



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	June 5, 2018
SUBJECT/REPORT NO:	Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 15 Picardy Drive (Stoney Creek) (PED18114) (Ward 9)
WARD(S) AFFECTED:	Ward 9
PREPARED BY:	George T. Zajac (905) 546-2424 Ext. 1024
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Amended Urban Hamilton Official Plan Amendment Application UHOPA-16-013, by Trillium Housing Highbury Non-Profit Corporation (owner)**, to re-designate the subject lands from “Low Density Residential 2b” to “Low Density Residential 3c” within the West Mountain Area (Heritage Green) Secondary Plan, to permit 28 maisonettes and 43 street townhouse dwelling units for a total of 71 units on a private (condominium) road for lands located at 15 Picardy Drive, as shown on Appendix “A” to Report PED18114 be **APPROVED**, on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED18114, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed Amendment is consistent with the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe (2017).
- (b) That **Amended Zoning By-law Amendment Application ZAC-16-033 by Trillium Housing Highbury Non-Profit Corporation (owner)** for a change in zoning from the Neighbourhood Development “ND” Zone to the Multiple Residential (Holding) “RM3-63(H)” Zone, Modified, to permit 28 maisonettes and 43 street townhouse dwelling units for a total of 71 units on a private (condominium) road for lands located at 15 Picardy Drive, as shown on Appendix “A” to Report PED18114, be **APPROVED** on the following basis:

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- (i) That the draft By-law, attached as Appendix “C” to Report PED18114, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017) and will comply with the Urban Hamilton Official Plan upon finalization of Official Plan Amendment No. XX;
- (iii) That the amending By-law apply the Holding Provision of section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding symbol ‘H’ as a suffix to the proposed zoning.

The Holding Provision “RM3-63(H)” (Multiple Residential) Zone, Modified, be removed conditional upon:

- (a) The owner demonstrating that the existing sanitary sewer on Lormont Boulevard at Picardy Drive can be adequately upsized to provide sufficient capacity to meet City standards and to share in the upgrade costs for development greater than 40 units, to the satisfaction of the Senior Director, Growth Management.
- (b) City Council may remove the ‘H’ symbol and thereby give effect to the “RM3-63” (Multiple Residential) Zone, as amended by the special requirements of this By-law, by enactment of an amending By-law once the above condition has been fulfilled.

EXECUTIVE SUMMARY

The proposed Official Plan Amendment is to re-designate the subject lands from “Low Density Residential 2b” to “Low Density Residential 3c” within the West Mountain Area (Heritage Green) Secondary Plan of the Urban Hamilton Official Plan to permit 28 maisonette and 43 street townhouse dwelling units on a private (condominium) road with 26 visitor parking spaces and a 618 sq m parkette. In addition, the applicant is proposing this development as an affordable ownership development.

The proposed Zoning By-law Amendment to the former City of Stoney Creek Zoning By-law No. 3692-92 is to change the zoning of the subject lands from the Neighbourhood Development “ND” Zone to a modified Multiple Residential (Holding) “RM3” Zone (with site specific modifications, including to recognize the condominium road, lot area, lot frontage, front, side and rear yard setbacks, minimum privacy area, landscaped open space, visitor parking, dimensions of parking spaces, minimum distance of a parking space to a dwelling unit, location of unitary equipment, maximum lot coverage, density and building height to permit 28 maisonette and 43 street townhouse dwelling units on a

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private (condominium) road. A Holding provision has also been included to require the owner to demonstrate that the existing sanitary sewer on Lormont Boulevard at Picardy Drive can be adequately upsized to provide sufficient capacity to meet City standards and to share in the upgrade costs for development greater than 40 dwelling units, to the satisfaction of the Senior Director, Growth Management. The proposed Zoning By-law will allow for the development of 31 units while the Holding provision is in place.

The subject development is to be affordable units in accordance with the City of Hamilton's Municipal Housing Facilities By-law No. 16-233, in that the subject units are to be at least 10% below the median resale price for a similar unit in the City. The City of Hamilton will enter into a municipal housing project facility agreement with the applicant and the agreement may provide for assistance as provided for in subsection 110(3) of the *Municipal Act, 2001*, or tax exemptions as provided for in subsection 110(6) of the *Municipal Act, 2001*.

The proposed Official Plan and Zoning By-law Amendments have merit, and can be supported as they are consistent with the Provincial Policy Statement (2014), conform to the Growth Plan for the Greater Golden Horseshoe (2017), and comply with the Urban Hamilton Official Plan, as well as the West Mountain Area (Heritage Green) Secondary Plan, subject to the recommended Amendment.

Alternatives for Consideration – See Page 25

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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

HISTORICAL BACKGROUND

Proposal

The subject land, 15 Picardy Drive (Stoney Creek), is currently vacant, has an area of approximately 1.2 ha and is bounded by Picardy Drive to the west, existing residential to the south, residential currently under construction to the north and a vacant parcel of land to the east. Further to the west of Picardy Drive is Saltfleet High School. The proposed development is for a total of 71 units consisting of 28 three-storey maisonette units and 43 three-storey street townhouse dwelling units, with 26 visitor parking

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spaces. Seven of the maisonettes will front onto Picardy Drive, while the remaining units will be on a private (condominium) road.

