



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	June 3, 2014
SUBJECT/REPORT NO:	Applications for Amendments to the Urban Hamilton Official Plan, the City of Hamilton Zoning By-law 6593, and Draft Plan of Subdivision known as "Fontana Gardens Phase 3", Hamilton (PED14106) (Ward 8)
WARD(S) AFFECTED:	Ward 8
PREPARED BY:	Edward John (905) 546-2424 Ext. 5803
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That approval be given to **Urban Hamilton Official Plan Amendment Application UHOPA-14-006, by Angros Enterprises, Owner**, for a site specific modification to the Neighbourhood Designation, in order to permit the development of a multiple dwelling block within a Medium Density Residential area at a density below 60 units per hectare, as shown on Appendix "B" to Report PED14106, on the following basis:

That the draft Official Plan Amendment, attached as Appendix "B" to Report PED14106, be adopted by City Council.

- (b) That approval be given to revised **Zoning Application ZAC-07-091, by Angros Enterprises, Owner**, for changes in zoning from the "AA" (Agricultural) District and the "C" (Urban Protected Residential) District to the "D" (Urban Protected Residential – 1 and 2 Family Dwelling) District, Modified, the "D"-‘H’ (Urban Protected Residential – 1 and 2 Family Dwelling - Holding) District, Modified, the "C" (Urban Protected Residential, etc.) District, Modified, the "RT-30" (Street Townhouse) District, Modified and the "E" District (Multiple Dwellings, Lodges, Clubs, etc.), Modified as shown on Appendix "C" to Report PED14106, on the following basis:

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- (i) That the draft By-law, attached as Appendix “B” to Report PED14106, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the amending By-law be added to Schedule “A”, Map No. W-9b of Zoning By-law No. 6593; and,
 - (iii) That the proposed change in zoning is in conformity with the Urban Hamilton Official Plan upon finalization of Official Plan Amendment No.
- (c) That approval be given to **Draft Plan of Subdivision Application 25T-200717, by Angros Enterprises, Owner**, to establish a draft plan of subdivision known as “Fontana Gardens – Phase 3”, on lands located within Part of Lot 16, Concession 7, Lands Located at 794 to 802 West 5th Street, 810 West 5th Street, Portion of 820 West 5th Street and Block 112, Plan 62M-1040, in the former City of Hamilton, as shown on Appendix “A” to Report PED14106, subject to the following conditions:
- (i) That this approval apply to the Draft Plan of Subdivision, 25T-200717, prepared by A.J. Clarke and Associates, and certified by B.J. Clarke, O.L.S., dated November 6, 2012, showing 37 Blocks/Lots, consisting of nine Lots (Lots 9-17) for single detached units, 10 Lots (Lots 1-8, 34 and 35) for semi-detached units, 16 Lots (Lots 18-33) for street townhouse units, one Block (Block 36) for a multiple dwelling and one Block (Block 37) for Future Development, and finally the extension of a public street (Springvalley Crescent) and creation of a new cul-de-sac (currently Angie Place but to be renamed in accordance with City Street Naming Policy), subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions attached as Appendix “E” to Report PED14106;
 - (ii) Acknowledgement by the City of Hamilton that there shall be no cost sharing within this development;
 - (iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the Planning Act, prior to the issuance of each building permit. The calculation of the Cash-in-Lieu payment shall be based upon the value of the lands on the day prior to the day of issuance of each building permit;

With regard to Blocks 18-33 (Street Townhouses), a parkland dedication, at a ratio of 0.6 ha per 300 dwelling units, will be required;

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Additionally, Blocks 1-17, 34 and 35 (Single Detached Residential / Semi-Detached Residential) will require a parkland dedication ratio of 5%; and,

Lastly, Block 36 (Multiple Dwelling / Block Townhouse) shall require a parkland dedication ratio of 1 ha per 300 dwelling units will be required.

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

- (d) That upon conveyance of Block 37 to the City of Hamilton, that the lands be declared surplus in accordance with By-law 04-299.
- (e) That upon finalization of the implementing By-law, a portion of the subject lands within the Gourley Neighbourhood Plan be re-designated from “Single and Double” to “Attached Housing” (Lots 18-33 Appendix “D”) and “Low Density Apartments” (Block 36 on Appendix “D”).

