



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	January 17, 2017
SUBJECT/REPORT NO:	Proposed Zoning By-law Amendment Application for Lands Located at 10 Dennis Avenue, Flamborough (PED17009) (Ward 15)
WARD(S) AFFECTED:	Ward 15
PREPARED BY:	Delia McPhail (905) 546-2424 Ext. 6663 Steve Robichaud Director of Planning and Chief Planner
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Zoning By-law Amendment Application ZAC-16-050 by Habitat for Humanity (Owner)**, for a change in zoning from the Urban Residential (Single Detached) "R1-35" Zone, Modified, to the Medium Density Residential "R6-45" Zone, Modified, to permit three street townhouse dwellings on lands located at 10 Dennis Avenue, Flamborough, as shown on Appendix "A" to Report PED17009, be **APPROVED** on the following basis:

- (a) That the draft By-law, attached as Appendix "B" to Report PED17009, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the lands referred to in the draft By-law, attached as Appendix "B" to Report PED17009, be added to Schedule A-30 of Zoning By-law No. 90-145-Z; and,
- (c) That the proposed change in Zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe, and complies with the Urban Hamilton Official Plan.

EXECUTIVE SUMMARY

The purpose of this Zoning By-law Amendment Application is to rezone the subject lands in order to permit the development of three street townhouse dwellings, as shown on Appendix “C” to Report PED17009. The proposed development is subject to Site Plan Control and individual lots may be created through future Consent Applications.

The proposed change in Zoning has merit and can be supported as it is consistent with the Provincial Policy Statement (2014), conforms to Places to Grow, complies with the Urban Hamilton Official Plan, is compatible with the existing character of development in the neighbourhood, and will provide the opportunity to increase the supply of affordable housing in the Waterdown area.

Alternatives for Consideration – See Page 19

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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

HISTORICAL BACKGROUND

The subject property is located at the south east corner of the intersection of Dundas Street East and Dennis Avenue in Flamborough and is currently vacant. The property was severed and rezoned to a site specific Urban Residential (Single Detached) “R1-35” Zone, Modified, in 2007; however, a single detached dwelling was never constructed on the property.

Proposal:

The current owner, Habitat for Humanity, is proposing to construct three two-storey townhouse units that will front onto and have access to Dennis Avenue. The townhouse units will be freehold lots created by future severances. The proposed tenure is for affordable ownership units (i.e., affordable mortgages and volunteer capital in lieu of down payments) and will contribute to the provision of affordable housing in the City of Hamilton.

The applicant has applied for an amendment to Zoning By-law No. 90-145-Z to change the Zoning from Urban Residential “R1-35” Zone, Modified, to Medium Density Residential “R6-45” Zone, Modified, to permit the proposed street townhouses.

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Chronology:

July 26, 2016: Zoning By-law Amendment Application ZAC-16-042 received.

September 6, 2016: Application deemed complete.

September 20, 2016: Notice of Complete Application and Preliminary Circulation is mailed to 46 property owners within 120 m of the subject lands.

September 20, 2016: Public Notice Sign erected on the subject lands.

October 20, 2016: Revised Site Plan, Floor Plans, Elevations and Functional Servicing Report received.

October 28, 2016: Revised Tree Protection Plan received.

December 7, 2016: Public Notice sign updated with the Public Meeting date.

December 16, 2016: Circulation of Notice of Public Meeting to 46 property owners within 120 m of the subject lands.

Details of Submitted Application

Owner/Applicant: Habitat for Humanity (c/o Sean Ferris)

Agent: IBI Group Inc. (c/o Tracy Tucker)

Location: 10 Dennis Avenue (Flamborough)

Description:

<u>Frontage:</u>	+/-	15.2 m (Dennis Avenue)
<u>Depth:</u>	+/-	30.4 m
<u>Lot Area:</u>	+/-	788.7 ha

Services: Full Municipal Services

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Vacant	Urban Residential (Single Detached) “R1-35” Zone, Modified.
<u>Surrounding Lands:</u>		
North	Single Detached Dwellings	Urban Residential (Single Detached) “R1-32” Zone, Modified and Urban Residential (Single Detached) “R1-33” Zone, Modified.
South	Single Detached Dwellings	Urban Residential (Single Detached) “R1-6” Zone, Modified.
West	Single Detached Dwellings	Urban Residential (Single Detached) “R1-6” Zone, Modified.
East	Single Detached Dwellings	Urban Residential (Single Detached) “R1-35” Zone, Modified.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Policy Framework

The Provincial Planning Policy Framework is established through the *Planning Act* (Section 3), the Provincial Policy Statement (PPS 2014), the Growth Plan for the Greater Golden Horseshoe (the Growth Plan) and the Greenbelt Plan. The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS. The *Places to Grow Act* requires that all municipal land use decisions made under the *Planning Act* conform to the Growth Plan.

