street, and one or more dwelling units front on the other street.

STREETSCAPE (Draw your streetscape here)



(revised June 22, 2015)

Appendix B

(b) the total amenity area required at grade for all Three-unit Dwellings, Low-rise Apartment Dwellings, Rooming Houses and Converted Rooming Houses in the Planned Unit Development does not need to exceed 120 m^2. (By-law 2014-189)

Regulations Affecting Vertically Attached Dwelling Units (Section 138)

138. (1) Minimum interior side yard and minimum rear yard setbacks are deemed to be 0 m between individual dwelling units that are permitted to be vertically attached. (By-law 2014-289)

(2) A linked-detached dwelling must be connected by a common foundation wall that is no greater than 1 metre above grade, and a minimum of 5 metres or more in depth.

(3) A duplex dwelling may additionally have vertical separated gross floor area of up to 15% of the upper unit.

(4) A semi-detached dwelling must have a vertical common wall that is 5 metres or more in depth and 2.5 metres or more in height.
(By-law 2010-307)

Low-Rise Residential Infill Development in the Mature Neighbourhoods Overlay (Section 139)

(OMB Order, File #PL120666, issued June 10, 2015) (By-law 2012-147)

The purpose of the Mature Neighbourhoods Overlay is to regulate the **character** of low-rise residential development in order to recognize and reflect the established **character** of the streetscapes within the area of the Overlay. The local streetscape **character** is the key consideration in determining how a) a new dwelling on a new lot, b) a new **dwelling** on an existing **lot**, c) a conversion of a **residential use building** from one dwelling type to another permitted dwelling type, d) an addition, to an existing **residential use building**, that **abuts** the **front yard** or **corner side yard**, and e) the **incidental use of lands** within **front, interior side** and **corner side yards** on residential **lots**, will be permitted to develop, so that it complements and reinforces the established neighbourhood **character** as seen along each street.

139. The following subsections take precedence over any other provision in Parts 3 to 14 or of this by-law to the contrary and over any provision in Part 15 to the contrary enacted prior to this by-law, save and except: a) Part 4, Section 100, other than Subsection 100 (3) (ii), Section 105, Section 106, other than Subsection 106 (1) (a), Subsection 107 (1) (b) and (c) and Table 107, Section 108, Section 110, Section 111, Section 112 and Section 113; b) all of Part 5, other than section 123; and c) all of Part 6, other than subsections 157 (7), 159 (8), 161 (10) and 163 (10), and apply on a lot in any zone where a **residential use building** of four or fewer storeys is permitted, within the boundaries shown on the Mature Neighbourhoods Overlay. The regulations apply to any **lot** developed with, or to be developed with, a permitted low-rise **residential use building** within the area identified by the Mature Neighbourhoods Overlay.

Definitions

(1) For the purposes of Sections 139 and 140, the following definitions apply:

(i) **Attribute** means a land use quality or feature, regarded as a characteristic of, and an inherent part of, the streetscape **character**, inclusive of the use, **incidental use of lands**, buildings and associated uses, and includes building and entrance orientation with respect to the street; treatment of yards abutting a street; the location and type of access to a site for pedestrians and vehicles; and the location of parking.

(ii) **Carport** means an area for a parking space having a roof supported by columns, piers or walls and in which the total area of all closures around the perimeter thereof does not exceed 50% of the total area of all sides of said carport, from the floor to the underside of the wall plate or beams supporting the roof.

(iii) **Character** means the recurrence or prevalence of **patterns** of established building setbacks, site layouts, orientation of the **principal** entranceway to the street, **incidental use of lands**, and landscapes that constitute a streetscape, based on identified and confirmed land use **attributes**.

(iv) **Dominant** means:

In the case of **patterns**, the **dominant pattern** is the most frequently occurring **pattern** as set out in Section 140 for each of the **attributes** being documented in a Streetscape Character Analysis; and

In the case of Character Groups, the **dominant** Character Group is the most frequently occurring Group as detailed in Section 140, inclusive of the various patterns that constitute it, for each of the **attributes** being documented in a Streetscape Character Analysis.