EXECUTIVE SUMMARY

The purpose of these applications is to amend the Urban Hamilton Official Plan (UHOP) and the City of Hamilton Zoning By-law, and to approve a draft plan of subdivision known as “Fontana Gardens - Phase 3” (see Appendix “D” to Report PED14106). The application was originally submitted in 2007; however, at that time, an issue with respect to the creation of a remnant parcel was identified. Following agreements with the applicant to dedicate this parcel of land to the City of Hamilton, staff are now in a position to bring forward a recommendation.

The proposed zoning by-law amendment and draft plan of subdivision would permit the development of nine Single Detached dwellings; ten Semi-detached dwellings; 16 Townhouse dwellings; and, one Multiple dwelling Block (which may be in the form of block townhouse development or alternatively in a more conventional non-grade oriented multiple dwelling (maximum four storeys). The UHOP amendment is to recognize the multiple dwelling block to be developed at below the required density of the Medium Density Residential Designation. Parking will be provided in accordance with the requirements of By-law 6593.

The proposal has merit and can be supported since the applications are consistent with the Provincial Policy Statement (2014) and conforms with the Growth Plan for the Greater Golden Horseshoe, and implements the intent of “Neighbourhoods” designation of the UHOP and the general intent of the Gourley Neighbourhood Plan. The proposed development is considered to be compatible with, and complementary to, the existing and planned development in the immediate area.

Finally, it is noted that an amendment to the Gourley Neighbourhood Plan will be required and that this amendment, as discussed within this Report, can be supported.

Alternatives for Consideration - See Page 19

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The City’s financial share of this development is identified in Recommendation (c) (ii).

Staffing: N/A

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

HISTORICAL BACKGROUND

Proposal

The subject lands are located at the south-west intersection of the Lincoln M. Alexander Parkway and West 5th Street. The lands are legally described as Part of Lot 16, Concession 7, and municipally known as 772, 794-802, 810 West 5th Street (see Appendix “A” to Report PED14106).

The proposed Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision, is to permit of a mix of residential uses, including singles, semi’s, and townhouse units, in addition to a multiple dwelling block (maximum four storeys). The breakdown of these units are as follows:

- Nine Single Detached dwellings;
- Ten Semi-detached dwellings;
- 16 Townhouse dwellings; and,
- One Multiple dwelling Block (which may be in the form of block townhouse development or alternatively in a more conventional non-grade oriented multiple dwelling (maximum four storeys).

The proposal has merit and can be supported as the Official Plan Amendment, change in zoning and draft plan of subdivision are consistent with the Provincial Policy Statement (2014) and Places to Grow – Growth Plan, conform to the general intent UHOP, and implement the general intent of the Gourley Neighbourhood Plan.

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Chronology:

- December 17, 2007: Original applications (ZAC-07-091 and 25T-200717) received with required studies and reports.
- January 31, 2008: Applications are circulated to the relevant departments and agencies.
- February 4, 2008: Notice of Complete Application and Preliminary Circulation is mailed to all residents within 120 m of the subject lands.
- February 21, 2008: Public Notice Sign posted on site.
- April 23, 2008: Meeting with the three abutting property owners on West 5th Street to discuss the remnant parcel of land.
- March 21, 2014: Official Plan Amendment Application Submitted.
- May 16, 2014: Notice of Public Meeting is mailed to all residents within 120 m of the subject lands.

Official Plan Amendment:

The Official Plan Amendment is specific to the proposed multiple dwelling block (Block 36 of the Draft Plan of Subdivision - Appendix “D” of Report PED14106). The Official Plan Amendment would permit this block to develop at below the required density for this form of development (35 units per hectare instead of the minimum density of 60 units per hectare) (see Appendix “B” of Report PED14106).

Zoning By-law Amendment:

A corresponding application to amend the Hamilton Zoning By-law is also required to rezone portions of the lands (see Appendix “C” of Report PED14106) from the “AA” (Agricultural) District and the the “C” (Urban Protected Residential, etc.) District to the “D” (Urban Protected Residential – 1 and 2 Family Dwelling, etc.) District, Modified, the “C” (Urban Protected Residential, etc.) District, Modified, the “RT-30” (Street Townhouse) District, Modified, and the “E” (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified. Several of the residential zones will contain site-specific provisions, which are described in greater detail in the Analysis/Rationale section of this Report.

