



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	January 12, 2016
SUBJECT/REPORT NO:	Proposed Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Property located at 149½ Sherman Avenue North, Hamilton (PED16014) (Ward 3)
WARD(S) AFFECTED:	Ward 3
PREPARED BY:	Cam Thomas Senior Planner (905) 546-2424 Ext. 4229 Steve Robichaud Director of Planning and Chief Planner
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Urban Hamilton Official Plan Amendment Application UHOPA-15-027 by Hamilton Habitat for Humanity, Owner**, to permit the density for street townhouses to be 70 units per net residential hectare on lands located at 149½ Sherman Avenue North (Hamilton), as shown on Appendix “A” to Report PED16014, be **APPROVED** on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED16014, be adopted by City Council.

- (b) That **Zoning By-law Amendment Application ZAR-15-034, by Hamilton Habitat for Humanity, Owner**, for a change in zoning from the “G-3” (Public Parking Lots) District, to the “RT-30/S-1728”-‘H’ (Street Townhouse) District, Holding Modified in order to permit five street townhouse dwelling units, for lands located at 149½ Sherman Avenue North (Hamilton), as shown on Appendix “A” to Report PED16014, be **APPROVED** on the following basis:

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- (i) That the draft By-law, attached as Appendix “C” to Report PED16014, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.
 - (ii) That the amending By-law be added to Schedule “A” of Zoning By-law No. 6593.
 - (iii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (PPS), conform with the Growth Plan for the Greater Golden Horseshoe and upon finalization of Official Plan Amendment No. XX will comply with the Urban Hamilton Official Plan (UHOP).
- (c) That the Gibson Neighbourhood Plan be amended by changing the designation from “Commercial” to “Attached Housing”.

EXECUTIVE SUMMARY

The applicant, Hamilton Habitat for Humanity, has applied for approval of a UHOP Amendment and Zoning By-law Amendment for lands located at 149½ Sherman Avenue North to redevelop a former commercial parking lot for five street townhouse dwelling units (Appendix “A”).

The applications have merit and can be supported as they are consistent with the PPS and conform to the Growth Plan for the Greater Golden Horseshoe. The proposal is considered to be compatible with existing one and two family dwellings in the area and represents good planning by providing a compact and efficient urban form that would create affordable housing units. The proposed development would also enhance the existing streetscape by replacing an existing and underutilized parking area with residential development and associated landscaped front yards. The provision of the proposed driveways onto Sherman Avenue North can be supported by staff and is preferable to having the driveways located at the rear of the properties which are not subject to winter maintenance by the City. Staff find that the proposal complies with the intent of the UHOP subject to approval of the proposed Official Plan Amendment.

Alternatives for Consideration – See Page 27

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: None.

Staffing: None.

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

HISTORICAL BACKGROUND

The subject lands is located at 149½ Sherman Avenue North, in the Gibson Neighbourhood, south of Barton Street East. The property is a former legally established commercial parking lot which is currently not being utilized for vehicle parking. The property is fully paved, does not contain vegetation and is enclosed by a 1.8 m high chain link fence. Public laneways, which are approximately 3 m in width, are located along the northerly and westerly boundaries of the property.

The properties south and southwest of the subject lands consist of one storey, two storey and two and a half storey single detached and semi-detached dwellings, many of which have been developed with front driveways that have required encroachments into the road allowance. The property is located west of St. Ann's Roman Catholic Church, St. Ann's Rectory and St. Ann Catholic Elementary School. A range of commercial uses consisting of service, retail and restaurants / bars and institutional uses (schools and churches) are located to the north along Barton Street East.

Description of Proposal

The proposal is to permit five, two-storey, four-bedroom street townhouse dwelling units. The units will not have garages (see Appendix "D"). A floor plan of the development is provided in Appendix "F". The proposed units would have individual driveways along Sherman Avenue North to permit a single parking space in the front yard. With the exception of Unit 1, the other proposed driveways would be twinned to create wider planting areas within the front yards. At-grade garden beds and walkways would also be provided in the front yard adjacent to the dwellings and front porches.

The proposal identifies a minimum lot width of 4.8 m for the three interior dwelling units and 6.0 minimum lot width for the exterior dwelling units. All of the units would be setback a minimum of 7.3 m from Sherman Avenue North, and the front porch would be setback a minimum of 5.8 m from the front property line. The minimum side yards are proposed to be 1.1 m from the side lot line. The proposed rear yard depths would range from 7.0 m - 10.3 m. The proposed units would each have a rear yard patio and shed, as well as a rear yard amenity area. A solid wood fence is proposed along the northerly and westerly boundaries abutting the public laneways.

Formal Consultation Application FC-14-092

A formal consultation application was submitted by Hamilton Habitat for Humanity in October, 2014 for the subject property to consider three options for the development of a condominium townhouse block consisting of four units. A specific parking area for the townhouse block was proposed on the site for each of these options that would require an application for a Common Element Condominium (Appendix “G”).

It was determined by the applicant that the condominium form of ownership is not preferred for the families that Habitat seeks to assist because of their business model for individual home ownership which strives to minimize additional fees required for maintenance, landscaping, etc., which are required monthly by condominium corporations.