The proposed amended Official Plan Amendment is to re-designate the subject lands from “Low Density Residential 2b” to “Low Density Residential 3c” within the West Mountain (Heritage Green) Secondary Plan of the Urban Hamilton Official Plan to permit the proposal. The subject proposal has a density of 59 units per net residential hectare. The original application for an Official Plan Amendment was to re-designate the subject lands from “Low Density Residential 2b” to the “Medium Density Residential 3” designation. Staff are of the opinion that the “Low Density Residential 3c” designation is more appropriate for the proposed built form of street townhouses and maisonettes.

The proposed amended Zoning By-law Amendment is to change the zoning of the subject lands from the Neighbourhood Development “ND” Zone to a site specific Multiple Residential “RM3” Zone within the former City of Stoney Creek Zoning By-law No. 3692-92. The original application for a Zoning By-law Amendment was to rezone the subject lands from Neighbourhood Development “ND” Zone to the Multiple Residential “RM2” Zone, however, it is staff’s opinion that the Multiple Residential “RM3” Zone is more appropriate for the proposed built form. In addition, due to sanitary sewer capacity constraints, a Holding Provision is being proposed to preclude 31 units of the subject development until such time as the owner demonstrating that the existing sanitary sewer on Lormont Boulevard at Picardy Drive can be adequately upsized to provide sufficient capacity to meet City standards and to share in the upgrade costs for the additional 31 units, to the satisfaction of the Senior Director, Growth Management.

In addition, site specific modifications are being proposed to accommodate this development, including to recognize the condominium road, lot area, lot frontage, front, side and rear yard setbacks, minimum privacy area, landscaped open space, visitor parking, dimensions of parking spaces, minimum distance of a parking space to a dwelling unit, location of unitary equipment, maximum lot coverage, density and building height to reflect the proposed freehold tenure on a private (condominium) road.

Chronology:

May 13, 2016: Submission of Applications UHOPA-16-013 and ZAC-16-033.

May 27, 2016: Applications UHOPA-16-013 and ZAC-16-033 deemed complete.

June 8, 2016: Circulation of Notice of Complete Application and Preliminary Circulation for Applications UHOPA-16-013 and

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ZAC-16-033 to 71 property owners within 120 m of the subject lands.

June 13, 2016: Public Notice Sign installed on subject lands.

May 9, 2018: Public Notice Sign updated with Public Meeting Information.

May 18, 2018: Circulation of the Notice of Public Meeting to 71 property owners within 120 m of the subject lands.

Details of Submitted Application:

Location: 15 Picardy Drive (see Appendix “A” to Report PED18114).

Owner/Applicant: Trillium Housing Highbury Non-Profit Corporation

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

Property Description:

<u>Lot Frontage:</u>	81.46 m (Picardy Drive)
<u>Lot Depth:</u>	149.27 m
<u>Lot Area:</u>	1.22 ha (approximate)
<u>Servicing:</u>	Planned Full Municipal Services

Existing Land Use and Zoning:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Vacant	Neighbourhood Development “ND” Zone
<u>Surrounding Land Uses:</u>		
North	Townhouse Dwellings (Under Construction)	Multiple Residential “RM2-23” Zone, Modified
South	Single Detached Dwellings	Residential “R3-11” Zone, Modified
East	Vacant	Neighbourhood Development “ND” Zone

West

Saltfleet High School

Community Institutional
“I2” Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2014)

The following policies, amongst others, from the Provincial Policy Statement (PPS) are considered to be applicable to the applications.

The proposal provides for an efficient and resilient development and land use pattern that is healthy, liveable and safe as per Policy 1.1 by promoting efficient development and land use patterns, as well as accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons) uses.

“1.1.3.1 *Settlement areas* shall be the focus of growth and development, and their vitality and regeneration shall be promoted.”

The subject lands are located within a settlement area where full municipal services are planned, and will provide for a complete community through a compact design and contributes to a range and mix of housing types.

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

In accordance with the above policy, the applicant has submitted an Archaeological Assessment, entitled, Stage 1-2 Archaeological Assessment (P018-071), dated November 4, 2004 and the Ministry of Culture and Tourism clearance letter was provided. Staff are of the opinion that the municipal interest in the archaeology of this portion of the site has been satisfied.

Based on the foregoing, as the subject lands are located within a settlement area, are proposed to be affordable units, and the subject proposal is to be developed with appropriate infrastructure, while also protecting the Provincial interest with respect to cultural heritage resources, the subject proposal is consistent with the PPS.

Growth Plan for the Greater Golden Horseshoe (2017)

The following policies, amongst others, apply to the applications.