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Municipal Board approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest (e.g. efficiency of land use, balanced growth and environmental protection) are reviewed and discussed in the Urban Hamilton Official Plan analysis below.

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As the application for a change in zoning complies with the Urban Hamilton Official Plan, it is staff's opinion that the application is:

- consistent with Section 3 of the *Planning Act*;
- consistent with the Provincial Policy Statement (2014); and,
- conforms to the Growth Plan for the Greater Golden Horseshoe.

Urban Hamilton Official Plan (UHOP)

The subject lands are identified and designated "Neighbourhoods" on Schedules "E" and "E-1". The following policies, amongst others, apply:

Neighbourhoods

- "E.3.2.1 Areas designated Neighbourhoods shall function as complete communities, including the full range of residential dwelling types and densities as well as supporting uses intended to serve the local residents.
- 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.
- E.3.2.4 The existing character of established Neighbourhoods designated areas shall be maintained. Residential intensification within these areas shall enhance and be compatible with the scale and character of the existing residential neighbourhood in accordance with Section B.2.4 – Residential Intensification and other applicable policies of this Plan.
- 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.
- E.3.4.3 Uses permitted in low density residential areas include single-detached, semi-detached, duplex, triplex, and street townhouse dwellings."

Policies E.3.2.1 and E.3.2.3 indicate that a range of housing types and densities are permitted within the Neighbourhoods designation, with Policy E.3.3.1 directing higher density dwelling forms along the periphery of neighbourhoods. The proposed development is located on a corner site with flankage along a major arterial road (Dundas Street East). Policy E.3.4.3 identifies street townhouse dwellings as uses permitted within low density residential areas and staff are satisfied that the existing

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character of the surrounding neighbourhood will be maintained. Therefore, the proposed development is in keeping with the above policies.

Residential Intensification

Within Chapter “B”, residential intensification is identified as a key component of the City’s strategy to meet its growth targets, and one that requires careful consideration to design and compatibility with existing uses, in order to promote good planning and avoid unacceptable impacts. Within the Neighbourhoods Designation, the following residential intensification policies apply:

- “B.2.4.1.1 Residential intensification shall be encouraged throughout the entire built-up area in accordance with the policies of Chapter E – Urban Systems and Designations and Chapter F – Implementation.
- B.2.4.1.4 Residential intensification developments shall be evaluated based on the following criteria:
- a) A balanced evaluation of the criteria in b) through g) as follows;
 - b) The relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;
 - c) The development’s contribution to maintaining and achieving a range of dwelling types and tenures;
 - d) The compatible integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;
 - e) The development’s contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;
 - f) Infrastructure and transportation capacity; and,
 - g) The ability of the development to comply with all applicable policies.
- B.2.4.2.1 Residential intensification within lands designated Neighbourhoods identified on Schedule E-1 - Urban Land Use Designations shall comply with Section E.3.0 – Neighbourhoods Designation.

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 relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;
- f) The provision of amenity space and the relationship to existing patterns of private and public amenity space;
- g) The ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;
- h) The ability to complement the existing functions of the neighbourhood;
- i) The conservation of *cultural heritage resources*; and,
- j) Infrastructure and transportation capacity and impacts.”

The above policies recognize that, while residential intensification is encouraged throughout the built-up area, there are specific criteria that must be considered when determining compatibility with the surrounding neighbourhood. In consideration of the relationship of the proposed development to the surrounding neighbourhood, staff are satisfied that the future street townhouse dwellings will result in residential intensification that will complement the existing scale and function of the neighbourhood, as per the criteria contained in Policy B.2.4.1.4. The proposal will contribute to the provision of a range of dwelling types and tenures within the neighbourhood and, although the height of the proposed street townhouses are two storeys in height, staff are satisfied that the proposed development will not result in nuisance effects, such as shadowing, overlook and noise, as per Policy B.2.4.2.2.