Urban Hamilton Official Plan Amendment

The applicant is seeking to develop the property known municipally as 149½ Sherman Avenue North to permit five street townhouses. This form of housing would be consistent with Low Density Residential development within the Neighbourhoods designation. However, the proposed density of 70 units per residential hectare would not comply with the maximum UHOP requirement of 60 units per hectare as provided in Policy E.3.4.4 (the proposed density has been rounded up to 70 units per net residential hectare from 69.4 units per net residential hectare).

Thus an UHOP amendment is required to permit a street townhouse development to have a maximum density of 70 units per hectare, whereas the maximum density permitted for Low Density Residential uses is 60 units per hectare.

Zoning By-law Amendment Application (ZAR-15-034)

The subject property is zoned “G-3” (Public Parking Lots) District in Zoning By-law No. 6593 and was utilized as a public parking lot. In 2014, the property was acquired by Hamilton Habitat for Humanity as a future site for affordable housing. The purpose of this application is to amend the zoning in order to permit a compact street townhouse development by Hamilton Habitat for Humanity consisting of five units.

The applicant is proposing that the zoning be amended to create a Site Specific “RT-30” (Street Townhouse) District. The proposed street townhouse development would require special exceptions to the “RT-30” District to allow reductions to minimum lot area, minimum lot width, minimum front yard depth, minimum side yard, front, side and rear yard encroachments, the location and size of manoeuvring spaces and parking space dimensions, among others. The special exceptions required for this Zoning By-

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law Amendment are discussed in the Analysis and Recommendations Section of the Report.

Chronology:

- November 5, 2014: Formal Consultation Application (FC-14-092) to consider options for a four unit townhouse project.
- June 9, 2015: Zoning Amendment Application ZAR-15-034 by IBI Group Planning Consultants Inc. submitted.
- June 26, 2015: Application ZAR-15-034 deemed complete.
- July 8, 2015: Public Notice Sign posted.
- July 10, 2015: Circulation of Notice of Complete Application and Preliminary Circulation for Application ZAR-15-034 to all property owners within 120 m of the subject lands.
- October 22, 2015: UHOP Amendment UHOPA-15-027 submitted.
- October 26, 2015: UHOP Amendment deemed complete.
- November 5, 2015: Public Notice Sign updated.
- December 18, 2015: Circulation of Notice of Public Meeting and Notice of Complete Application for UHOPA-15-027 to all property owners within 120 m of the subject lands.

Details of Submitted Application

- Owner:** Hamilton Habitat for Humanity
- Location:** 149½ Sherman Avenue North (Hamilton)
(see Appendix "A")
- Property Size:**
- Frontage: 26.46 m
- Depth: 27.43 m
- Area: 730 sq m

EXISTING LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Vacant (former Parking Lot)	“G-3” (Public Parking Lot) District
<u>Surrounding Lands:</u>		
North	Commercial	“H” (Community Shopping and Commercial) District
South	Single Detached Dwellings	“D” (Urban Protected Residential, One and Two Family Dwellings, etc.) District
East	Place of Worship	Neighbourhood Institutional (I1) One (By-law 05-200)
West	Single Detached Dwellings	“D” (Urban Protected Residential, One and Two Family Dwellings, etc.) District “D/S-1444” (Urban Protected Residential, One and Two Family Dwellings, etc.) District

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2014)

The application has been reviewed with respect to the Provincial Policy Statement (PPS), 2014. Policy 1.1.3.1 states that settlement areas shall be the focus of growth, and their vitality and regeneration shall be promoted.

Policy 1.1.3.2 states that 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; and,

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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.”

Policy 1.1.3.3 directs that:

“Planning authorities shall identify and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.”

In addition, the following policies of the 2014 PPS are also noteworthy:

“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

b) permitting and facilitating:

1. all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs requirements.

e) establishing development standards for residential intensification, redevelopment and new residential development which maintains the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.”

The proposal is consistent with the general intent of the PPS, which encourages all forms of housing, including affordable housing, and efficient development. It is the opinion of staff that the proposal would contribute to the range of housing types, particularly affordable family housing, and that the proposal would provide for an appropriate form of intensification based on suitable design standards.

Further, Policy 1.2.6.1 outlines that long term economic prosperity will be supported by planning so that major facilities (such as airports, transportation corridors, sewage treatment facilities, waste management systems, industries and aggregate activities) and sensitive land uses are appropriately designed, buffered and separated from each other to prevent adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety. Staff note that the subject lands are intended to be developed for residential purposes and are located along a minor arterial road (Sherman Avenue North) and in proximity to a major arterial road (Barton Street East).

The proximity of the proposed sensitive land use to road noise sources triggers the requirement for a noise study.

A noise study is required to address this matter and staff are therefore recommending that the amending By-law include a Holding 'H' Provision to address this concern (Appendix "C").

Policy 3.2.2 directs that sites with contaminants shall be assessed and remediated to ensure that there no adverse effects. A review of the environmental site condition of the former parking lot is therefore required to determine that it is suitable for residential use. This matter will be addressed as a Holding 'H' Provision in the amending Zoning By-law (Appendix "C").

Based on the foregoing, the proposal is consistent with the policies of the Provincial Policy Statement, 2014.

Growth Plan for the Greater Golden Horseshoe

The Growth Plan for the Greater Golden Horseshoe (GGH) sets out a vision to 2041 for how growth should occur in the GGH. The Plan is based on a series of guiding principles which are aimed at building compact, complete and vibrant communities; managing growth to support a strong competitive economy; making more efficient and effective use of infrastructure; and protecting and enhancing natural resources. The subject lands are within the built-up area.