In addition, a Holding has been recommended in order to ensure the remnant parcel created as a result of the proposed road alignment is only developed in conjunction with adjacent lands located along West 5th Street.

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Plan of Subdivision:

The proposed draft plan of subdivision (see Appendix “D” of Report PED14106) is intended to create:

- Nine Single Detached dwelling units (Blocks 9-17);
- Ten Semi-detached units (Blocks 1-8, 34 and 35);
- 16 Street Townhouse blocks (Blocks 18-33);
- One block Multiple dwelling (Block 36);
- One future development block (Block 37); and,
- One internal public road and Cul-de-Sac (extension of Springvalley Crescent and Angie Place (name to be confirmed) Cul-de-Sac).

DETAILS OF SUBMITTED APPLICATIONS:

Location: Part of Lot 16 Concession 7 municipally known as 797 to 802 West 5th Street, 810 West 5th Street, portion of 820 West 5th Street and Block 112, Plan 62M-1040

Owners: Angros Enterprises Ltd. (Victor Fontana)

Agent: A.J. Clarke and Associates Ltd.

Property Size: Lot Area: 2.1 ha
Frontage: 35 m (West 5th Street)
Flankage: 185 m (Lincoln M. Alexander Parkway)

Existing Land Use and Zoning:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
Subject Land:	Vacant	“AA” (Agricultural) and “C” (Urban Protected Residential, etc.) Districts

Surrounding Land:

North:	Lincoln M. Alexander Parkway / Residential Single/Semi/Townhouse developments	“D” (Urban Protected Residential – 1 and 2 Family Dwelling, etc.), District “DE-3” (Multiple Dwellings) District and “C”
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		(Urban Protected Residential, etc.) District
West:	Single detached dwellings	“C” (Urban Protected Residential, etc.) District and “R-4”(Small Lot Single Family Dwelling) District
South:	Single and Semi-detached dwellings	“D” (Urban Protected Residential – 1 and 2 Family Dwelling, etc.) District and “C” (Urban Protected Residential, etc.) District
East:	Single detached dwellings	“C” (Urban Protected Residential, etc.) District

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2014):

These applications have been reviewed to confirm compliance with the recent Provincial Policy Statement (PPS) which came into effect on April 30, 2014. It has been determined that the application is consistent with the policies found in Subsection 1.1.3.1 of the PPS respecting growth in Settlement Areas as well as Subsection 1.1.3.2 respecting land uses patterns within settlement areas.

Policy 1.2.6.1 outlines that *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 subject lands are located in close proximity to the Lincoln M. Alexander Parkway. As such, as condition of Draft Approval, the applicant will be required to assess and implement the findings of a noise study (Condition No. 20, Appendix “E”).

Finally, Policy 2.6.2 states that development and site alteration may be permitted on lands containing archaeological resources or areas of archaeological potential if significant archaeological resources have been conserved by removal and documentation, or preservation on site. Where significant archaeological resources

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must be preserved on site, only development and site alteration which maintain the heritage integrity of the site, may be permitted. Staff note that an archaeological assessment titled “The Stage 1-2 Archaeological Assessment of the Fontana Gardens Phase 3”, dated August 2007, was submitted as part of the previous circulation for the subject applications. The report was received by the Ministry of Tourism, Culture and Sport, and subsequent clearance was issued through correspondence dated April 2, 2008. Consequently, staff no longer have an interest in the subject lands as it relates to archaeology.

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

The Places to Grow Plan is more formally known as The Growth Plan for the Greater Golden Horseshoe, and it was prepared and approved under the Places to Grow Act, 2005, by the Province of Ontario. The Plan’s main objective is to provide direction in developing communities with a better mix of housing, jobs, shops, and services in close proximity to each other. The subject lands are located within the *built-up area* and constitutes towards the Provincial objective of requiring 40% of new development to be within the built boundary.