(v) **Double driveway** means a **driveway** designed to be no wider than necessary to accommodate two motor vehicles side by side.

(vi) **Existing** means: as of the date that a Streetscape Character Analysis is submitted to the Department of Planning and Growth Management, in the case of determining the existence of a building, dwelling , driveway, walkway or parking space on a lot and to the actual yard setbacks of that building or dwelling, and in the case of the **existing average grade** means, as of the date that a Streetscape Character Analysis has been approved by the Department of Planning and Growth Management;

(vii) **Existing Average Grade** refers to the manner in which grade is calculated under subsection 139 (24) for purposes of determining building height.

(viii) **First Floor** means the floor of the **dwelling** or **dwelling unit**, other than an area used for parking, that:

(i) is closest in elevation to the elevation of **existing average grade**; and

(ii) must include, within it, a minimum amount of prescribed **habitable floor space**, as regulated in this By-law.

(ix) **Flag lot** means a lot with two distinct parts: the flag, which is the only building site; and the pole, which connects the flag to the street and provides the only street frontage for the lot.

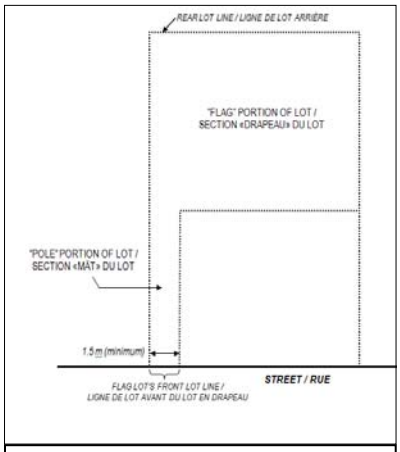


ILLUSTRATION OF FLAG LOT

(x) **Habitable floor space** means any space, within a **residential use building**, measured from the outside surfaces of exterior walls, that is intended for use year-round, excluding a garage.

(xi) **Immediately opposite** means across the street, and may be used in both the context of a lot located most directly across the street from the subject lot, or of a development located most directly across the street from the subject or proposed development.

(xii) **Incidental use of land** means how the land is treated or used, including land within **front, interior side** and **corner side yards**, for purposes such as landscaping, vehicular access or pedestrian access.

(xiii) **Long semi-detached dwelling** means a **residential use building** that contains two **dwelling units**, where the **dwelling units** are attached and arranged one behind the other.

(xiv) **Pattern** means a specific arrangement of each of the land use **attributes**.

(xv) **Single driveway** means a **driveway** designed to be no wider than for one motor vehicle.

General Provisions

(2) The following provisions apply to any lot developed with, or to be developed with, a **low-rise residential use building** of four storeys or less, in any **zone** where residential use buildings are permitted.

(a) For the purposes of this section and section 140, **diplomatic missions** are considered to be **residential use buildings**.

(b) A Streetscape Character Analysis must be approved on a **lot**, within the Mature Neighbourhood Overlay, prior to any development application approval, including building permit approval of a residential land **use**, or prior to a change in the **incidental use of lands** that impacts an **attribute** such that the **attribute** changes from being in one Character Group to being in another Group by virtue of the Character Group's requirement, as detailed in Section 140. A Streetscape Character Analysis will also be required where approval of a Private Approach permit is required to establish a new, or relocate an existing, driveway that was not undertaken at the same time as development approval and building permit approval of the dwelling.

(c) Despite clause (b), a Streetscape Character Analysis is not required:

(i) If a lot is part of a Plan of Subdivision and faces a new public street on which there is no established streetscape, for any building permit issued within five years of subdivision registration;

(ii) If the area on which a dwelling is located fronts onto a **private way** within a Planned Unit Development;

(iii) For any part of an **apartment dwelling**, **mid-rise** or **apartment dwelling**, **high-rise** that is four storeys or 14.5 metres or less;

(iv) For an addition to an existing **residential use building** that does not **abut** the **front yard** or **corner side yard**, and,

in such cases, the applicable zoning requirements are those of the underlying **subzone**.