The Plan identifies, in Section 2.2.2 the following policies to manage future growth:

- "a) directing a significant portion of new growth to the built-up areas of the community through intensification; and,
- b) encouraging cities and towns to develop as complete communities with a diverse mix of land uses, a range of employment and housing types, high quality open space and easy access to local stores and services."

With respect to General Intensification policies, the Plan directs the following in Section 2.2.3:

- "1. By the year 2015 and for each year thereafter, a minimum of 40 per cent of all residential development occurring within each upper and single tier municipality will be within the built-up area."

The proposal would provide for a compact housing form through intensification and infill development that would also provide for affordable housing as well as easy access to local stores and services.

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)

Neighbourhoods Designation

The subject property is identified as “Neighbourhoods” on Schedule “E1” – Urban Structure and designated “Neighbourhoods” on Schedule “E” – Land Use Plan of the UHOP and is within an area that is characterized by low density residential development and commercial / mixed use development along Barton Street East. The following policies amongst others apply to Low Density Residential uses in the Neighbourhoods designation:

- “E.3.3.1 Lower density residential uses and building forms shall generally be located in the interior 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;
- E.3.4.1 The preferred location for low density residential uses is within the interior of neighbourhoods;
- E.3.4.2 Low density residential areas are characterized by lower profile, grade-oriented built forms that generally have direct access to each unit at grade;
- E.3.4.3 Uses permitted in low density residential areas include single-detached, semi-detached, duplex, triplex, and street townhouse dwellings;
- E.3.4.4 For low density residential areas the maximum net residential density shall be 60 units per hectare;
- E.3.4.5 For low density residential areas, the maximum height shall be 3 storeys; and,
- E.3.4.6 Development in areas dominated by low density residential uses shall be designed in accordance with the following criteria:
 - a) Direct access from lots adjacent to major or minor arterial roads shall be discouraged.

- b) Backlotting along public streets and in front of parks shall be discouraged. The City supports alternatives to backlotting such as laneway housing and window streets to promote improved streetscapes and public safety where feasible.
- c) A mix of lot widths and lot sizes compatible with streetscape character; and a mix of dwelling unit types and sizes compatible in exterior design, including character, scale, appearance and design features shall be subject to the Zoning by-law regulations for appropriate minimum lot widths and areas, yards, heights, and other zoning regulations to ensure compatibility.”

The proposed two-storey, (8 m in height) street townhouse development is a compact low density housing form that is within a stable low density residential area comprised of narrow single detached and semi detached residential dwellings. The property is also adjacent to a commercial mixed use area which is provided along both sides of Barton Street East. The proposed use and height are consistent with the UHOP policies for Low Density Residential uses. Staff acknowledge that while the preferred location for street townhouses is within the interior of neighbourhoods rather than along arterial roads to minimize multiple driveways in high traffic areas, the policies noted in E.3.3.1 and E.3.4.1 are considered to be somewhat discretionary, recognizing that there are areas where exceptions to this practice may be acceptable such as the older neighbourhoods near the Downtown. In this location (Gibson Neighbourhood), the proposed street townhouse units would provide a suitable fit with the existing single detached and semi detached dwellings, which have been constructed on narrow frontage lots (i.e. most are approximately 5.4 m) with reduced front and side yard setbacks (Appendix “H”).

The consideration of driveway access to the proposed street townhouse units from rear laneways was examined as an alternative to driveways fronting onto Sherman Avenue North. The location of driveways having laneway access would provide for improved safety for pedestrians and drivers consistent with the direction of Policies E.3.3.1 and E.3.4.1. This change would also provide for improvements to the streetscape by eliminating driveways and parked vehicles within the front yards to create better landscaping. However, in the opinion of staff, the provision of driveway locations as proposed would be preferable because they would better serve the intended purchasers of these units. As the public laneways are not maintained during the winter months, and are not conveniently located on the property, this would negatively impact the families that this housing initiative is aiming to assist, some of which would be single parent households. Additional costs could be incurred for the owners to pay for snow clearing or equipment (i.e. snowblowers). The rear laneways would also reduce rear yard amenity space which is not conducive to families with young children.

With respect to density, staff have noted that the proposed development would be 69.4 units per hectare (rounded to 70 units per hectare) which would slightly exceed the maximum requirement of 60 units per hectare provided in Policy E.3.4.4. As noted, the proposed change in density is subject to a UHOP Amendment. Staff are supportive of the proposed UHOP Amendment. The UHOP Amendment is discussed further in the Analysis and Rationale for Recommendations Section of this Report.

Residential Intensification

The following policies from the UHOP pertain to 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.”

With respect to the above-noted policies, the proposed development would maintain and enhance the existing character of Sherman Avenue North by introducing a new compatible housing form which will provide a suitable fit with the existing form of housing by creating narrow frontage lots to accommodate two-storey units and would provide a transition from the existing residential uses along Sherman Avenue North and the commercial uses along Barton Street East. The proposal would enhance the character of this area by providing development that has a greater front yard setback

(i.e. 7.5 m (min.) to dwelling and 5.8 m (min.) to front porch), but which will complement the existing reduced setbacks for dwellings to the south (i.e. which are approximately 1.7 m to 2.8 m). This would accommodate deeper landscaped front yards for the proposed development with garden beds, walkways and porches, as well as appropriately designed front yard parking spaces (Appendix “D”). Concerning item (d), the proposed landscaped areas would be alternately twinned to create three sizeable front yard planting beds (i.e. 4.4 m in width) that would enhance the character of this inner city area. The proposed building height would be consistent with that of the adjacent 2½-storey dwellings to the south. The proposed driveways would also be twinned and are proposed to be 2.6 m in width which is narrower than standard parking spaces in order to provide for wider landscaped areas in the front yards.