The proposal satisfies Policy 2.2.3.6, and promotes and facilitates intensification with an appropriate built-form, height, scale, density, and type of development that appropriately complements adjacent land uses. The proposal includes an appropriate transition and variety of built form, which is compatible in height, scale, and overall built-form with abutting uses.

Based on the foregoing, the proposal conforms to the policies of the Growth Plan for the Greater Golden Horseshoe (Places to Grow).

Urban Hamilton Official Plan (UHOP):

The proposal has been evaluated against the policies of the new UHOP. The Ontario Municipal Board approved the UHOP, in part, on August 16, 2013. At this time, the majority of the policies in the UHOP are now in effect. The subject lands are designated “Neighbourhoods” on Schedule “E” - Urban Structure Plan, and on Schedule “E-1” - Urban Land Use Designations.

The general policy goals of the “Neighbourhoods” designation are to develop compact, mixed-use, transit-supportive, friendly, neighbourhoods, where people can live, work, shop, learn, and play. More importantly, one of the primary goals is to develop a complete community, which provides for a range of housing types and densities, and promotes residential intensification that is appropriate in scale. In this regard, it is considered that the general intent to transition low to higher densities from the interior to

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the exterior of neighbourhoods is successfully achieved within the proposed draft plan of subdivision. In particular the following policies have been reviewed:

E.3.2.3 The following uses shall be permitted on lands designated “Neighbourhoods” on Schedule E-1 - Urban Land Use Designations;

- a) Residential dwellings, including second dwelling units and housing with supports; and,

E.3.3 Residential Uses - General Policies

Three categories of residential land use are described in this Section, but are not designated on Schedule E-1 - Urban Land Use Designations. These residential categories provide general location, scale, and design directions for the purposes of secondary planning and zoning. These categories may also be applied in the redevelopment of larger sites.

Given the form and density of the development, the majority of the subdivision would be considered Low Density Residential development. It is noted that on the basis of the proposed form of the multiple dwelling block (Block 36), this would be considered Medium Density Residential. In accordance with these categories the following policies have been reviewed:

E.3.3.1 Lower density residential uses and building forms shall generally be located in the interiors of neighbourhood areas with higher density dwelling forms and supporting uses located on the periphery of neighbourhoods on or in close proximity to major or minor arterial roads.

With respect to the above policy, the gradation of densities are considered consistent with this policy direction. For the lots and blocks of the subdivision plan intended to accommodate low density development (singles, semis and street townhouses), staff note that their location is consistent with the above policy, with all the low density units accessed from local roads.

With particular reference to the multiple dwelling block (Block 36), staff note the following Policy:

E.3.5.1 Medium density residential areas are characterized by *Multiple Dwelling* forms on the periphery of the neighbourhoods in proximity to major or minor arterial roads, or within the interior of neighbourhoods fronting on collector roads.

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Block 36 is located on the periphery of the Gourley Neighbourhood, located at the intersection of West 5th Street and Lincoln M. Alexander Parkway which are considered Minor Arterial and Parkway respectively as determined by Schedule C of the UHOP.

E.3.5.5. Medium Density residential uses shall be located within safe and convenient walking distance of existing or planned *community facilities*, public transit, schools, active or passive recreational facilities, and local or district Commercial uses.

Staff note that transit is readily available to the future occupants of the development. In addition, parks and comprehensive retail and commercial services are within proximity to the subject lands.

Policies E.3.5.7 and E.3.5.8 indicate that the medium density should range between 60-100 units per hectare and should not exceed six storeys in height. The proposed net residential density of the subject lands would be approximately 35-40 units per hectare and would not exceed four storeys in height.

Although the proposed height would be in accordance with these policies, it is noted that the proposed density would be below the identified minimum threshold. In order to satisfy the balance of the policies of the medium density designation with respect to design and function, and the fact it would be located immediately adjacent to Low Density Residential development with local road access, it is the opinion of staff that Block 36 would have a more appropriate impact upon the surrounding low density area if it were to be Medium Density Residential at a lower density range than permitted by the UHOP. This would therefore permit either a block townhouse or low (four storey) multiple dwelling, ensuring there is no conflict with Policy.