(d) For the purposes of clause (b), development application approval includes any zoning by-law amendment, minor variance approval, site plan control approval, or building permit approval; and development application approval applies to all of the following:

(i) a new **dwelling** on a new **lot**,

(ii) a new **dwelling** on an **existing lot**,

(iii) a change in use from one type of **residential use building** to another permitted dwelling type,

(iv) an addition to an **existing residential use building** that **abuts** the **front yard** or **corner side yard**, and

(v) the **incidental use of lands** within **front, interior side** and **corner side yards**, including the creation of a new driveway or parking space.

(e) A Streetscape Character Analysis, once approved, is valid for a period of eighteen months from the date of approval.

Yard Setbacks for Yards Abutting Streets

(3) The minimum required **yard setback** for a **yard abutting** a street must be:

(a) In the case where there are **residential use buildings** on the **lots abutting** each **side lot line** of the affected **lot**, the **setbacks** for those **yards** that **abut** a street must align with the setbacks of **abutting lots**, such that

(i) on an **interior lot**, the average of the **existing** setbacks of the **abutting lots** on which the **dwellings** face the same street as the affected **lot**;

(ii) on a **corner lot**, the **front yard setback** of the abutting residential **lot** that faces the same street as the affected **lot**, or

(iii) on a **corner lot**, where more than one **dwelling unit** is proposed and where one or more **units** will face one frontage, while one or more **units** will face the other frontage, the **existing front yard setback** of each **abutting** residential **lot** whose **principal** entranceway faces the corresponding street frontage of the affected **lot**;

(iv) on an interior **lot** abutting a corner **lot** where the dwelling on the corner **lot** faces a different street, the **front yard setback** of the abutting residential **lot** that faces the same street as the affected **lot**,

but in no case does the **yard abutting** the street need to exceed a setback of 6 metres.

(b) In the case of either a **corner lot** or an **interior lot**, where one or both of the **abutting lots** contains a non-residential use **building** or a **mixed use building**, the average of the **existing** setbacks of the **buildings** on the **abutting lots**, but in no case does the **yard** abutting the street need to exceed 6 metres.

(c) In the case where there is a vacant **lot abutting** the affected **lot**, the **setback** for the **yard abutting** the street will be averaged based on the actual **front yard setback** of the closest **building** on the next adjacent **lot**, which must be no more than 30 metres from the affected **lot**'s closest **side lot line**.

(d) In all other cases, the provisions of the underlying **zone** with respect to **setbacks** apply.

Zoning Provisions for Attributes that Define Streetscape Character

(4) (a) The regulations affecting the following **attributes** are based on the **dominant character** as identified through a Streetscape Character Analysis in accordance with clause (2) (b):

(i) **Landscaping** of the **front yard, interior yard, interior side yard**, and **corner side yard**,

(ii) location and width of driveways;

(iii) location and size of all parking spaces, garages and **carports**; and

(iv) orientation of **principal** entranceways.

(b) **Attribute patterns** are grouped into Character Groups in Section 140. The **dominant** Character Group identified in a Streetscape Character Analysis, which may be comprised of more than one **pattern** within the same Character Group, establishes the requirement and creates the permissions for each of the **attributes** identified in clause (4) (a).

(c) The Character Groups in each of the Tables in Section 140 include a specific requirement that must be met, prior to determining which type of **pattern**, identified in the Table rows, will be permitted in the case of any new development application approval as specified in subsection 139 (2) clause (d). One or more of the types of **patterns** may be found in the Streetscape Character Analysis, but will only be permitted in the case of a development application approval as described in subsection 139 (2) clause (d), provided it meets the specific requirement of the **dominant** Character Group.

Provisions for Streetscape Character Analysis

(5) (a) A Streetscape Character Analysis must record, for the **attributes** listed in subsection 139 (4) clause (a), the **patterns** as set out in Section 140, as provided below.