The Growth Plan supports intensification within built-up urban areas, particularly in proximity to transit. As noted in Section 2.1 of the Plan.

“To support the achievement of *complete communities* that are healthier, safer, and more equitable, choices about where and how growth occurs in the *GGH* need to be made carefully. Better use of land and *infrastructure* can be made by directing growth to *settlement areas* and prioritizing *intensification*, with a focus on *strategic growth areas*, including *urban growth centres* and *major transit station areas*, as well as *brownfield sites* and *greyfields*. Concentrating new development in these areas provides a focus for investments in transit as well as other types of *infrastructure* and *public service facilities* to support forecasted growth, while also supporting a more diverse range and mix of housing options. However, to protect public safety and prevent future flood risks, growth should generally be directed away from hazardous areas, including those that have been identified as Special Policy Areas in accordance with the PPS.”

Furthermore, as noted in Section 2.2.1.2 (d):

“Development will be directed to settlement areas, except where the policies of this Plan permit otherwise.”

In review, the subject lands are located within a settlement area where it will be developed with full municipal services and will provide for a complete community through a compact design that includes an additional housing type and form for the area. Therefore, the proposal conforms to the policies of the Growth Plan for the Greater Golden Horseshoe (2017).

Urban Hamilton Official Plan (UHOP)

The subject property is identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated as “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the UHOP and “Low Density Residential 2b” on Map B.7.6-1 – Land Use Plan – West Mountain Area (Heritage Green) Secondary Plan. The following policies, amongst others, are applicable to the subject applications.

Policy Goals

- “E.3.1.1 Develop compact, mixed use, transit-supportive, and active transportation friendly neighbourhoods.
- E.3.1.2 Develop neighbourhoods as part of a complete community, where people can live, work, shop, learn, and play.
- E.3.1.3 Plan and designate lands for a range of housing types and densities, taking into account affordable housing needs.

- E.3.1.4 Promote and support design which enhances and respects the character of existing neighbourhoods while at the same time allowing their ongoing evolution.
- E.3.1.5 Promote and support residential intensification of appropriate scale and in appropriate locations throughout the neighbourhoods.
- 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;”

The proposed development complies with the above-noted policy goals, as the proposed built form contributes to a compact urban form and complete community and contributes to a range of housing types, respects the existing character of the neighbourhood and provides an appropriate scale and location for the development.

Urban Structure

Function

- “E.2.6.2 Neighbourhoods shall primarily consist of residential uses and complementary facilities and services intended to serve the residents. These facilities and services may include parks, schools, trails, recreation centres, places of worship, small retail stores, offices, restaurants, and personal and government services.
- E.2.6.4 The Neighbourhoods element of the urban structure shall permit and provide the opportunity for a full range of housing forms, types and tenure, including *affordable* housing and *housing with supports*.”

The proposed development represents a residential infill development that contributes to the establishment of a range of housing forms, types and tenure by proposing affordable units.

Scale

- “E.2.6.7 Neighbourhoods shall generally be regarded as physically stable areas with each neighbourhood having a unique scale and character. Changes *compatible* with the existing character or function of the neighbourhood shall be permitted. Applications for *development* and *residential intensification* within Neighbourhoods shall be reviewed in consideration of the local context and shall be permitted in accordance with Sections B.2.4

– Residential Intensification, E.3.0 – Neighbourhoods Designation, E.4.0 – Commercial and Mixed Use Designations, and E.6.0 – Institutional Designation.

Function

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*.”

The subject proposal is a permitted use in the Neighbourhoods designation. The policies of the Neighbourhoods designation seeks to establish complete communities with a full range of residential types and densities. The proposed development implements this policy direction by establishing a compatible residential development that broadens the range of dwelling types and densities in the area.

Scale and Design

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

- b) Garages, parking areas, and driveways along the public street shall not be dominant. Surface parking between a building and a public street (excluding a public alley) shall be minimized.
- d) *Development* shall improve existing landscape features and overall landscape character of the surrounding area.
- e) *Development* shall comply with Section B.3.3 – Urban Design Policies and all other applicable policies.

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- E.3.2.13 The City supports *residential intensification* on lands within the Neighbourhoods designation in accordance with Section B.2.4 – Residential Intensification Policies, F.1.14 – Division of Land, and other applicable policies.
- 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.3.3.2 *Development or redevelopment* adjacent to areas of lower density shall ensure the height, massing, and arrangement of buildings and structures are *compatible* with existing and future uses in the surrounding area.”

Compatibility/Compatible is defined in the Urban Hamilton Official Plan as “means land uses and building forms that are mutually tolerant and capable of existing together in harmony within an area. *Compatibility* or *compatible* should not be narrowly interpreted to mean “the same as” or even as “being similar to””.

On the basis of this definition, compatibility of the proposed development is not reviewed on whether the proposed development is the same as or similar to existing development in the area, but whether the proposed uses, density and massing of the development are mutually tolerant and capable of existing together in harmony within the area.