E.3.3.2, which states:

E.3.3.2 Development or redevelopment adjacent to areas of lower density shall ensure the height, massing, and arrangement of buildings and structures are compatible with existing and future uses in the surrounding area.

Furthermore, given the access requirements and the limited width of the subject lands, it is not possible to appropriately accommodate additional multiple dwelling units without compromising either the functionality of the development or impacting the character of the area.

In addition, permitting a reduced density for the multiple dwelling block would also provide justification for the block to have access from a local internal road. As per Policy E.3.5.9, development within the medium density residential category shall be evaluated on the basis of the following criteria:

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E.3.5.9 a) Developments should have direct access to a collector or major or minor arterial road. If direct access to such a road is not possible, the development may gain access to the collector or major or minor arterial roads from a local road only if a small number of low density residential dwellings are located on that portion of the local road.

Staff note that as detailed above, Block 36 is located on the periphery of the neighbourhood where the Lincoln M. Alexander Parkway and West 5th Street intersect. However, direct vehicular access may not be permitted onto West 5th Street due to potential sightline and grade conflicts. As such, Block 36 may only have vehicular access from an internal local road. Allowing the Block to therefore develop at a reduced density, assists in ensuring compatibility and functionality is maintained as detailed in Policy E.3.5.9. b):

E.3.5.9. b) Development shall be integrated with other lands in the Neighbourhoods designation with respect to density, design, and physical and functional considerations.

Currently, the applicant has not determined a final built form or design for Block 36. Therefore, in order to ensure the development accords with Policy E.3.5.9. c) which states:

E.3.5.9. c) Development shall be comprised of sites of suitable size and provide adequate landscaping, amenity features, on-site parking, and buffering if required. The height, massing, and arrangement of buildings and structures shall be *compatible* with existing and future uses in the surrounding area.

Staff have limited the height of any building to four storeys in the amending by-law (see Appendix “C” of Report PED14106) and, in addition, proposed a condition of draft plan approval that would require the submission of a design brief with respect to the development of Block 36 (see Appendix “E” of Report PED14106 - Condition 22).

Finally, it is noted that a neighbourhood plan amendment and Official Plan Amendment would be required to facilitate the proposed development. As per Policy F.1.2.8, staff have considered amongst other matters, the vision for a sustainable community as it relates to the objectives of the Official Plan. On this basis, given the proposed development, the constraints of the site and the bespoke nature of the application, it is considered appropriate to amend the lands from the existing “Single and Double” designation to “Attached Housing” and “Low Density Apartments” within the Gourley Neighbourhood Plan, and to amend the UHOP to permit a site specific amendment which would permit Block 36 to be developed at a density of 35 uph instead of 60 units

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per hectare, and to gain access from a local road. It is considered that these amendments would efficiently and appropriately realize the objectives of the plan.

Based on the foregoing, the proposal meets the overall intent of the UHOP policies and, therefore, would be in keeping with the general intent of the UHOP.

City of Hamilton Official Plan:

It is noted that the application was submitted prior to the UHOP coming into force and effect and, as such, although no longer in effect, based on the Clergy principle, the polices of the former City of Hamilton Official Plan have been considered. In particular:

C.7.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity, and value.

As discussed within the Analysis/Rationale for Recommendation Section of the Report, staff consider the proposed development to be both in keeping with the character of the area and of sufficient density to ensure the subject lands are efficiently utilized. It is considered that the gradation of density throughout the development is appropriate and maintains the intent to locate higher density development closer to transportation and transit corridors.

City of Hamilton Staging of Development:

The proposal has been included in the City’s Staging of Development Program. The proposal is consistent with the Criteria for Staging of Development, in that utilities and services are available, there are no unanticipated budgetary impacts, and it supports a healthy growing economy, provides for additional assessment and Development Charges revenue.

RELEVANT CONSULTATION

The Traffic Engineering and Operations Section, Operations and Maintenance Division, Public Works Department noted that the proposed cul-de-sac is below standard design provisions and as such, may prove problematic with respect to snow storage and parking within the bulb. The applicant has since submitted a driveway plan for the proposed cul-de-sac that meets minimum requirements.