In terms of residential intensification within the Neighbourhoods designation, staff note that the subject lands are located at the periphery of a residential neighbourhood, which is characterized by lots with frontages ranging between 22 m and 30 m and areas ranging between 652 sq m and 1,861 sq m. Staff recognize that the redevelopment of other lands along Dundas Street East for townhouse dwellings has taken place, which is an appropriate form of intensification within the area. Although the Concept Plan attached as Appendix “C” to PED17009 will alter the immediate streetscape along Dennis Avenue, the location of the subject lands at the periphery of the neighbourhood will not interrupt the streetscape, but the proposed development will respect the setbacks and building separations, in keeping with the matters listed in Policy B.2.4.2.2.

Policies B.2.4.1.4 f) and B.2.4.2.2 j), above, raise transportation impacts and infrastructure capacity when considering proposals for intensification. Staff recognize that the subject proposal is for the development of three street townhouse dwellings and transportation impacts are not expected. Staff are satisfied that there is sufficient capacity within the public watermain along Dennis Avenue, as well as the municipal storm, and sanitary sewers available along Dundas Street East to service the proposed development. Through a future Site Plan Control Application, the applicant will be required to connect to these services and address other matters, as discussed in the Analysis and Rationale for Recommendation Section, below.

Built Form and Neighbourhood Character

Ensuring that new development is compatible with, and enhances, the character of the existing environment and locale is one of the urban design goals identified within Section B.3.3 of the UHOP. Another goal identified is the promotion of intensification that is appropriate and is compatible in form and function to the character of the existing neighbourhood. As Section B.3.3.3 points out, built form shapes the visual qualities of streets and each building contributes to its neighbourhood character. Therefore, it is important to consider the subject proposal in such terms.

“B.3.3.3 Built form shapes the visual qualities of streets and open spaces but also affects how the public spaces around buildings are used, experienced, and perceived. Our city is built one building at a time and each building contributes to the overall design of the City, therefore attention to each building is an important step in the city building process. Built form plays a large role in defining the character of an area. New development shall serve to maintain and support existing character, or create and promote the evolution of the character in areas where transformations are appropriate and planned.

B.3.3.3.3 New development shall be massed to respect existing and planned street proportions.

B.3.3.3.4 New development shall define the street through consistent setbacks and building elevations. Design directions for setbacks and heights are found in Chapter E – Urban Systems and Designations and in the Zoning By-law.”

A reduction to the exterior and interior side yard setbacks is proposed for the street townhouse units, due to the impact of the visibility triangle located at the corner of Dennis Avenue and Dundas Street East. However, staff are satisfied that the proposed reductions are still in keeping with the character of the immediate neighbourhood. Staff note that, as per the Concept Plan attached as Appendix “C” to PED17009, the minimum rear yard for the easterly unit will be 9.22 m, which is less than the rear yard setback of the existing single detached dwelling on the lands to the east. Although the proposed street townhouses are two storeys in height, whereas the adjacent single detached dwelling is one and a half storeys, staff are satisfied that the proposed height is in keeping with the character of the neighbourhood, which has a range of building heights.

Furthermore, through the review and approval of building elevations through Site Plan Control, the proposed development will respect the privacy of the adjacent single detached dwelling, as well as the built form of the existing neighbourhood, in terms of massing and setbacks, as per Policies B.3.3.3.2 to B.3.3.3.4.

The following urban design policies also refer to the concept of built form and neighbourhood character, when considering proposals for new development and redevelopment:

“B.3.3.2.3 Urban design should foster a sense of community pride and identity by:

- a) respecting existing character, development patterns, built form, and landscape;
- b) promoting quality design consistent with the locale and surrounding environment; and,
- f) demonstrating sensitivity toward community identity through an understanding of the character of a place, context and setting in both the public and private realm.

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; and,
- d) complementing the existing massing patterns, rhythm, character, colour, and surrounding context.”