(b) The **attributes** listed in subsection 139 (4) clause (a) must be recorded for 21 lots located on the same street as the affected **lot**, as follows:

(i) the ten **lots** nearest the affected **lot** abutting the same side of the street and located within the same block;

(ii) the lot **immediately opposite** and across the street from the affected **lot**, and

(iii) the ten **lots** nearest the **lot** specified in (ii) herein, located within the same block as the affected **lot.**

(c) Despite clause (b), where the affected **lot** is located on a block between two intersections where:

(i) there are more than five but less than eleven **lots** on the same block and the same side of the street as the affected **lot**, documenting every one of those **lots** is deemed to satisfy subclause (5) (b) (i);

(ii) there are more than five but less than eleven **lots** on the same block, but on the opposite side of the street as the affected **lot**, documenting every one of those **lots** is deemed to satisfy subclauses (5) (b) (ii) and (5) (b) (iii).

(d) Despite clauses (b) and (c), where the affected **lot** is located on a block between two intersections where:

(i) the total number of **lots** between the two intersections on either side of the **lot** is less than 21 but more than 11, documenting all the **lots** on the block on both sides of the street is deemed to satisfy clause 5(b);

(ii) the street on which the affected **lot** is located consists of only one block or is only developed on one side, documenting all the **lots** on the block on both sides of the street is deemed to satisfy clause 5(b).

(e) Despite clauses (b), (c) and (d), where the affected **lot** is located on a block between two intersections where:

(i) there are five or fewer **lots** on the same block and the same side of the street as the affected **lot**; and/or

(ii) there are five or fewer **lots** on the same block, but on the opposite side of the street as the affected **lot**; and

(iii) there are five or more **lots** located on either side of the same street beyond either intersection,

(iv) documenting 21 **lots** on both sides of the street within the same block as the affected **lot** and beyond either intersection is deemed to satisfy clause 5 (b).

(f) When documenting **lots** beyond either intersection from the block on which the affected **lot** is located, despite the requirement to document 21 **lots** in paragraph (iv) of clause (e) above, such documentation need not extend more than one block further on either side of each intersection.

(g) Despite clauses (b), (c), (d) (e) and (f), where:

(i) the street on which the affected lot is located terminates at the end of the block, but is at least one more block in length in the other direction; and

(ii) the next block has five or more **lots** on the same street; and

(iii) there are fewer than 21 **lots** on the block on which the affected **lot** is located,

lots located beyond the said intersection must be included as part of the 21-lot analysis undertaken pursuant to subclauses 5 (b) (i) and (ii).

(h) Despite clauses (b), (c), (d), (e), (f) and (g), where the street on which the affected **lot** has fewer than five, or no other, **lots** facing it, the Streetscape Character Analysis must include up to 21 **lots** closest to the affected **lot** located within the same city block without crossing intersections but facing other streets, in the manner provided by Subsection 139 (5), clauses (b) through (g).

(i) Where a **lot** among the set of **lots** specified in clauses (b) to (h), as applicable,

(i) is vacant; or

(ii) is developed with institutional, office or open space uses;

that **lot** must be documented in the Streetscape Character Analysis, but may not be counted towards the **dominant character** of the streetscape.

(j) Where a **lot** among the set of **lots** specified in clauses (b) to (h), as applicable, has front yard parking whose legal status has not been established, that front yard parking must be recorded as **hard landscaping** for the purposes of documenting the **incidental use of lands** as required by subsection 139 (4) (a). Where no front yard parking is proposed, there is no requirement to establish the legal status of any such space that may exist within the lots documented in a Streetscape Character Analysis.

(k) In the case of a **corner lot**, only where **dwellings** will be fronting on both streets as the affected **lot**, must the 21-lot analysis be undertaken along both streets, with the documenting of 21 lots fronting on the same street as the **principal** entranceway of the affected lot documented, and 11 lots fronting on the same street as the affected lot's **corner side lot line** documented. Where there are fewer than the required number of lots to be documented herein, clauses (5) (c) through (i) above apply.

Incidental use of Lands

(6) The **incidental use of lands** of the **front yard** and **corner side yard** may only consist of a **pattern** identified within the **dominant** Character Group as described in Subsection 140 (1) and as confirmed in a Streetscape Character Analysis.