Notwithstanding this, staff are recommending a warning clause to be placed on all purchase and sale agreements in order to highlight to future owners/tenants that limited

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snow storage and parking opportunities exist within the cul-de-sac (see Appendix “E” of Report PED14106 - Condition 21).

Hamilton Municipal Parking System staff have reviewed this application and noted that the applicant should ensure that all existing and future parking requirements are met on-site. The applicant should also ensure that on-site parking spaces are suitably dimensioned and that driveways are aligned in such a manner that will maximize the availability of on-street parking by providing a minimum of 6.5 m of curb space between driveway depressions. This is of significant importance for Lots 12 through 27 on Spring Valley Crescent.

The following Departments and Agencies had no comments or objections:

- Horizon Utilities;
- Union Gas Limited;
- Hamilton Street Railway;
- Waste Management Division, Public Works Department;
- Open Space Development and Park Planning Section, Capital Planning and Implementation Division, Public Works Department; and,
- Hamilton Wentworth District School Board.

PUBLIC CONSULTATION

In accordance with the new provisions of the Planning Act and the Council-approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 304 property owners within 120 m of the subject lands on February 11, 2008, and a Public Notice sign was posted on the property on February 21, 2008. Three letters were submitted from surrounding landowners (see Appendix “F” of Report PED14106). Those letters are discussed in the Analysis and Recommendation Section below. The Notice of Public Meeting was also circulated in accordance with the provisions of the Planning Act.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposed Official Plan Amendment, Zoning By-law Amendment and draft plan of subdivision have merit and can be supported for the following reasons:
 - (i) They are consistent with the Provincial Policy Statement, as they represent an opportunity for growth in settlement areas;
 - (ii) They conform to the general intent of the Urban Hamilton Official Plan;

- (iii) The proposed development is considered to be compatible with the existing and planned development in the immediate area; and,
- (iv) The proposed development represents good planning by, among other things, providing an urban form that is efficient and generally consistent with the approved Gourley Neighbourhood Plan.

2. PROPOSED PLAN OF SUBDIVISION

The proposed plan of subdivision will consist of nine Single Detached dwelling units (Blocks 9-17); ten Semi-detached units (Blocks 1-8, 34 and 35), 16 Street Townhouse blocks (Blocks 18-33); one block for a Multiple dwelling (Block 36) and the extension of a public street and a new cul-de-sac.

Staff have had consideration for the criteria contained in Subsection 51 (24) of the Planning Act to assess the appropriateness of the proposed subdivision and advise that:

- (a) It complies with the Provincial Policy Statement;
- (b) The proposal represents a logical and timely extension of existing development and services, and is in the public interest;
- (c) It conforms with the general intent of the UHOP;
- (d) The lands can be appropriately used for the use for which it is to be subdivided;
- (e) The proposed roads will adequately service the proposed subdivision and can connect with the current road system;
- (f) The dimensions and shape of the lots are appropriate;
- (g) Restrictions and regulations for the development of the subdivision may be included in the implementing Zoning By-law Amendment, conditions of draft plan approval and standard Subdivision Agreement;
- (h) No substantial natural resources are evident on site, and flood control will be addressed through stormwater management plans that will be required as a standard condition of draft plan approval;

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- (i) Adequate municipal services will be available, the particulars of which will be determined as part of the conditions of draft plan approval and standard Subdivision Agreement;
- (j) School Boards have advised that adequate school sites are available to accommodate the anticipated student yield of this subdivision;
- (k) Public land will be conveyed to create road rights-of-way, the particulars of which will be determined as part of the standard Subdivision Agreement and final registration of the plan of subdivision; and,
- (l) Efforts will be made, where possible, during development and thereafter, to efficiently use and conserve energy in that the north-south orientation of the building lots provide an opportunity for passive solar energy gain.

3. ZONING BY-LAW AMENDMENT

Singles and Semis

The location of the single detached dwellings within an internal cul-de-sac reflects the existing pattern of development that was established through previous Fontana Gardens phases and subdivisions (Avalon), to the west of the subject lands. Similarly, the location of semi-detached dwellings along Springvalley Crescent continue the existing pattern of development along this street.