The subject proposal is located on a collector road (Picardy Drive), as well as in close proximity to a Major Arterial (Upper Centennial Parkway) and therefore, the proposed location is consistent with Policy E.3.3.1. The proposed 71 street townhouse and maisonette dwellings will be of a size and scale that is compatible with the existing and proposed scale of development in the area, which consists of townhouses and single detached dwellings.

In addition, the proposed development is appropriate in respect to the transition in scale to the neighbouring buildings, which range in height from one storey to predominantly two and a half storeys, and massing that respects the existing street proportions and lot patterns. The proposed height of the maisonettes at 12.5 m and proposed height of 12.25 m for the street townhouses is in keeping the surrounding area. Visitor parking is proposed within the development and sufficient amenity area by way of a parkette is also proposed. The massing is also similar to existing and proposed residential development in the area, which includes single detached dwellings and townhouses. The proposed development will provide landscaping and visual barriers that will buffer neighbouring properties, consistent with the amount of landscaping on other properties in the neighbourhood, and eliminate potential privacy concerns for adjoining residents.

Urban Design

- “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.”

The subject proposal respects the existing and proposed character of the area, consisting of single detached dwellings and street townhouses, is appropriately designed, and constitutes an evolving built form that is in harmony with the existing architectural massing and style of the area. Based on the size and scale of the proposed dwellings, a sun shadow study is not required as no substantial impact is expected. The subject property is not in or adjacent to a Core Area or Environmentally Significant Area and is within an existing developed area.

Felker Neighbourhood Plan

The subject property is designated “Low Density Residential” and “Medium Density Residential” in the Felker Neighbourhood Plan. The “Low Density Residential” designation does not permit the street townhouses and maisonettes. The Plan also shows a roadway connection through the subject property from east to west and connecting with the lands to the east.

The proposed multiple residential development will provide a variety of housing types while maintaining and enhancing the positive characteristics of the neighbourhood. In

addition, the proposed development contributes to the range of residential densities and housing types and is compatible with the character of the neighbourhood. A proposed 6.0 m wide condominium roadway connection is proposed that will connect the lands to the east and thereby, providing the pedestrian and vehicular connectivity to Picardy Drive, as envisioned by the Neighbourhood Plan.

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;
- e) the development’s contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;
- f) infrastructure and transportation capacity; and,
- g) the ability of the development to comply with all applicable policies.

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

- 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 existing neighbourhood is comprised of single detached dwellings to the south, Picardy Drive and Saltfleet High School to the west, townhouses (under construction) to the north and vacant land to the east that is subject to a recent proposal for residential development still under review. As mentioned, the proposed 71 street townhouse and maisonette dwelling units will be of a size, density and scale that is compatible with the existing and proposed scale of development in the area, which is single detached dwellings to the south, townhouses to the north and the existing Saltfleet High School to the west.

The proposed development is appropriate in respect to the transition in scale to the neighbouring buildings, which range in height from one storey to predominantly two and a half storeys, and massing that respects the existing street proportions and lot patterns. The proposed height of 12.5 m for the maisonettes and 12.25 m for the street townhouses is in keeping the surrounding developments. Visitor parking is proposed within the development and sufficient amenity area by way of a parkette is also proposed.

Adequate servicing will also be made available with sufficient capacity for 40 units currently, while 31 units will be serviced when the sanitary sewer is extended along Upper Centennial Parkway, at which time the “H” Holding Provision applied to this site can be lifted. In addition, there are no anticipated shadowing, overlook, noise, lighting, and traffic issues. Finally, there are no cultural heritage resource concerns.

Archaeology

With respect to archaeological concerns, the UHOP identifies the applicable policy under Section B.3.4.4.2:

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

- a) official plan amendment or secondary plan amendment unless the *development* proposed in the application in question or other applications on the same property does not involve any *site alteration* or *soil disturbance*;
- b) zoning by-law amendments unless the *development* proposed in the application in question or other applications on the same property does not involve any site alteration or soil disturbance; and,
- c) plans of subdivision.

B.3.4.4.4 Archaeological assessments shall be prepared in accordance with any applicable guidelines and Policy F.3.2.4 - Archaeological Assessments.”

As noted on page 6 of this Report, an Archaeological Assessment was prepared and Ministry of Culture and Tourism clearance letter was provided. Staff are satisfied that the policies of the UHOP have been met.

West Mountain Area (Heritage Green) Secondary Plan

The subject lands are within the Secondary Plan provided in Volume 2 of the UHOP and are currently designated “Low Density Residential 2b” on Map B.7.6-1 – West Mountain Area (Heritage Green) Secondary Plan – Land Use Plan. The following policies, amongst others, apply to the applications.