Parking

(7) Except in the case of an apartment dwelling, low-rise, stacked dwelling, apartment dwelling, mid-rise or apartment dwelling, high-rise with more than 12 dwelling units, no parking is required and sections 101, 107 and subsections 109 (4) to (12) inclusively, do not apply. (By-law 2016-249)

(a) In the case of an **apartment dwelling**, **low-rise, stacked dwelling, apartment dwelling, mid-rise** or **apartment dwelling, high-rise** with more than 12 **dwelling units**, the parking required is calculated based on the total number of **dwelling units**, excluding the first 12 **dwelling units**.

(8) Where parking is provided, it must be of a **pattern** that is listed within the Character Group in Subsection 140 (2) that has been confirmed as being the **dominant** Character Group, through a Streetscape Character Analysis, subject to the provisions of subsections 139 (9) through (14) below.

(9) Despite subsection 139 (8), where the **lot** abuts a rear lane:

(a) If the lane is a travelled lane, a provided **parking space** must not be located in a **front yard, interior side yard**, or **corner side yard** and must be accessed only by a driveway from the rear lane.

(b) If the lane is untravelled, any provided parking may be:

(i) accessed by a driveway from the rear lane, subject to the lane or a section thereof being reinstated as a travelled lane; or

(ii) provided in accordance with subsection 139 (8).

Driveways

(10) (a) Where driveways are permitted, the maximum driveway width is:

For lot widths, or in the case of dwelling unit parcels that are not severed, for street frontage widths, of	Maximum width, shared driveway	Maximum width, single driveway	Maximum width, double driveway
Under 6 m	3.0 m	Not permitted	Not permitted
Between 6 m and 7.49 m	3.0 m	2.4 m	Not permitted
Between 7.5 m and 8.24 m	3.0 m	2.75 m	Not permitted
Between 8.25 m and 14.99 m	3.0 m	3.0 m	Not permitted
Between 15 m and 17.99 m	3.0 m	3.0 m	5.5 m
18 m and more	3. 0 m	3. 0 m	6.0 m

(b) In the case of an **apartment dwelling, low-rise**, a **stacked dwelling**, an **apartment dwelling, mid-rise or an apartment dwelling high-rise**, the maximum permitted width for a driveway that leads to:

(i) less than 20 parking spaces: 3.6 metres

(ii) 20 or more parking spaces: 6 metres.

(11) A driveway may be shared by two or more **dwellings** or **dwelling units** on the same **lot** or on **abutting lots**.

(12) A driveway loses its function as a vehicular access when it no longer provides access to a legal parking space, which is a parking space located outside of the **front yard** or **corner side yard**, and must be considered to be a **front yard** parking space.

Garages, Carports and Front Yard Parking

(13) Despite Subsection 139 (8), no part of a garage or **carport** may be located closer to the **front lot line** than the **front wall** of the **residential use building**, nor closer to the **corner lot line** than the affected side wall of the **residential use building**.

(14) Where permitted, the maximum width, of one or both doors of an attached garage, and the entrance of a carport is:

(a) for a single attached garage or carport: 3 metres

(b) for a double attached garage or carport: 6 metres

(15) The following are prohibited unless they are determined to be the **dominant pattern** along the streetscape:

(a) garages or **carports** that are set back the same distance from the **front lot line** as the **front wall** of the **residential use building**;

(b) legally-established front yard parking;

(c) front yard **parking spaces** created when a driveway no longer functions as an access to a legal **parking space** located outside the **front yard** or **corner side yard**.

Pedestrian Access – Walkways

(16) A walkway located in a **front yard** or **corner side yard** is permitted only:

(a) where it provides access between a driveway and an entranceway to the dwelling, or

(b) where extending from the right-of-way back to the dwelling and it is not abutting the **driveway**, and

(c) if it does not exceed 1.25 metres in depth, in the case of subsection (16) (a), or in width, in the case of subsection (16) (b).

(17) No person may park a motor vehicle on a walkway, or portion of a walkway.

Entranceways

(18) Principal Entranceway(s):

(a) must be of a **pattern** that is listed within the Character Group in Subsection 140 (3) that has been confirmed as being the **dominant** Character Group through a Streetscape Character Analysis.

(b) In the case of **detached dwellings, linked detached dwellings**, and **townhouse dwellings**, clause (a) applies to each **dwelling unit**.