The proposed development would have a suitable fit with existing commercial and mixed use development along Barton Street East which abuts the subject lands to the north. The end street town house unit would be separated from commercial by means of the existing 3 m wide laneway and would also be enclosed by a solid board fence. It is noted that on other streets in this neighbourhood, the east west laneways serve as a similar separation between residential and commercial development.

The proposal would contribute to the City’s planned urban structure provided in Section 2.0 through the development of compact, affordable housing through intensification which also contributes to the creation of complete communities and a more dynamic and liveable urban environment. The proposal would also be compatible within the existing stable neighbourhood of Sherman Avenue North near Barton Street East, which is comprised of narrow single and semi detached dwellings.

The proposal can be supported in terms of infrastructure requirements, which are explained further in the Analysis and Rationale for Recommendations Section. It would also be appropriately located in terms of transportation planning requirements along Sherman Avenue North, adjacent to a curb lane that is used primarily by residents for permit parking. This will allow for easier manoeuvring onto the street. The location of the proposal near the approach of the intersection of Barton Street East would also have the effect of reducing vehicle speeds. In addition, there were no concerns identified by Corridor Management with the proposed driveway locations onto Sherman Avenue North.

“B.2.4.2.2 When considering an application for a residential intensification development within the Neighbourhoods designation, the following matters shall be evaluated:

- a) the matters listed in Policy B.2.4.1.4;

- b) compatibility 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;
- e) the provision of amenity space and the relationship to existing patterns of private and public amenity space; and,
- f) the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations.”

With respect to Section B.2.4.2.2, the proposal would generally maintain the existing height and built form of the westerly side of Sherman Avenue North near Barton Street East. The proposal is small scale and would not result in nuisance effects such as overlook, noise, traffic or shadowing. The proposed development would allow for the provision of generously-sized rear yards to allow for suitable private amenity areas. The development would be located within a 6-10 minute walk of two neighbourhood parks, Powell Park to the west and Clinton Park to the northwest. The scale, height and density of the proposed development is considered to be very similar to that of existing single and semi detached dwellings along Sherman Avenue North. The side yards proposed for the end units would also complement the side yards of existing dwellings which are generally narrow (for at least one side).

As noted, the proposal would contribute to an enhanced streetscape through the use of more traditional front yard setbacks, which will allow for larger landscaped areas.

Urban Design

The following urban design policies are applicable for the proposed street townhouses.

“B.3.3.2.6 Where it has been determined through the policies of this Plan that compatibility with the surrounding areas is desirable, new development and redevelopment should enhance the character of the existing environment by:

- a) complementing and animating existing surroundings through building design and placement as well as through placement of pedestrian amenities;
- b) respecting the existing cultural and natural heritage features of the existing environment by re-using, adapting, and incorporating existing characteristics;
- c) allowing built form to evolve over time through additions and alterations that are in harmony with existing architectural massing and style;
- d) complementing the existing massing patterns, rhythm, character, colour, and surrounding context; and,
- e) encouraging a harmonious and compatible approach to infilling by minimizing the impacts of shadowing and maximizing light to adjacent properties and the public realm.”

As previously noted, the proposed street townhouse development is consistent with the above-noted urban design policies by providing a built form which is both compatible and complimentary to existing development and which will allow for an enhanced streetscape. In particular, the proposal provides a similar housing form in terms of height and massing and will allow for the provision of additional front yard greenspace.

Housing

The following Housing objectives are applicable to the proposal:

- “B.3.2.1.4 Increase Hamilton’s stock of housing for those whose needs are inadequately met by existing housing forms or tenure, affordability or support options.
- B.3.2.1.6 Increase the mix and range of housing types, forms, tenures, densities, affordability levels, and housing with supports throughout the urban area of the City.
- B.3.2.4.1 The development of a full range of housing forms, types, and densities shall be provided for and promoted throughout the City of Hamilton through residential intensification and new development. A full range of housing forms, types, and densities means the full spectrum of physical housing types including single detached dwellings, semi-detached dwellings, duplexes, townhouses of various types (street, block, stacked),

apartments and other forms of multiple dwellings, and lodging houses, built at a range of densities.”

With respect to the aforementioned policies, the proposed development would provide identified affordable housing to serve households and families who are most in need in the inner City. The agency, Habitat for Humanity, is a highly recognized provider of affordable housing which will ensure that affordability levels are maintained, as well as providing support services for their clients consistent with Policy B.3.2.4.2 by providing affordable mortgages and volunteer capital in lieu of down payments. The proposal also provides a housing form which is not currently found in this area (i.e. street townhouses) which will add to the interest and diversity of housing in this area.