“B.7.6.2.2 Notwithstanding Section E.3.4 – Low Density Residential of Volume 1, the following policies shall apply to the lands designated Low Density Residential 2b and Low Density Residential 3c on Map B.7.6-1 – West Mountain Area (Heritage Green) – Land Use Plan:

- a) Low Density Residential 2b designation:
 - i) the permitted uses shall include single detached dwellings, duplex and semi-detached dwellings; and,

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- ii) the density shall not exceed 29 units per net residential hectare.
- b) Low Density Residential 3c designation:
- i) the permitted uses shall include townhouse dwellings and low rise apartments; and,
 - ii) the density shall be approximately 30 to 49 units per net residential hectare.

An Amendment to the West Mountain Area (Heritage Green) Secondary Plan is required from the “Low Residential 2b” to the “Low Density Residential 3c” designation to permit the proposed development, as well as the proposed net density of 59 units per hectare.

As the development proposal meets the intent of the policies of Volume 1 of the UHOP regarding intensification and built form and is consistent with the higher densities contemplated in current Provincial policies, the proposed re-designation can be supported. The analysis of the Amendment is discussed in greater detail in the Analysis and Rationale for Recommendations section of this Report.

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

The subject lands are zoned Neighbourhood Development “ND” within the former City of Stoney Creek Zoning By-law No. 3692-92. The Neighbourhood Development “ND” Zone permits a number of agricultural uses, as well as single detached dwellings and accessory uses thereto. The applicant is proposing a total of seventy-one (71) street townhouse and maisonette dwelling units on a private condominium road and requires an Amendment to the Zoning By-law to change the zoning to a site specific Multiple Residential “RM3” Zone. In addition, a number of site specific modifications are required, including the following to reflect the proposed tenure (i.e. freehold units on a private (condominium) road):

- modification to recognize the condominium road;
- modification to the required lot area;
- modification to the required lot frontage;
- modification to the required side yard;
- modification to the required front yard;

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- modification to the required rear yard;
- modification to the required privacy area;
- modification to the required visitor parking;
- modification to the maximum density; and,
- modification to the maximum lot coverage.

A number of these modifications are technical to recognize the freehold nature (modification to recognize the condominium road) lot configuration and housing form (modification to the required lot frontage and area, modification to the required front, side and rear yards, modification to the required landscaped open space, modification to the required lot coverage and landscaped open space and privacy area, modification to require a parkette and a modification to the location of unitary equipment), which was never contemplated in the parent by-law.

The following variances to the parent by-law provisions have been requested based on the proposed built form:

- Modification to the required parking space sizes;
- modification to the maximum building height;
- modification to the required landscaped open space;
- modification to the minimum distance of a parking space to a dwelling unit;
- modification to require a parkette of 618 sq m; and,
- modification to the location of unitary equipment

The remaining analysis of the site specific modifications is included in the Analysis and Rationale for Recommendation section of this Report.

RELEVANT CONSULTATION

The following Departments and Agencies have no comments or concerns with the applications:

- Recycling & Waste Disposal, Environmental Services Division, Public Works Department;

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- Corridor Management, Public Works Department; and,
- Landscape Architectural Services, Public Works Department.

The following Departments and Agencies have provided comments on the applications:

Housing Services Division, Community and Emergency Services Department notes that the proposed units will be affordable in accordance with the Municipal Housing Facilities By-law No. 16-233; at least 10 % below the median resale price for a similar unit in the City. At the time of sale, the City will provide a threshold home value for the affordable units and the applicant will provide documentation that the sale prices were below the threshold.

Forestry & Horticulture Section, Public Works Department requires that a detailed Landscape Planting Plan prepared by a Registered Landscape Architect, showing the placement of trees on internal / external City property be provided at the Site Plan Control stage.

Hamilton Conservation Authority noted that they have no objection to the approval of the subject Official Plan and Zoning By-law Amendment applications at this time. HCA staff suggest that the final SWM submission should demonstrate that inspection and maintenance of the system are integral components of the design.

Public Health Services, Health Protection Division requires that a Dust Mitigation Plan, as well as a Pest Control Plan be submitted at the Site Plan Control stage.

Transportation Planning Services, Planning and Economic Development commented that a TDM Report and sidewalks will be required, as well as consider AODA regulations. These items will be addressed at the Site Plan Control stage.

PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 71 property owners within 120 m of the subject property on June 8, 2016, for the proposed Official Plan Amendment and Zoning By-law Amendment applications. To date, two submissions have been made to the City regarding the subject proposal attached as Appendix “E” to Report PED18114. These concerns are discussed further in the Analysis and Rationale for Recommendation section.

A Public Notice Sign was posted on the property on June 13, 2016 and updated on May 9, 2018, with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on May 18, 2018.

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As this application was submitted prior to July 1, 2016, the applicant is not subject to requirements under the *Planning Act* to provide a Public Consultation Strategy.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposed Official Plan and Zoning By-law Amendments have merit and can be supported for the following reasons:
 - (i) They are consistent with the Provincial Policy Statement and conform to the Growth Plan for the Greater Golden Horseshoe (2017);
 - (ii) The addition of 71 street townhouse and maisonette dwelling units is supportable, as they will permit residential uses that provide an ultimate built form that is compatible with the character of the area; and,
 - (iii) The proposed development represents good planning by, among other things, providing a compact and efficient urban form.