As identified on the proposed Concept Plan and Building Elevations, attached as Appendices “C” and “D” to Report PED17009, the proposed development respects the existing character of the neighbourhood through compatible building heights and setbacks, which will complement the existing massing patterns and rhythm of the surrounding context, in keeping with the policies referenced above. The final design will be further reviewed through the Site Plan Control process.

Urban Housing Goals

To ensure that housing is available for all residents with a wide variety of needs, there must be as sufficient supply of housing with a range of housing types, forms, tenures, densities, affordability levels, and housing with support services. The following Housing goals are applicable to the Urban Area and 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 will provide identified affordable housing to serve households and families who are most in need within the Waterdown area. The agency, Habitat for Humanity, is a 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 affordable housing to the area, which is currently underserved.

Noise Policies

As Dundas Street East is identified as a “Major Arterial Road” on Schedule “C” – Functional Road Classification, the following policies related to noise from roads (traffic) also apply, as it has the potential to negatively impact the quality of life of residents:

- “B.3.6.3.1 Development of noise sensitive land uses, in the vicinity of provincial highways, parkways, minor or major arterial roads, collector roads, truck routes, railway lines, railway yards, airports, or other uses considered to be noise generators shall comply with all applicable provincial and municipal guidelines and standards; and,
- B.3.6.3.2 Any required noise or vibration study shall be prepared by a qualified professional, preferably a professional engineer with experience in environmental acoustics, in accordance with recognized noise and vibration measurement and prediction techniques, to the satisfaction of the City, and in accordance with all applicable guidelines and standards.”

In keeping with the above policies, the applicant submitted an Environmental Noise Impact Study by a qualified consultant that recommended the installation of noise barriers and an acoustical gate, as well as the inclusion of warning clauses in all offers of purchase and sale for all dwelling units, advising prospective purchasers / tenants that noise levels exceed the Ministry of Environment’s noise criteria. These requirements will be implemented through Site Plan Control. Therefore, Policies B.3.6.3.1 and B.3.6.3.2 have been satisfied.

Archaeology

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

- a) Within 250 m of known archaeological sites; and,
- b) Along historic transportation routes.

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the *Provincial Policy Statement* apply to the subject application.

An archaeological assessment was not submitted with the application. As such, this requirement will be a condition of the future Site Plan approval for the proposed development.

Based on the foregoing, the proposal complies with the UHOP.

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. Staff note that the proposed development would be consistent with the general intent of this Action Plan, by providing increasing home ownership opportunities for less fortunate families in the Waterdown area.

Flamborough Zoning By-law No. 90-145-Z

The subject lands are currently zoned Residential (Single Detached) “R1-35” Zone, Modified, in the Town of Flamborough Zoning By-law No. 90-145-Z, as shown on Appendix “A” to Report PED17009. The Residential (Single Detached) “R1-35” Zone, Modified allows for a single detached dwelling, accessory buildings and structures.

The proposed Zoning By-law Amendment will allow for the development of three street townhouse dwellings on the subject lands, in accordance with the Medium Density Residential “R6-45” Zone, Modified. The proposed zoning and the site specific modifications are discussed in greater detail in the Analysis and Rationale Section of this Report.

RELEVANT CONSULTATION

The following internal departments and external agencies had no comments or objections to the application:

- Niagara Escarpment Commission;
- Conservation Halton;
- Capital Budget Project Coordination (Public Works Department);
- Capital Budget Projects (Public Works Department);
- Trails, Parks, and Open Space (Public Works Department);
- Public Health Protection Division (Public Health Services);
- Operations Division (Public Works Department);
- Recreation Division (Community and Emergency Services Department); and,
- Horizon Utilities.

The following internal departments and external agencies had comments on the application:

Urban Forestry and Horticulture Section (Public Works Department)

Urban Forestry staff advised that there are no municipal assets located within the right-of-way adjacent to the subject lands. The applicant will be required to submit a detailed Landscape Plan, prepared by a Registered Landscape Architect, showing the placement of trees either within the private property limits or the public right-of-way. Furthermore, the applicant will be required to provide payment of \$590.00 plus HST per tree for road allowance trees to be planted by the City of Hamilton, as approved through the review of a proposed street tree planting scheme. These requirements will be addressed as a condition of Site Plan Approval for the proposed development, as referenced in Paragraph # 7 of the Analysis and Rationale for Recommendation Section, below.