Environmental Site Conditions

The following Environmental Site Condition policies are relevant to the proposed development and rezoning:

- “B.3.6.1.2 Where there is potential for site contamination due to previous uses of a property and a more sensitive land use is proposed, a mandatory filing of a Record of Site Condition is triggered as outlined in provincial guidelines. The Record of Site Condition shall be submitted by the proponent to the City and the Province. The Record of Site Condition shall be to the satisfaction of the City.
- B.3.6.1.4 Where there is potential for site contamination due to a previous use or uses on lands subject to development or redevelopment proposals, and a mandatory filing of a Record of Site Condition is triggered, the City shall:
- a) withhold final approval of an application until acceptance of a Record of Site Condition. In the interim, conditional approval may be considered; or,
 - b) defer or establish conditions of approval for applications involving official plan amendments, zoning by-law amendments, plans of subdivision, and site plan approvals where a Record of Site Condition is necessary.”

Concerning the above, the subject property is recognized as a potentially contaminated site due to its former use as a public parking lot. As such, the property is subject to environmental review and ultimately a Record of Site Condition (RSC) would be required to ensure that the property is suitable for residential purposes. Staff are recommending that a Holding (H) Provision be applied to the amending zoning to ensure that the RSC is completed before development occurs.

Noise Policies

The following Noise policies are relevant to the proposal:

“B.3.6.3.7 A noise feasibility study, or detailed noise study, or both, shall be submitted as determined by the City prior to or at the time of application submission, for development of residential or other noise sensitive land uses on lands in the following locations:

- a) 100 metres of a minor arterial road, as identified on Schedule C – Functional Road Classification;
- b) 400 metres of a major arterial road, as identified on Schedule C – Functional Road Classification;
- c) 400 metres of a truck route.”

Concerning the above, staff note the proposed development is located along a minor arterial road, and is within 400 m of both a major arterial road and truck route (Barton Street East). Therefore, a noise assessment is required for the proposal. The noise assessment will address both indoor noise levels for the arterial roads as well as the outdoor rear yard amenity areas. It is recognized that noise warning clauses may be required in future purchase and sale agreements. As noted, staff are recommending that the noise assessment be subject to the application of a Holding Provision.

Air Quality and Climate Change

“B.3.3.10 To create and enhance safe, attractive pedestrian oriented streetscapes, surface parking shall be discouraged, and parking located below grade or in parking structures shall be encouraged.

B.3.6.2 Several goals and objectives of this Plan, both directly and indirectly contribute to the improvement of air quality and reduce greenhouse gases:

- c) reducing the heat island effect through the use of reflective roofs, greenroofs, natural landscaping and increasing the tree canopy.”

The proposed development would contribute to the removal of a surface parking lot and improved air quality and reduced greenhouse gases by providing for landscaped areas and permeable surfaces. The removal of the paved surface would also contribute to a reduction in the effects of the urban heat island.

Neighbourhood Plans

“F.1.2.7 Neighbourhood plans are policies adopted by council resolution and do not form part of the Official Plan. Any proposal for development or redevelopment must conform to the designations, and policies in the Neighbourhood Plan.

F.1.2.8 Any amendment to the Neighbourhood Plan must be evaluated using the provisions of Policies F.1.1.3 and F.1.1.4 and shall require a formal Council decision to enact the amendment.”

With respect to the above-noted policies, staff note that an amendment to the Gibson Neighbourhood Plan is required to permit the proposed street townhouse development. Staff are in support of this Amendment. Further discussion is provided in the section below.

Gibson Neighbourhood Plan

The subject property is currently designated “Commercial” in the Gibson Neighbourhood Plan. The Gibson Neighbourhood Plan provides the following policy direction:

“Policy 1: to eliminate zoning on lands which are not in agreement with an ultimate land use designation of the neighbourhood plan.”

The Proposed Action states in Part (d) to expand in depth the “H” (Commercial) District zoning along King, Main and Barton Streets, to facilitate a better use of the Commercial designation.

A Neighbourhood Plan Amendment is required to recognize the proposed street townhouses (Recommendation (c)).

The removal of an existing public parking lot along a predominantly residential street (Sherman Avenue North) is considered to be a beneficial change that would allow for a better separation between the stable residential uses along Sherman Avenue North and existing commercial uses along Barton Street East north of the alley. In particular, the proposal would introduce a more compatible land use adjacent to existing single detached dwellings rather than providing for more intensive commercial development.

Housing and Homelessness Action Plan (December, 2013)

The Housing and Homelessness Action Plan is a Council-endorsed 10-year, solution-focused, person-centred plan that will guide decision making on how the Hamilton community will address affordable housing and homelessness issues.

Outcome One of the Housing and Homelessness Action Plan states as follows: “There is more affordable housing in Hamilton to meet the need and demand.”

Strategy 1.3 within this outcome area directs City Council to: “Facilitate land use planning approvals for affordable housing developments.”

Strategy 2.3 in the affordability, stability and choice outcome area directs City Council to “increase home ownership opportunities for renters, including social housing tenants (e.g. down payment assistance programs, rent-to-own initiatives, and education or purchase price).”

With respect to the above strategies, the proposed development would be consistent with the general intent of this Action Plan. The proposal also offers a means to increase home ownership for less fortunate families in the Gibson Neighbourhood.

RELEVANT CONSULTATION

The following internal departments and external agencies had no concerns or objections to the proposed applications:

- Forestry and Horticulture Section, Public Works Department.