(c) In the case of **long semi-detached dwellings**, clause (a) applies only to the **principal** entranceway to the **dwelling unit** closest to the street.

(d) In the case of **semi-detached dwellings, duplex dwellings and three-unit dwellings**, at least one **principal** entranceway must face the front lot line.

(e) In the case of **stacked dwellings**, subsection (18), clause (a) applies to each attached pair of dwelling units.

(18.1) The **first floor** of a **dwelling** or **dwelling unit** must contain at least 40 m^2 of **habitable floor space.**

Long Semi-detached Dwellings

(19) A **long semi-detached dwelling** is permitted in any zone where a **semi-detached dwelling** is permitted within the Mature Neighbourhood Overlay, in accordance with the following:

(a) All provisions that apply to a **semi-detached dwelling** also apply to a **long semi-detached dwelling**, except that the minimum **lot area** required for a **detached dwelling** in the applicable **zone** or **subzone applies** to the whole of the **long semi-detached dwelling** including both **dwelling units**, and subsections 139 (20), (21) and (22) do not apply.

(b) Despite clause (a), and any future severance, the lands on which **a long semi-detached dwelling** is located are considered one lot for zoning purposes, except that:

(i) the minimum **lot width** must be 10 metres, and where a **long semi-detached dwelling** is severed in a **flag lot** configuration, the minimum **lot width** of the pole portion of the **flag lot** must be 1.5 metres, and must be measured a distance of 1.5 metres from the original **lot's interior side lot line**.

Dwellings on Corner Lots

(20) In the case of **semi-detached dwellings** or **townhouse dwellings** on a **corner lot**, where a **principal** entranceway of one of the **dwelling units** is located along one street **frontage**, and a **principal** entranceway of the other **dwelling unit** is located along the other street **frontage**, the development is to be treated as one lot for zoning purposes only insofar as:

(a) determining the location of the **front lot line**, and for determining how to apply the minimum required **lot width**, and

(b) determining the location of the **interior side yards** and **rear yards**

(21) In the case of **semi-detached dwellings** or **townhouse dwellings** located on a **corner lot**, where one or more **principal** entranceways, as the case may be, is located on a separate street **frontage**, the requirements are as follows:

(a) The minimum **lot width** required along the **front lot line** is 10 metres.

(b) The minimum required **front yard setback** and **corner side yard setback** is the **existing front yard setback** of each **abutting** residential **lot** whose **principal** entranceway is located along the corresponding street **frontage** of the affected **lot;** and clauses 3 (b), (c) or (d) apply as the case may be, where there is an **abutting** vacant **lot,** non-residentially-zoned **lot** or **mixed use**-zoned **lot**.

(c) Where the **interior side yard abuts** an **interior side yard** on the abutting **lot**, it must be a minimum of 1.2 m

(d) Where the **lot abutting** the **corner lot** is vacant, the minimum required **interior side yard setback** on the **corner lot** is the minimum required for the **use** in the applicable **zone**.

(e) An **interior yard** must be provided, and created by extending a parallel line from the **minimum required rear yard setback** of the **abutting lot**, across the longest shared common **lot line**, into the affected **lot** for a distance from that shared **lot line** equal to 30% of the affected **lot**'s actual **lot width**, after which the **rear yard** may be reduced to 1.2 m.

(f) Where no **interior yard** is provided, the **rear yard setback** must be a minimum of 4 metres.

(22) In the case of a **semi-detached dwelling** or a **townhouse dwelling** on a **corner lot**, whether it is to be severed or not, and where all of the **principal** entranceways are facing the street with the longer frontage, the **lot line** abutting the longer frontage is considered to be the **front lot line**, and the **yard abutting** the longer frontage is considered to be the **front yard**, and all corresponding **yards** and regulations affecting **yard setbacks** are based on the location of the **front yard**, and the following applies:

(a) The minimum **front yard setback** is per Section 139 (3) (a) (ii), Section 139 (3) (b), or Section 139 (3) (c), as the case may be,

(b) No yard setback is required along the shared common wall between a pair of **semi-detached dwelling units**, a pair of **long semi-detached dwelling units**, nor along the shared walls between attached **townhouse dwelling units** and **attached stacked dwelling units,**