Transportation Management (Public Works Department)

Transportation Management staff advised that Dundas Street East has an ultimate right-of-way width of 36.576 to 45.72 m, and that the existing limit to the west of the subject land is 42.675 and the east limit is 39.624 m. In order to avoid a jog in the streetline, staff recommend that the ultimate right-of-way width adjacent to the subject lands be 42.675 m, which would result in a road widening of 1.5 m (5 ft) to be dedicated to the City of Hamilton. This requirement will be addressed as a condition of Site Plan Approval for the proposed development, as referenced in Paragraph # 7 of the Analysis and Rationale for Recommendation Section, below. The proposed development and implementing Zoning By-law has taken into consideration the required road widening, which has been identified on the Concept Plan, attached as Appendix "C" to Report PED17009.

Corridor Management Section (Public Works Department)

Corridor Management staff recognize that, in order for the proposed development to proceed, the applicant will need to apply for and receive approval of a reduction to the existing daylight triangle at the southeast corner of Dundas Street East and Dennis Avenue, which has already been dedicated to the City. Corridor Management staff support the proposed reduction to the daylight triangle from 15.25 m by 15.25 m to 12.0 m by 12.0 m, which is identified on the Concept Plan, attached as Appendix "C" to Report PED17009.

Public Consultation

In accordance with *The Smart Growth for Our Communities Act, 2015* (Bill 73), the applicant undertook a two-phase strategy for consultation with the public, beginning with

the hand-delivery of a letter to seven neighbours in the immediate vicinity prior to submitting the Zoning By-law Amendment Application. The letter informed residents of the proposed development of three street townhouse dwellings on the subject property, one of which to accommodate wheelchair accessibility on the ground floor. The letter also included a brief summary of the public notice requirements of the *Planning Act*. The second phase is a proposal for a Neighbourhood Information Meeting to be held at the Hamilton Public Library – Waterdown Branch, as suggested by the Ward Councillor, who has offered to host the meeting following Planning Committee's consideration of the proposed Zoning By-law Amendment Application.

In accordance with Council's Public Participation Policy, the proposal was circulated as part of the Notice of Complete Application to 46 property owners within 120 m. of the subject lands on September 20, 2016. No submissions from the public on the proposed Zoning By-law Amendment have been received to date.

Notice of the Public Meeting will be given on December 16, 2016, in accordance with the requirements of the *Planning Act*.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

- 1) The proposal has merit and can be supported for the following reasons:
 - i) It is consistent with the PPS (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and complies with the Urban Hamilton Official Plan; and,
 - ii) It is considered to be compatible with the existing planned development of the surrounding area and represents good planning by, among other things, providing a compact and efficient urban form.
- 2) The proposal by Hamilton Habitat for Humanity presents a strategy to provide affordable housing in the Waterdown area through the redevelopment of an underutilized vacant property.

On December 11, 2013, Hamilton City Council approved Hamilton's Housing and Homelessness Action Plan ("Action Plan"), which is a ten year plan that guides decision making on how the Hamilton community addresses affordable housing and homelessness issues. Outcome 1 of the Action Plan states "There is more affordable rental and ownership housing in Hamilton to help meet the need and demand" and the "Target applied to this Outcome is the creation of 300 new affordable rental housing units per year, of which:

- at least 25% in areas not adequately served by affordable housing;
- at least 10% for persons with disabilities;

- at least 10% for large families;
- at least 50% that meet deep affordability (affordable to households up to the 40th income percentile); and,
- at least 10% attached to housing supports.”

The proposal, while small scale, is important in providing affordable housing in recognition of this important community need. To ensure affordability for the future purchasers of these units, the applicant has 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.

- 3) The applicant has requested an amendment to the Flamborough Zoning By-law No. 90-145-Z to rezone the subject lands from the Urban Residential (Single Detached) “R1-35” Zone, Modified, to the Medium Density Residential “R6-45” Zone, Modified, which will allow the proposed development of three street townhouses to proceed, as shown in Appendix “C” to Report PED17009.