Hamilton Municipal Parking System (HMPS), Planning and Economic Development Department

HMPS are satisfied with the proposed parking based on one space per dwelling unit and the reduced parking space dimensions, providing there is a requirement for Site Plan Approval.

HMPS further advised that they would support rear yard parking that is accessible from the public laneway as an option, but indicated that the City does not provide winter maintenance.

HMPS would not support the use of on-street parking permits for the units given that “No Stopping Anytime” prohibitions are in place in front of the property.

The proposed street townhouses are subject to Site Plan Approval, since they were not created as a block through the Subdivision Approval process. This will enable issues related to parking to be examined further.

Road Operations and Maintenance Operations Division, Public Works Department

The Road Operations and Maintenance Division were consulted by Planning Staff with respect to the use of the rear laneways for access to parking as an alternative to the provision of driveways that front onto Sherman Avenue North. It was determined that this Division does not provide any scheduled maintenance in public laneways. It was also identified that they would not typically enter into an agreement for maintenance with any landowner or agency.

Geomatics and Corridor Management, Public Works Department

Corridor Management Staff are recommending that the City acquire a 3 m x 3 m daylight triangle from the corner of Sherman Avenue North and the public laneway at the Site Plan Approval stage. The cost for the required Reference Plan would be assumed by the Geomatics and Corridor Management Section.

It was further advised that while ideally a 3 m widening would apply to this property to enable Sherman Avenue North to be developed to the ultimate right-of-way width of 36.1 m, it is recognized that this widening would reduce the depths of the property, which may affect the design and location of driveways and will therefore not be required.

Within the City boulevard there is an existing paving stone treatment located behind the municipal sidewalk which would need to be removed with the hard surface driveways to construct the driveway approaches.

Access permits are required for the construction of driveways as a condition of Site Plan Approval.

The applicant would need to contact all respective utilities prior to the commencement of any work within the Sherman Avenue road allowance. Utility relocation costs are the responsibility of the owner.

Urban Forestry and Horticulture Section, Public Works Department

Urban Forestry has advised that the proposed development would only impact one existing municipal tree asset located on the road allowance and no other trees are located on the property. There is also the requirement for street tree planting that would apply. Both matters can be addressed by a Landscaping Plan which incorporates a Tree Management Plan at the Site Plan Approval stage.

Infrastructure Planning, Public Works Department

Public Works has noted that there is a combined sewer system that is available for wastewater collection which is considered to be capacity deficient for wastewater and uncontrolled stormwater conveyance under current City guidelines. Stormwater would need to be directed towards the dedicated municipal storm sewer on Sherman Avenue North.

If the owner wishes to discharge the rear yards to the drainage system located within the existing alleyway, west and north of the site, it will be necessary to disconnect the storm sewer within the alleyway from its current outlet to the combined storm sewer on Sherman Avenue North, and to reconnect it to the dedicated storm system also on Sherman Avenue North. Drainage will be further examined at the Site Plan Approval stage.

The estimated wastewater volume generated for the proposed development of 8000 litres per day would be acceptable to Public Works.

Concerning water services, the proposal would also be acceptable to Public Works for domestic and fire flow capabilities. The applicant's Functional Servicing Report was considered to be acceptable for this proposal.

Public Consultation

In accordance with Council's Public Participation Policy, the Zoning By-law Amendment application was pre-circulated to all property owners within 120 m on July 10, 2015 and a notification sign was posted on the site. A total of 265 notices were circulated. There were no submissions received from the public for the proposed application.

Notice of the Public Meeting was given on December 18, 2015 in accordance with the requirements of the *Planning Act* through the circulation to property owners within 120 m of the subject lands and through the posting and subsequent updating of a notification sign on the property. The Public Meeting notification included the requirement for the UHOP Amendment.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposed Official Plan Amendment and Zoning By-law Amendment application has merit and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe, in terms of intensification and the provision of affordable housing;

- (ii) It complies with the general intent of the Urban Hamilton Official Plan, subject to approval of the proposed Official Plan Amendment;
 - (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 a compact and efficient urban form, affordable housing and enhanced streetscape.
2. The UHOP Amendment to allow the maximum density for the proposed street townhouse development to be 70 units per net residential hectare was evaluated and is supportable based on the following merits:
- (i) The increase in density above the current requirement of 60 units per net residential hectare is very slight amounting to the difference of only one dwelling unit (i.e. four units would have a net residential density of 54.8 units which complies with the UHOP requirement for low density residential);
 - (ii) The increase in density does not create any compatibility issues with adjacent dwellings to the south or with commercial and mixed use development to the north. The proposed street townhouses would have similar lot frontages to that of existing single and semi detached dwellings along Sherman Avenue North. The most southerly street townhouse unit would provide for a side yard setback which is also consistent with existing development. Similarly, the increase in density would not negatively affect the design of the proposal; and,
 - (iii) The increased density provides for an additional unit of affordable housing within a priority neighbourhood. This is explained in greater detail in the section below.

Based on the foregoing, staff support the proposed UHOP Amendment.