2. **West Mountain Area (Heritage Green) Secondary Plan Amendment**

The subject lands are designated “Low Density Residential 2b” on Map B.7.6-1 – West Mountain Area (Heritage Green) Secondary Plan – Land Use Plan.

An Amendment to the West Mountain Area (Heritage Green) Secondary Plan is required to re-designate the subject lands from the “Low Density Residential 2b” designation to the “Low Density Residential 3c” designation to permit the proposed street townhouse and maisonette development at a density of 59 units per net residential hectare, instead of a maximum 49 units per net residential hectare.

The subject proposal is located on a collector road (Picardy Drive), as well as in close proximity to a Major Arterial (Upper Centennial Parkway). The proposed 71 street townhouse and maisonette dwellings will be of a size and scale that is compatible with the existing and proposed scale of development in the area, which are townhouses and single detached dwellings. In addition, townhouses and maisonettes are also proposed directly north-east of the proposed development.

In addition, the proposed development is appropriate in respect to the transition in scale to the neighbouring buildings, which range in height from one storey to predominantly two and a half storeys, with massing that respects the existing street proportions and lot patterns. The proposed height of 12.5 m for the maisonettes and 12.25 m for the street townhouses is in keeping the surrounding area. Visitor parking is proposed within the development and sufficient amenity

area by way of a private internal parkette is also proposed. The massing is also similar to existing and proposed residential development in the area, which is single detached dwelling and townhouses. The proposed development will provide landscaping and visual barriers that will buffer neighbouring properties that will be consistent with the amount of landscaping on other properties in the neighbourhood and eliminate potential privacy concerns for adjoining residents.

As the development proposal meets the intent of the policies of Volume 1 of the UHOP regarding intensification and built form, meets the existing character of the neighbourhood, is compatible with the surrounding uses, and is consistent with the densities contemplated in current Provincial policies, the proposed re-designation and density can be supported.

Based on the foregoing, staff support the proposed Amendment to the West Mountain Area (Heritage Green) Secondary Plan.

3. **Zoning By-law Amendment**

The applicant has requested an amendment to the former Stoney Creek Zoning By-law No. 3692-92 for a change in zoning from the Neighbourhood Development “ND” Zone to a site specific Multiple Residential “RM3” Zone in order to permit a total of 71 dwellings (maisonettes and street townhouses), fronting on a private condominium road, with the exception of seven maisonette units fronting onto Picardy Drive. Site specific modifications are required in order to permit the following:

- modification to recognize the condominium road;
- modification to the required lot area;
- modification to the required lot frontage;
- modification to the required front yard;
- modification to the required side yard;
- modification to the required rear yard;
- modification to the required privacy area;
- modification to the minimum required landscaped open space;
- modification to the maximum building height;

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- modification to the maximum density;
- modification to the required visitor parking;
- modification to the minimum dimensions of parking spaces;
- modification to the minimum distance of a parking space to a dwelling unit;
- modification to require a parkette of 618 sq m;
- modification to the location of unitary equipment; and,
- modification to the maximum lot coverage.

A number of these modifications are technical to recognize the freehold nature (modification to recognize the condominium road) lot configuration and housing form (modification to the required lot frontage and area, modification to the required front, side and rear yards, modification to the required landscaped open space, modification to the required lot coverage and landscaped open space and privacy area, modification to require a parkette and a modification to the location of unitary equipment), which was never contemplated in the parent by-law.

Condominium Road and Maisonettes fronting on a Street

A private common element condominium road shall be deemed a street for the purposes of the proposed development, allowing for landscaping and visitor parking within the common element condominium road. In addition, maisonettes may front onto a street. Staff consider these modifications minor and typical for condominium developments. Therefore, these modifications are technical in nature and can be supported by staff.

Minimum Lot Area

The proposed modifications are to reduce the minimum lot area requirements for the street townhouses from 180 sq m (Interior) to 100 sq m (Interior), 270 sq m to 140 sq m (Corner), 240 sq m to 130 sq m (End) for the street townhouses and from 4,000 sq m for the entire lot to 81 sq m (Interior), 105 sq m (Corner) and 105 sq m (End) for the maisonettes. The proposed lot areas will maintain adequate space on site to permit the establishment of appropriately sized dwelling units and amenity space, and are compatible with the adjacent existing townhouse development. The proposed modification has merit and can be supported.

Minimum Lot Frontage

The applicant is requesting modifications to reduce the minimum lot frontages for the street townhouses from 6.0 m (Interior), 9.0 m (Corner), 8.0 m (End) to 5.5 m (Interior), 7.5 m (Corner) and 7.1 m (End) and from 50 m for the entire lot to 6.4 m (Interior Unit), 8.25 m (Corner) and 8.25 m (End) for the maisonettes. Staff consider these minor modifications, as they permit a more compact urban form, allow for appropriate amenity space and parking and are consistent with other development in the area. Therefore, staff support the proposed modifications.