The Draft Implementing By-law, attached as Appendix “B” to Report PED17009, incorporates the required modifications to the Medium Density Residential “R6 Zone, in order to allow the proposed development to proceed. As the Medium Density Residential “R6 Zone permits a range of dwelling forms, the Draft Implementing By-law, attached as Appendix “B” to Report PED17009, restricts the development of the land to street townhouse dwelling units. An analysis of each modification is provided in the table, below.

Provision	“R6” Zone	“R6-45” Zone
Lot Area (Minimum)	210 sq m	205 sq m
Rear Yard (Minimum)	7.5 m	7.5 m, except 5.4 m for a corner lot.
Interior Side Yard (Minimum)	3.0 m, except in the common interior side.	1.5 m for an end unit, except 0.0 m for common interior wall.
Exterior Side Yard (Minimum)	7.5 m	3.75 m
Yard Encroachments (Maximum)	Balconies, canopies, awnings, steps or unenclosed porches may encroach 1.5 m into the required front, required rear and required exterior side yards	An unenclosed porch may encroach 2.5 m into the required exterior side yard.

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Planting Strip	No minimum requirement.	Not required.
Location of Parking on a Lot	In all Residential zones, required parking spaces shall be prohibited within the required front yard.	Required parking spaces shall be permitted within the front yard.

Staff are satisfied that the proposed modification to the Lot Area requirement that reduces the minimum lot area by 5 sq m is considered to be minor in nature and can be supported. Through the Site Plan review of the proposed development, consideration will be given to whether permeable pavers may be installed along driveways, in order to increase infiltration.

The applicant has requested a 2.1 m reduction to the minimum rear yard requirement from 7.5 m to 5.4 m. Staff note that the Concept Plan, attached as Appendix “C” to Report PED17009, depicts the westerly end unit having a rear yard setback of 5.43 m and a deck that encroaches 2.5 m into the rear yard, while the remaining units having a rear yard setback of approximately 9 m. Staff acknowledge that the proposed reduction has been included to address the setback of the westerly unit, as it is intended to be accessible by providing living, kitchen, washroom and bedroom facilities on the ground floor. Staff also note that the reduction to the rear yard is also the result of the shifting of the proposed street townhouse dwellings to a suitable distance from the daylight triangle, in order to provide adequate driveway width for the westerly unit. Therefore, staff supports of the proposed modification.

The applicant has requested a minimum interior side yard of 1.5 m, whereas the By-law requires 3.0 m. Staff is satisfied that the proposed interior side yard setback will allow for the proper drainage of stormwater on the property and that the proposed development will be compatible with the surrounding neighbourhood.

The proposed reduction to the exterior side yard requirement from 7.5 m to 3.75 m is due to the configuration of the accessible westerly end unit, adjacent to Dundas Street East. Staff are satisfied that the proposed reduction to the exterior side yard requirement can be supported, as the elevation of that unit addresses the street through the projection of a portion of the building, as well as a change in roofline and window treatment. In order to provide further enhancement to the westerly elevation and wheelchair accessibility, a 2.5 m encroachment of the unenclosed porch into the required exterior side yard has been included as an additional modification and is supported by staff. The final design will be further reviewed through the Site Plan Control process.

A planting strip is an area of the lot located adjacent to a lot line that is to be used as open space for the purpose of providing a buffer between uses and enhancing the appearance of the lot. The General Provisions contained within Section 5.12.2

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of the By-law requires a Planting Strip for the proposed development. As the proposal will be subject to Site Plan Control, staff is satisfied that through the review and approval of a Landscape Plan, sufficient buffering and landscaping will be provided. Therefore, staff support the proposed modification.

In Residential zones, the Zoning By-law prohibits the location of required parking spaces within the required Front Yard. However, the By-law allows additional parking within the required Front Yard, provided it is within a driveway that does not exceed 12.0 m in width. The intent of this provision is to accommodate additional parking spaces for visitors within the private property limits, without compromising the streetscape within residential neighbourhoods. As shown on the Concept Plan, attached as Appendix "C" to Report PED17009, the proposed street townhouse dwellings do not include a garage. Therefore, the two required parking spaces, each having dimensions of 2.6 m by 5.8 m, must be provided in front of the dwellings. Staff acknowledge that the proposed Front Yard setback for the street townhouse dwellings is 12.25 m, resulting in one required parking space encroaching into the required Front Yard and the second required parking space being entirely within the required Front Yard. Staff note that the proposed driveway depth would be able to accommodate a third (i.e. visitor) parking space between the private property limits and the limits of the existing roadway on Dennis Avenue. Given that the proposed development is intended to provide affordable housing to those in need, staff is satisfied that parking requirements for the proposed street townhouse dwelling units can be adequately provided for on-site and that the proposed modification will not adversely impact the streetscape. Therefore, staff support the proposed modification.