3. The following matters were also examined in the review of the overall proposal:

(i) Affordable Housing

The proposal by Hamilton Habitat for Humanity provides a small-scale but effective strategy to provide affordable housing in the Gibson Neighbourhood through the redevelopment of an underutilized property. A document entitled “Examining the Housing and Homelessness

Environment in Hamilton, October, 2011” identified the following challenges concerning affordable housing and homelessness:

- There are 5,400 households on the waiting list for social housing, which is expected to double in 10 years, if housing affordability outcome targets are not achieved;
- Approximately 5,653 individual men, women and children sleep in an emergency shelter in Hamilton, in one year;
- 21% of renter households pay more than 50% of their income on rent, when 30% is considered to be a critical amount; and,
- There are 15% of people in the City with a core housing need.

The proposal, while small scale, is important in providing affordable housing in recognition of this important community need. The proposed development will serve families within the Gibson Neighbourhood which is recognized as a “Priority Neighbourhood” under the Neighbourhood Action Strategy. More specifically, the site is located within the area that falls under the South Sherman Neighbourhood Action Plan. An action plan for affordable housing is important, as approximately 50% of residents in this area are required to pay more than 30% of their income for rent and housing.

To ensure affordability for the future purchasers of these units, staff have taken into consideration the potential for additional costs so that the units remain affordable.

For this reason, the development of the subject property as a condominium was not pursued by the applicant because of additional costs through monthly condominium fees that would be incurred for the future owners. Staff also recognize the importance of optimizing convenience and ease of access to the dwellings and minimizing downstream costs for future owners such as those associated with winter maintenance. For these reasons, staff support the use of driveways in the front yard to minimize future costs and inconveniences.

(ii) Neighbourhood Character, Streetscape and Urban Design Issues

Staff are satisfied that the proposed development would not negatively affect the existing neighbourhood character and streetscape. However, the option of having driveways accessible from the rear laneway was explored because of the UHOP policies provided in E.3.3.1 and E.3.4.1 which support enhanced streetscape and access that is not directly along an arterial road. The current streetscape is comprised of very narrow fitting

older single and semi detached dwellings which were designed for rear lane access, but which have been disturbed by the introduction of random driveways and front yard parking which require encroachments. This has created an uneven streetscape for the properties to the south along Sherman Avenue North, since many of the yards have been modified for parking purposes and are not landscaped.

The proposal would allow for the introduction of a complementary housing form that would establish a modest change in the front yard setbacks which would contribute to a more lively and animated streetscape. The front yards would allow for deeper landscaped areas between driveways that would be subject to Site Plan Approval to ensure the creation of an attractive streetscape.

From a design standpoint, the width of the driveways would also be reduced slightly to allow for a reasonable balance with the landscaped areas.

(iii) Traffic, Parking and Access

While initially the proposed front yard driveways were of concern because of UHOP policies which discourage direct driveway access from arterial roads for low density residential uses, it was determined through further review that the proposal provides several unique attributes that are acceptable to staff.

In addition to the importance of convenient access to the dwellings with the use of front yard driveways, it has been noted that the increased building setbacks and driveway lengths would provide an increased measure of safety for egress. In this regard, the individual driveway parking spaces would be setback about 3 m from the sidewalk so that pedestrian safety would be improved from the current situation of having driveways provided to the edge of the sidewalk (Appendix "D").

Secondly, the current use of street parking by permit for properties to the south in the adjacent curb lane would provide a means for vehicles to enter Sherman Avenue North, as traffic would be typically limited to the other two travel lanes. Permit parking will likely remain in effect on Sherman Avenue North to facilitate safe access to the proposed driveways.

In addition, the use of one-way traffic and the location of the subject property close to the intersection of Barton Street East, also contribute to the provision of accessibility for the units from Sherman Avenue North.

Corridor Management advised that there are no traffic issues with respect to the proposed development and have no concerns with the proposed driveways.

The proposed parking of one space per unit would meet the requirements of the Hamilton Zoning By-law No. 6593 and would likely be adequate for the proposed purchasers. Visitor parking would not be available on the property or along Sherman Avenue North. However, metered parking for visitors is available on Barton Street East to the north and a municipal parking lot is also located further to the north, less than 100 m from the proposed street townhouses.

(iv) Road Widenings

The potential requirement for a 3 m widening on Sherman Avenue North was examined and it was determined by Public Works Staff that a widening of this extent would not be applied to the subject property because of the existing built form along Sherman Avenue North and because it would reduce the size and design of the proposal. A 3 m x 3 m widening for a daylighting triangle for the northeast corner of the property at the intersection of the laneway would be addressed at the Site Plan Approval stage.

(v) Servicing

Public Works Staff have identified that the combined sewer system is available on Sherman Avenue North for collection of wastewater from the five proposed townhouse units. The system is capacity-deficient for both wastewater and uncontrolled storm water conveyance under current City guidelines.

It is recommended at the Site Plan Approval stage that this facility be disconnected from the combined sewer and connected to the storm trunk sewer on Sherman Avenue North, to offset the increase in wastewater generation.

The applicant's Functional Servicing Report was considered to be acceptable and there are no servicing issues with respect to wastewater and water services for the proposed development.

(vi) Removal of a Parking Lot

The proposed development would result in the removal of a commercial parking lot that is no longer in use, which is supported in the UHOP as a means to reduce dependency on motor vehicles, improved aesthetics and urban design and also in the reduction of hard surface areas as a strategy for climate change.

Therefore, staff are satisfied that the above-noted issues have been reviewed and that the applications can be supported.