Minimum Front Yard

The applicant is requesting modifications to reduce the minimum front yard from 6.0 m to 4.4 m to the dwelling unit, 3.25 m to the dwelling for an end unit and 6.0 m to the attached garage for the proposed street townhouses, as well as 4.0 m to the dwelling unit and 6.0 m to the attached garage for the maisonettes. Staff can support these modifications, as it will still provide adequate parking for the proposed units, allow landscaping in the front yard and is compatible with the neighbourhood. Therefore, staff support the modifications.

Minimum Side Yard

The proposed modifications are to reduce the minimum side yard requirements for the street townhouses from 2.0 m (End) and 3.0 m (Corner) to 1.5 m (End) and 1.5 m (Corner) and from 6.0 m (7.5 m for a flankage yard) to 1.5 m (Corner) and 1.6 m (End) for the proposed maisonettes. Staff note that the proposed side yard to Picardy Drive is 3.1 m. Staff consider these minor modifications, as they are interior to the proposed development and will have no adverse impacts on adjacent properties. In addition, they will permit a more compact urban form. Therefore, staff support the modifications.

Minimum Rear Yard

The applicant has requested a minimum rear yard setback of 6.0 m for street townhouses, whereas the By-law requires a minimum of 7.5 m. Due to their built form, the applicant has also requested a 0.0 m rear yard setback instead of the required 6.0 m for the proposed maisonettes. Staff are satisfied that these are minor modifications in that they are in keeping with the built form for maisonettes in that maisonettes have a common rear wall, and maintain a sufficient amenity space in the rear yard of each unit for the street townhouses. In addition, a 618 sq m parkette is proposed to be located within the development for the exclusive use of the residents. Therefore, staff support the modifications.

Maximum Density

The applicant has requested a maximum density of 59 units per net hectare for the proposed street townhouses and maisonettes, whereas the By-law requires a maximum density of 40 units per hectare for the maisonettes. Staff are satisfied that this is a minor modification as it is compatible with the existing and planned development for the area, permits compact urban form and meets the intent of the Secondary Plan. Therefore, the proposed modifications are supported by staff.

Minimum Privacy Area

The applicant has requested 4.0 sq m of privacy area per unit for the proposed maisonettes, whereas the By-law requires a privacy area with a minimum depth of 4.5 m. Due to their built form, the proposed maisonettes are intended to have a balcony amenity area of 4.0 sq m. Maisonettes are back to back units and therefore, a rear yard amenity area does not lend itself to this housing form and is not possible. A modification is also being requested for the proposed street townhouses to have 34 sq m of privacy area per unit, whereas 36 sq m per unit is required. A 618 sq m parkette has been proposed within the development. In addition, a neighbourhood park, Highbury South Meadows, is in close vicinity to the subject lands. Staff consider this a minor modification, as it permits a more compact urban form, while still providing for appropriate amenity areas. Therefore, staff support the modifications.

Minimum Landscaped Open Space

A minimum landscaped open space of 50% of the lot area for the maisonettes, which may include the privacy area, is required. The applicant has proposed that this requirement not apply for the proposed maisonettes. The maisonettes are back to back dwellings and therefore, the housing form does not lend itself to provide open space and the front yard includes the driveway. Instead, a 618 sq m private parkette has been proposed within the development. In addition, a neighbourhood park, Highbury South Meadows, is in close vicinity to the subject lands. Both can be utilized for passive recreation use by the residents of the proposed development and therefore, provides the necessary function of landscaped open space. Staff can support this modification as it permits the built form, maintains the intent of the UHOP and maintains the intent of the By-law.

Maximum Building Height

The maximum height is proposed to be increased from the permitted 11.0 m to 12.25 m for the street townhouses and 12.5 m for the maisonettes to reflect the

existing and proposed grading of the site. The proposed development is appropriate in respect to the transition in scale to the neighbouring buildings, which range in height from one storey to predominantly two and a half storeys. There are sufficient setbacks from other existing and proposed developments, including to the north of approximately 6.0 m, to the south of 7.5 m from rear yard to rear yard and 7.5 m to the east and, therefore, the proposed height modification can be supported by staff.

Maximum Lot Coverage

The maximum lot coverage permitted is 50%, however, the applicant has requested that this standard not apply for the maisonettes and that lot coverage for the street townhouses be increased to 55%. The maisonettes are back to back dwellings and the front yard and side yard setbacks establish a building footprint that is appropriate for this form of development. In addition, this is a minor modification for the townhouses and is not impacting the ability to provide sufficient pervious cover for stormwater infiltration. Staff are supportive of this modification.