The applicant has requested a number of minor modifications to the implementing “C” (Urban Protected Residential, etc.) District and the “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District. These include the following:

For the single detached dwellings:

- Reduction in the front yard setback to 4.5 m to the dwelling and 5.8 m to the garage; and,
- Reduction in the minimum required front yard landscaping from 50% to 30%.

It is considered that these changes are minor and implement efficient and compact urban design while maintaining an attractive street scape.

For the semi-detached dwellings:

- Reduction in the front yard setback to 4.5 m to the dwelling and 5.8 m to the garage;

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- Reduction in the minimum required front yard landscaping from 50% to 30% to allow for greater driveway parking;
- Reduction in frontage from 18 m to 16 m; and,
- Reduction in lot area from 540 sq m to 470 sq m.

The proposed modifications are minor and are considered to reinforce an attractive streetscape and ensure consistency with existing built development. Similar provisions were previously approved for adjoining developments to the south and this development will maintain this built form and setbacks.

It is noted that the portions of Blocks 14-17 will be required to be assembled with Block 112 of adjacent Draft Plan 62M-1040. This will be required as part of the Draft Approval (Condition 17 of Appendix “E” of Report PED14106).

Street Townhouses

It is noted that townhouses are not currently represented in significant numbers within the neighbourhood, which is instead primarily singles and semi-detached dwellings. Townhouses currently exist only at the westerly periphery of the neighbourhood adjacent to Garth Street.

As discussed in the Policy Section of this Report, such forms of development are directed to the periphery of neighbourhoods towards higher order roads. Consequently, it is the opinion of staff that the proposed location of the street townhouses would be consistent with this direction, and the general pattern of development currently existing within the Gourley neighbourhood.

In addition, it is noted that the townhouses are located towards the corner of the neighbourhood and, as such, are not indiscriminately located but instead represent a logical and appropriate gradation in density. The applicant has requested two modifications to the implementing zoning by-law pertaining to reductions to required side yards to not less than 1.2 m, and reductions between buildings of not less than 2.4 m. Staff considered both these requests to be minor and consistent with the character of the area.

Multiple Dwelling

The far north-easterly portion of the subject lands (which is also the far north-easterly portion of the Gourley Neighbourhood), are proposed to accommodate the highest density proposed within the Draft Plan of Subdivision. Currently, while not yet determined, it is anticipated that Block 36 of the Draft Plan be developed either with a block townhouse development or alternatively a low density multiple dwelling (maximum four storey). Therefore, staff are of the opinion that the proposed built form and density

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of the project can be appropriately accommodated immediately adjacent to the low density residential designation to the west and south.

In order to ensure the density and design are conducive to its location, staff are recommending in the amending by-law a maximum height of four storeys and, in addition, will be requesting the submission of a design brief as a condition of Draft Plan approval (see Appendix “E” of Report PED14106 - Condition 22).

The applicant has also requested other modifications in order to implement the development intended for this block. These include the following:

- Allow block townhouses as a form of development;
- Remove a number of as of right permitted uses including student residence and retirement home;
- Remove restrictions of gross floor area as it applies to a low rise apartment;
- Permit 7.5 m rear yards adjacent to West 5th Street and the Lincoln M. Alexander Expressway;
- Permit Springvalley Crescent to be deemed the frontage; and,
- Permit minimum lot frontage along Springvalley Crescent to be a minimum 19.0 m.

The introduction of block townhouses as a permitted use is considered appropriate and would allow for a reasonable amount of flexibility in the development and marketing of Block 36. The form of development would be complementary to the proposed and existing built form in the immediate vicinity and, as such, staff are supportive of this request.

The remaining requests for reductions in gross floor area, rear yard and lot frontage are, in the opinion of staff, appropriate. The required rear yard of 7.5 m is consistent with the standard setback for low density uses, and would provide sufficient buffering should the block be developed for a multiple dwelling. In addition, the required urban design brief would ensure that any elevations facing the higher order streets are appropriately designed to ensure quality urban design and a pleasing streetscape.

Remnant parcel

As detailed in several of the letters submitted in opposition to the application, the creation of the remnant parcel (Block 37) and the subsequent restriction in permitting frontage on a road for those properties currently existing and fronting onto West 5th Street, has been a long standing issue affecting determination of the application.