4. The proposed Site-Specific “RT-30” District with special exceptions is explained in further detail below. As noted, the proposal would meet the standard “RT-30” District provisions with respect to building height (i.e. 11.0 m or three storeys), rear yard setbacks (i.e. 7.5 m) and dwelling unit placement (i.e. maximum eight units in a row). Variances are required for the following:

	By-law Provision	Standard Provision	Requested Provision
(i)	Lot Area (min.)	180 sq. m	130 sq. m
(ii)	Front Yard (min.)	6.0 m	5.8m
(iii)	Lot Width (Frontage) (min.)	6.5 m	4.8 m – Interior 6.0 m – End Unit
(iv)	Side Yard (min.)	3.0 m	1.10 m, except 0m along common wall
(v)	Front Yard Parking	Not permitted within the front yard	Permitted within the front yard
(vi)	Min. Manoeuvring space for a driveway parking space	6.0 m	0.0 m
(vii)	Min. width of an access driveway	3.0 m	2.6 m
(viii)	Location of accessory structures in the rear yard	They are permitted as an attachment to the dwelling or subject to principle dwelling setbacks	0.0 m along the common side lot line abutting a common party wall and 5.3 m from a rear lot line
(ix)	Min. parking space size	2.7 m x 6.0 m	2.6 m x 5.8 m

Minimum Lot Area

The requested modification to the minimum lot area to permit 130 sq m is reasonable and consistent with other recent street townhouses that have been approved in the City which have a compact design. The reduced lot area would allow for street townhouse units which have suitable setbacks for parking, front yard landscaping and rear yard amenity areas. The reduced lot areas also apply to the interior units which are slightly narrower, with the end units being slightly larger (i.e. 152 - 162 sq m). The request is consistent with the pattern of lots with small frontages in the surrounding area. Staff support the requested modification.

Minimum Front Yard

The requested modification to permit a minimum front yard of 5.8 m instead of 6.0 m is very minor and is required to address the proposed street townhouse design in which the front porches are supported by concrete block walls rather than columns, in which case the principal front yard requirements would apply. The reduced setbacks would be able to accommodate a single parking space. Staff support the requested modification.

Minimum Lot Frontage

The requested modification to permit the minimum lot frontage to be 4.8 m is reasonable and consistent with the zoning for new street townhouses in the City to achieve a more compact lot design. The required lot width of 6.0 m would be achieved for the two end units but would be reduced to 4.8 m for the three interior units. As noted, the reduction would not diminish the provision of suitable parking and landscaping areas to create an attractive streetscape. As noted, this modification is consistent with the existing pattern of narrow lots in this neighbourhood. Staff support the requested modification.

Minimum Side Yard

The requested modification to the minimum side yard to require a 1.10 m side yard would provide for suitable access into the rear yards for the end units and would generally be consistent with the side yards of existing dwellings along Sherman Avenue North. Staff support the requested modification.

Minimum Manoeuvring Space, Driveway Width and Parking Space Size

The requested modifications are required to accommodate a single parking space within the driveway as the units do not contain garages. The required manoeuvring space is 6 m in length for a 90 degree parking space. Modifications to permit reduced driveway width and parking space dimensions from 2.7 m x

6.0 m to 2.6 m x 5.8 m are required based on the proposed design. Staff support the change because the proposal would allow for adequate parking and further manoeuvring areas within the driveway would result in setbacks of approximately 12 m which would affect the overall design.

Accessory Structures in Rear Yard

This modification is being added to accommodate the request to have sheds in the rear yards along the side property lines (i.e. 0 m side yard). Hamilton Zoning By-law No. 6593 requires sheds and decks that are not attached to the dwelling to be subject to the same setbacks as the principle dwelling (i.e. 7.5 m for rear yard and 2.0 m for side yard). The modification would allow for the use of the rear yard amenity areas to be maximized consistent with the Conceptual Site Plan provided in Appendix "D". Staff support the requested modification.

Holding Provisions

The Amending By-law will also include a Holding Provision to address requirements for a Record of Site Condition and Noise Assessment as discussed previously in this Report. These matters will be required to be addressed prior to the development of the site.

5. The proposal would be subject to Site Plan Approval which would allow for a detailed review of the development including matters such as conformity to the approved zoning, grading, stormwater management, landscaping, access, parking, fencing and building design.

Following Site Plan Approval, the applicant may apply to the Committee of Adjustment for consent applications (i.e. four consents) to allow for the creation and sale of the individual street townhouse lots.

ALTERNATIVES FOR CONSIDERATION

Should the proposed UHOP Amendment and Zoning By-law Amendment applications be denied, the property could continue to be used as a public parking lot under the "G-3" (Public Parking Lot) District.

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.
- 1.6 Enhance Overall Sustainability (financial, economic, social and environmental).

Strategic Priority #3

Leadership & Governance

WE work together to ensure we are a government that is respectful towards each other and that the community has confidence and trust in

APPENDICES AND SCHEDULES ATTACHED

- Appendix “A”: Location Map
- Appendix “B”: Draft Urban Hamilton Official Plan Amendment
- Appendix “C”: Draft Amending Zoning to Hamilton By-law No. 6593
- Appendix “D”: Conceptual Site Plan
- Appendix “E”: Proposed Elevation Plans
- Appendix “F”: Proposed Floor Plans
- Appendix “G”: Concept Provided at Formal Consultation Stage with Condominium Parking
- Appendix “H”: Photos of Property and Neighbourhood

CT/th