Minimum Visitor Parking

The minimum number of visitor parking spaces required is 0.5 spaces for each maisonette and townhouse dwelling unit, but would not include street townhouses. Except for seven maisonette units fronting onto Picardy Drive and freehold units fronting onto a public street are generally exempt from visitor parking, the proposed development will be on a condominium roadway and there are a proposed 71 units in total of which 64 front onto the private (condominium) road. Therefore, 32 visitor parking spaces would be typically required. The applicant is providing 26 internal visitor parking spaces. Staff are of the opinion that the combined visitor and on-street parking permitted on Picardy Drive will be sufficient to support the proposal, the modification is minor and therefore, staff can support the modification.

Minimum Dimensions of Parking Spaces

The By-law requires that parking spaces for 90 degree perpendicular parking shall have minimum rectangular dimensions of 2.75 m by 5.8 m, whereas the applicants have proposed dimensions of 2.6 m by 5.5 m. The By-law requires that accessible parking spaces have minimum dimensions of 4.4 m by 5.8 m, whereas dimensions of 2.75 m and 3.4 m by 5.5 m, when adjacent to a 1.5 m access aisle, is proposed. Staff consider these minor modifications, as they permit a more compact urban form, while still providing for appropriate parking space sizes. Therefore, staff support the modifications. The By-law also requires that parking spaces within a private residential garage be 3.0 m by

6.0 m, whereas the applicants have proposed dimensions of 2.6 m by 5.5 m. Staff do not support the reduced garage sizes proposed by the applicant as the proposed spaces are too small to properly function as parking spaces within a garage. The minimum proposed front yard setback is 6.0 m to the garage, the driveway will be adequately sized to accommodate one vehicle.

Parking Spaces from a Dwelling Unit

The By-law requires that where the required minimum number of parking spaces is four or more, no parking space shall be provided closer than 3.0 m to any lot line or closer than 5.0 m to any dwelling unit located on a lot other than the said lot except that the provisions of this clause shall not apply to any parking space located within a private garage or underground garage. The applicants are proposing 3.1 m from a dwelling unit for end units adjacent to visitor parking spaces. Staff consider this a minor modification, as it will only impact some of the side yards and appropriate landscaping mitigation can be addressed at the Site Plan Approval stage.

Location of Unitary Equipment

A minimum distance of 2.5 m to any side lot line is required for unitary equipment, whereas a 0.5 m is proposed. Due to the built form and the location of an air conditioning unit, a modification is required. Staff consider this a minor modification and typical for these types of developments and can be supported.

Proposed Parkette

Staff have included, in the amending by-law, the requirement for a parkette with a minimum area of 618 sq m be provided for the subject development to ensure that future residents have an on-site amenity area available.

Engineering

4. The existing sanitary sewers are designed to provide capacity for a population density of only 110 people per hectare (ppha). The proposed density of approximately 232 ppha exceeds this capacity. The existing sanitary system servicing this catchment area does not have sufficient capacity to support the increased population density proposed for this site. With regard to water servicing the applicant needs to demonstrate that the existing distribution system can accommodate water demands (domestic & required fire flows) at the subject property and provide details to support the required fire flow (RFF) calculation such as floor area, type of construction, fire wall location and fire resistance rating, content fire hazard, sprinkler system credit and exposure charges, etc. Please note that fire hydrant flow testing must be performed by a qualified

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contractor in coordination with the City's Water Distribution Operating staff. Verification that this has been done must be provided.

The lands immediately east of the site (56 Highland Rd. West) were previously expected to have a storm water outlet westerly through a future municipal road according to the approved subdivision design for 198 First Road West. As the municipal road is no longer being considered by the applicant, additional details are required indicating how a suitable sanitary and storm outlet for the 56 Highland Road West lands can be provided. The applicant may be required to provide a servicing easement and enter into a Joint Services Agreement for any shared services. The previous soil investigation for 198 First Road West Subdivision (25T-200908) has identified that karst features could be present within the subject lands. A geotechnical report has not been submitted at this stage, however, the applicant has to submit a Geotechnical Report and Karst Analysis as part of the Site Plan Approval application.

In addition, due to sanitary sewer capacity constraints, a Holding Provision is being proposed to preclude 31 units from developing until appropriate infrastructure is provided at the developers cost, while allowing 40 units to proceed.

5. Concerns were raised by a nearby resident regarding the affordable housing component of the proposal and the depreciation of property value, the height of the proposed development and compatibility. There is no empirical data regarding the depreciation of property value due to the proposed affordability of the units. With respect to the height, the proposed heights are compatible with the adjacent developments and the subject proposal is compatible with the adjacent development with respect to height and massing.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Official Plan and Zoning By-law Amendment Applications be denied, the property could be utilized in accordance with the Neighbourhood Development "ND" Zone.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Economic Prosperity and Growth

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

Healthy and Safe Communities

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

Clean and Green

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

Built Environment and Infrastructure

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

Culture and Diversity

Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” – Location Map

Appendix “B” – Urban Hamilton Official Plan Amendment

Appendix “C” – Zoning By-law No. 3692-92 Amendment

Appendix “D” – Concept Plan

Appendix “E” – Public Submissions

GZ:mo