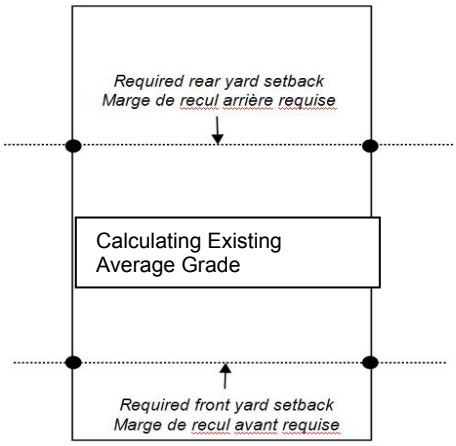
(c) The minimum **interior side yard** setback is 1.2 metres, and

(d) The **minimum rear yard** setback may be reduced to 4 metres where it provides access to permitted parking.

Building Height and Existing Average Grade

(23) Where this Section applies, building **height** must be measured using the **existing average grade** as determined under subsection 139(24).

(24) **Existing average grade** must be calculated prior to any site alteration and based on the average of grade elevations taken along both **side lot lines** at the minimum required **front yard setback**, and at the minimum required **rear yard setback** of the zone in which the **lot** is located.



Area Specific Exemption

(25) Sections 139 and 140 do not apply to:

(a) a residential use building constructed after April 24, 2012 at 570, 572, 574, 576, 578 and 580 Athlone Avenue,

(b) 914 and 946 Colonel By Drive.

Front Yard Patterns, Parking Patterns and Entranceway Patterns (Section 140)

(OMB Order, File #PL120666, issued June 10, 2015) (By-law 2012-147)

140. (1) The following **incidental uses** of the **front yard** are permitted, subject to the provisions of Subsections 139 (4) clauses (b) and (c) and 139 (6).

(a) **Front yard** provisions are set out in Table 140 A, where each Character Group, listed in Columns I, II, III and IV, permits a number of compatible patterns, listed in the Table rows, which have been identified by an (▪).

(b) No type of **pattern** listed in the rows is permitted if it does not meet the **dominant** Character Group's requirement.

(c) Patterns without an (▪) are not permitted.

Table 140 (A)- Front Yard Patterns and Provisions

Condition	Column I Character Group A	Column II Character Group B	Column III Character Group C	Column IV Character Group D
Character Group Requirement	**Fully landscaped front yard**	**Landscaped front yard in front of the principal dwelling**	**Landscaped front yard in front of a portion of the principal dwelling**	**Small or no landscaped front yard**
(i) Entire **front yard**, from **side lot line** to **side lot line** across the frontage, consists of **soft landscaping**, and may also contain a walkway	▪	▪	▪	▪
(ii) Entire **front yard**, from **side lot line** to **side lot line** across the frontage, consists of a mix of **soft landscaping** and **hard landscaping**, and may also contain a walkway.	▪	▪	▪	▪
(iii) The **front yard** consists of **soft landscaping** across the entirety of the **front wall** of	Not permitted	▪	▪	▪

the **principal dwelling**, except for a driveway, where a driveway is permitted, and may also contain a walkway				
(iv) The **front yard** consists of a mix of **soft landscaping** and **hard landscaping** across the entirety of the **front wall** of the **principal dwelling**, except for a driveway, where a driveway is permitted, and may also contain a walkway	Not permitted	▪	▪	▪
(v) The **front yard** consists of **soft landscaping** across the entirety of those parts of the **front wall** of the **principal dwelling** that do not contain a garage, or covers the entirety of the **front yard** not occupied by a legally-established **front yard** parking space, and may also contain a walkway.	Not permitted	Not permitted	▪	▪
(vi) The **front yard** consists of a mix of **soft landscaping** and **hard landscaping** across the entirety of those parts of the **front wall** of the **principal dwelling** that do not contain a garage, or covers	Not permitted	Not permitted	▪	▪

the entirety of the **front yard** not occupied by a legally-established **front yard** parking space, and may also contain a walkway				
(vii) A projection extends beyond the distance permitted by Section 65 of the Zoning By-law between the **front lot line** and the **principal dwelling**.	Not permitted	Not permitted	Not permitted	▪
(viii) The **principal dwelling** extends to the **front lot line**.	Not permitted	Not permitted	Not permitted	▪

(2) The following locations and sizes of driveways and of parking spaces are permitted, subject to the provisions of Subsection 139 (4), clauses (b) and (c) and Subsections 139 (7) through (15) inclusive.