4. The applicant submitted a Functional Servicing Report (FSR), which has been completed to the satisfaction of staff. The FSR identified a 300 mm water main, a 250 mm sanitary sewer and a 525 mm storm sewer along Dundas Street East, as well as a 150 mm diameter water main and 250 mm sanitary sewer on Dennis Avenue. As the proposed townhouse dwellings will be individually owned, each unit must have independent water and sanitary sewer connections.

Staff note that site servicing, grading, erosion and sediment control plans and a stormwater management brief will be reviewed at the Site Plan Control stage of development.

Finally, staff note that the ultimate right-of-way width of Dundas Street East will be between 120 and 150 ft (36.576 m to 45.720 m), whereas the present width is 126 ft (38.400 m). Given recent road widenings in the area, a right-of-way widening dedication of 5 ft (1.524 m) will be required through the Site Plan Control process, as identified in Paragraph # 7, below, and has been identified in the Concept Plan, attached as Appendix "C" to Report PED17009.

5. Staff have reviewed the Tree Protection Plan, which identified two trees on the subject lands that will need to be removed, specifically a Willow (> 100 cm DBH, identified as hazardous) and a Sugar Maple (60 cm DBH). Both trees conflict with the design of the engineering works, which include the installation of swales, noise walls, and a retaining wall along the southerly and easterly property lines. Therefore, the removal of these trees is recommended and has been approved by staff.

The City's Tree Protection Guidelines requires a one for one compensation for any tree at least 10 cm in diameter at breast height that is proposed to be removed. Trees to be removed are required to be identified on a Landscape Plan. If there is not enough space to plant the trees required for compensation, whether on private property or within the public right-of-way, a cash-in-lieu payment for the removal of trees will be required.

The applicant will be required to submit and receive approval of a Landscape Plan through the Site Plan Control process, as identified in Paragraph # 7, below.

6. A 15.25 m by 15.25 m daylight triangle has already been dedicated to the City. A reduction to the existing daylight triangle at the south east corner of Dundas Street East and Dennis Avenue from 15.25 m by 15.25 m to 12.0 m by 12.0 m is required, in order to accommodate the proposed development and to provide sufficient building setbacks from the hypotenuse triangle. Therefore, a Road Allowance / Alley Closure Application will be required and will be included as a condition of the future Site Plan Approval for the proposed development. The proposed road closure will be reviewed and approved by the Public Works Committee, followed by Council's passage of a By-law to close that portion of the road. Corridor Management staff have indicated that they are supportive of the proposed reduction. It is noted that it is the City's practice to zone to the centre line of the right-of-way and, therefore, the lands to be conveyed to the applicant will be included in the implementing Zoning By-law.
7. In accordance with Site Plan Control By-law No. 15-176, the future development of street townhouse dwellings are subject to Site Plan Control, since the subject lands are not within a registered plan of subdivision for which the subdivision agreement is in full force and effect. The Site Plan process will review matters in greater detail, including grading, erosion and sedimentation control, stormwater management, servicing, road widening and road closure, the inclusion of warning clauses regarding noise, landscaping and building elevations.

Following Site Plan Approval, the applicant may apply to the Committee of Adjustment for two consents to allow for the creation of three individual street townhouse lots.

ALTERNATIVES FOR CONSIDERATION

Should the application be denied, the lands can continue to be used in accordance with the Urban Residential (Single Detached) “R1-35” Zone, Modified, which permits a single detached dwelling, accessory buildings and structures.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

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

Healthy and Safe Communities

Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.

APPENDICES AND SCHEDULES ATTACHED

- Appendix “A”: Location Map
- Appendix “B”: Draft By-law to Amend Zoning By-law No. 90-145-Z
- Appendix “C”: Concept Plan
- Appendix “D”: Elevations

:DM/mo