To address this issue, the applicant has attempted to purchase the land required along West 5th Street in order to avoid the creation of this remnant parcel, however, to date,

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has managed only to purchase one of the properties. Therefore, the applicant has instead proposed to dedicate the remaining portion of the remnant parcel; to the City of Hamilton, on the basis that the City determine fair market value and sell at that value to a willing purchaser, provided the purchaser is in a position to comprehensively develop the balance of the lands.

The details of this agreement are to be ratified and approved as per Subdivision Conditions 18 and 19 of Appendix “E” of Report PED14106. In addition, the lands have been placed under a Holding Provision in order to ensure they are developed comprehensively with adjacent lands and pay for associated cost recoveries for servicing.

On-Street Parking

As per Condition 10 of Draft Plan approval, the applicant will be required to submit and have approved a parking plan with the expectation of providing 40% on street parking based on the number of proposed lots. This would apply to the singles, semis and street townhouse units. Preliminary plans provided indicate that the amount of parking, once all utilities and servicing are accommodated, may fall below this amount (35%).

In assessing this, staff recognize that the neighbourhood is well serviced by public transit and offer a number of services within walking distance. In addition, staff note that the subject lands represent the last remaining parcel of undeveloped land in the Gourley neighbourhood, and that the majority of the lands would be developed in line with the existing low-density character of the existing neighbourhood; that is, the availability of on-street parking will be similar to the rest of the neighbourhood.

Given the general low density nature of the neighbourhood as a whole, it is therefore not expected that future on street parking in the area would constitute a significant concern.

Construction Management

Condition 7 of Draft Plan approval would ensure that in the event of any required blasting or hoe-ramming, the owner would be required to conduct a pre-construction survey and include notification to area residents in a manner satisfactory to the Senior Director of Growth Management. While the construction method has yet to be determined, the above condition would ensure any potential negative impacts would be appropriately mitigated.

In addition, Condition 9 will ensure a plan and procedures are approved in order to satisfactorily deal with dust and street cleaning as a result of the proposed works.

Engineering Issues

Given that this is the final phase of a subdivision (Fontana Gardens), many of the issues can be satisfactorily dealt with through standard and special conditions of Draft Approval (see Appendix “E” of Report PED14106). Engineering staff do note, however, that transitional grading must be conducted on site such that retaining walls are not used to match elevations at the property lines.

Holding Provision

Finally, a Holding Provision has been recommended within the amending Zoning By-law for Block 37 in order to ensure the orderly development of this remnant parcel (Block 37 of the Draft Plan – Appendix “D” of Report PED14106), created as a result of the proposed road alignment. This Holding will ensure the remnant parcel is satisfactorily assembled with lands adjacent West 5th Street, to the satisfaction of the Director of Planning, as detailed in Appendix “C” of Report PED14106.

Public Consultation

Three letters of concern were received from surrounding landowners. The letters included concerns over the proposed form and density of development, and over the creation of a remnant parcel of land that may unfairly prohibit properties on West 5th Street from realising future residential development.

As discussed in detail within this Report, in the opinion of staff, both matters have been adequately designed and addressed in order to ensure the comprehensive, efficient and orderly development of the neighbourhood. Firstly, staff consider the form and density is in keeping with the character of the area and secondly, that through the dedication of the remnant parcel to the City of Hamilton, all concerns regarding the creation of this parcel have been satisfactorily addressed.

ALTERNATIVES FOR CONSIDERATION

Should the applications be denied, the lands could not be developed for the proposed residential draft plan of subdivision.

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN

Strategic Priority #1

A Prosperous & Healthy Community

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

Strategic Objective

- 1.5 Support the development and implementation of neighbourhood and City wide strategies that will improve the health and well-being of residents.

APPENDICES AND SCHEDULES ATTACHED

- Appendix “A”: Location Map
Appendix “B”: Draft Official Plan Amendment
Appendix “C”: Draft Zoning By-law Amendment
Appendix “D”: Draft Plan of Subdivision
Appendix “E”: Draft Plan Conditions
Appendix “F”: Abutting Landowner Letters

:EJ