(a) Access and parking provisions are set out in Table 140 B, where each Character Group, listed in Columns I, II, III and IV, permits a number of compatible **patterns**, listed in the Table rows, which have been identified by an (▪);

(b) Driveway width is subject to Subsection 139 (10). Where driveway widths are lesser or greater than those noted in Columns II through IV, Subsection 139 (10) prevails; and

(c) Patterns without an (▪) are not permitted.

Table 140 (B) - Parking Access and Parking Space Patterns and Provisions

Condition	Column I Character Group A No Streetscape Impact from On-Site Parking	Column II Character Group B Low Streetscape Impact from On-Site Parking	Column III Character Group C Medium Streetscape Impact from On-Site Parking	Column IV Character Group D High Streetscape Impact from On-Site Parking
Character Group Description Where provided, location and size restrictions for driveway and **parking spaces** (Note: Maximum driveway width subject to Subsection 139 (10)).	There are no driveways along lot lines abutting a street	Driveways are less than or equal to one-third in width than the actual **lot width**	Driveways are more than one-third but no more than half of the actual **lot width**	Driveways measure half or more of the actual **lot width**
(i) No on-site parking	▪	▪	▪	▪
(ii) Surface parking or garage (single or double) off travelled rear lane	▪	▪	▪	▪
(iii) On a **corner lot,** a **single driveway** that provides access to parking located beyond the minimum required **yard** setback for the **yard** abutting the street, to **interior side yard,** or **rear yard** surface parking or garage (s)	▪	▪	▪	▪
(iv) **Single driveway** that provides access to **rear yard** surface parking or detached or attached garage.	Not permitted	▪	▪	▪
(v) **Single driveway** that provides access to **interior side yard** surface parking, garage or carport.	Not permitted	▪	▪	▪
(vi) **A driveway** that no longer leads to a legal parking space in a **side yard** or **rear yard,** resulting in **front yard parking** that is not in front of any part of the **principal dwelling**	Not permitted	Subject to Subsection 139 (15)		
(vii) Shared **single driveway**, that may pass under a carriageway and provides access to **interior yard**, **interior**	Not permitted	▪	▪	▪

(3) The following entranceway locations are permitted, subject to the provisions of Subsections 139 (4), clauses (b) and (c) and 139 (18).

(a) Entranceway provisions are set out in Table 140 C, where each Character Group, listed in Columns I and II, permits compatible **patterns**, listed in the Table rows, which have been identified by an (▪).

(b) No type of **pattern** listed in the rows is permitted if it does not meet the **dominant** Character Group's requirement.

(c) **Patterns** without an (▪) are not permitted.

Table 140 C- Entranceway Patterns and Provisions

Entranceway Patterns		
Condition Character Group Requirement	Column I Character Group A **Principal** entranceway is located along the **front wall** of the dwelling	Column II Character Group B **Principal** entranceway is not located along the **front wall** of the dwelling
(i) The **principal** entranceway faces the **front lot line**.	▪	▪
(ii) The **principal** entranceway is part of a permitted projection located along the **front wall** of the dwelling, but does not face the **front lot line**.	▪	▪
(iii) The **principal** entranceway does not face the front lot line.	Not permitted	▪

Transition

(4) See Section 9 Transitions, "Phase 1 – Low-rise Infill Housing"

Residential Neighbourhood Commercial Suffix (Section 141)

Purpose of the Zone

The purpose of the Residential Neighbourhood Commercial suffix is to:

(1) regulate development in a manner that is compatible with existing land use patterns so that the residential character of a neighbourhood is maintained or enhanced;

(2) allow a variety of small, locally-oriented convenience and service uses that complement adjacent residential land uses, and are of a size and scale consistent with the needs of nearby residential areas;