



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
Planning Division

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	June 5, 2018
<b>SUBJECT/REPORT NO:</b>	Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law for Lands Located at 115 and 121 Vansitmart Avenue, Hamilton (PED18124) (Ward 4)
<b>WARD(S) AFFECTED:</b>	Ward 4
<b>PREPARED BY:</b>	Daniel Barnett (905) 546-2424 Ext. 4445
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That **Urban Hamilton Official Plan Amendment Application UHOPA-17-026, by 1349010 Ontario Inc., Owner,** to establish a site specific policy area to permit 40 maisonette dwellings on a private condominium road having a minimum net residential density of 48 units per hectare, for lands located at 115 and 121 Vansitmart Avenue, as shown on Appendix “A” to Report PED18124, be **APPROVED**, on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED18124, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (PPS) and conforms to the Growth Plan for the Greater Golden Horseshoe.
- (b) That **Amended Zoning By-law Amendment Application ZAC-16-046, by 1349010 Ontario Inc., Owner,** for a change in zoning from the “C” (Urban Protected Residential, etc.) District to the “RT-20/S-1762-‘H” (Townhouse – Maisonette) District, Holding, Modified (Block 1), and “C/S-1762-‘H” (Urban Protected Residential, etc.) District, Holding, Modified (Blocks 2 and 3) in order to permit a maximum of 40 maisonette dwellings, and two single detached

---

*OUR Vision: To be the best place to raise a child and age successfully.*

*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

*OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.*

**SUBJECT: Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law for Lands Located at 115 and 121 Vansitmart Avenue, Hamilton (PED18124) (Ward 4) - Page 2 of 38**

---

dwellings, for lands located at 115 and 121 Vansitmart Avenue, as shown on Appendix “A” to Report PED18124 be **APPROVED**, on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED18124 which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as “RT-20/S-1762-‘H’” and “C/S-1762-‘H’”;
- (iii) That this By-law is in conformity with the Urban Hamilton Official Plan, upon approval of Urban Hamilton Official Plan Amendment No. ; and,
- (iv) That the amending By-law apply the Holding Provision of section 36(1) of the *Planning Act*, R.S.O. 1990 applicable to the subject lands by introducing the Holding symbol ‘H’ as a suffix to the proposed zoning:

The Holding Provision “C/S-1762-‘H’” (Urban Protected Residential, etc.) District, Holding, Modified, and “RT-20/S-1762-‘H’” (Townhouse – Maisonette) District, Holding, Modified, be removed conditional upon:

- (a) The Owner submitting a signed Record of Site Condition (RSC) to the City of Hamilton and the Ministry of the Environment and Climate Change (MOECC). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECC, and submission of the City of Hamilton’s current RSC administration fee.
- (c) That upon finalization of the amending By-law, that Block 1, as shown on Appendix “C” to Report PED18124, be re-designated from "Single and Double" to "Low Density Apartment" in the Homeside Neighbourhood Plan.

## **EXECUTIVE SUMMARY**

The applicant has applied for approval of an Official Plan Amendment and Zoning By-law Amendment for lands located at 115 and 121 Vansitmart Avenue, Hamilton. The applicant is seeking to construct 40 maisonette dwellings on a private condominium road accessed from Vansitmart Avenue and two single detached dwellings, one accessed from Cope Street and the other accessed from Tragina Avenue North.

The proposed Official Plan Amendment is to reduce the minimum net residential density for a medium density residential development from 60 units per hectare to 48 units per hectare.

---

*OUR Vision: To be the best place to raise a child and age successfully.*

*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

*OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.*

**SUBJECT: Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law for Lands Located at 115 and 121 Vansitmart Avenue, Hamilton (PED18124) (Ward 4) - Page 3 of 38**

---

The proposed Zoning By-law Amendment is for change in zoning from the “C” (Urban Protected Residential, etc.) District to a modified “RT-20” (Townhouse-Maisonette) District, and a modified “C” (Urban Protected Residential, etc.) District, along with site specific modifications to implement the proposed 40 maisonette dwellings and two single detached dwellings.

An ‘H’ Holding Provision has been included for the required Record of Site Condition as the previous use of the subject lands was for an industrial use (contractor’s yard). The proposed development will be permitted once the Holding Provision is removed by Council.

The applications 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 policies of the Urban Hamilton Official Plan (UHOP) subject to the recommended amendment. The proposal is considered to be compatible with the existing development in the area and represents good planning by establishing a compatible infill development.

It is noted that a separate application to establish a standard condominium will be required. This will establish condominium ownership of the individual maisonette dwellings. The two single detached dwellings will be established on separate properties with freehold tenure and will not form part of the proposed condominium.

***Alternatives for Consideration – See Page 37***

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** N/A

**Staffing:** N/A

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

**HISTORICAL BACKGROUND**

The subject lands are located north of Vansitmart Avenue between Cope Street and Tragina Avenue North. There is an existing single detached dwelling and legal non-conforming contractors yard on the subject property which will be demolished in order to facilitate the proposed development.

**SUBJECT: Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law for Lands Located at 115 and 121 Vansitmart Avenue, Hamilton (PED18124) (Ward 4) - Page 4 of 38**

---

Original Proposal, July 2016 (See Appendix “D” to Report PED18124)

The original proposal was seeking to establish one single detached dwelling on Cope Street, one single detached dwelling at the corner of Vansitmart Avenue and Tragina Avenue North, and four blocks of stacked townhouse dwellings containing a total of 62 units. The two single detached dwellings would be established on separate lots. The proposed 62 units had a residential density of 76 units per hectare. Also, a total of 24 visitor parking spaces were proposed.

Second Proposal, June 2017 (See Appendix “E” to Report PED18124)

Based on comments received, the applicant revised the proposed development pattern. The applicant was no longer seeking stacked townhouse dwellings and instead proposed to establish maisonette dwellings. The number of dwelling units was reduced from two single detached dwellings to one single detached dwelling on a separate lot, and from 62 stacked townhouse dwellings to 40 maisonette dwellings. The number of visitor parking spaces was increased from 24 spaces to 26 spaces. The proposed maisonette dwellings would have a height of three storeys. A landscaped area would be provided as part of the common elements of the proposed development. Five of the maisonette dwellings would be accessed directly from Vansitmart Avenue while the remaining 35 maisonette dwellings would be accessed internally from a private condominium road. The proposed private road included access from both Vansitmart Avenue and Cope Street where the second detached dwelling was previously proposed. The proposed 40 maisonette dwellings would have a net residential density of approximately 50 units per net hectare. As such an amendment to the Urban Hamilton Official Plan was required as the density proposed was less than the minimum net residential density threshold of 60 units per hectare for medium density residential. The applicant applied for an Official Plan Amendment.

Third Proposal, February 2018 (See Appendix “F” to Report PED18124)

The applicant provided additional revisions to the June, 2017 proposal in response to comments from staff, which included the removal of the second access for the private road to Cope Street and to establish a single detached dwelling in its place. The proposed revisions included a 7.25 sq m second storey balcony to provide private amenity space for each maisonette dwelling unit. The additional revisions also included a further increase in the number of visitor parking spaces from 26 spaces to 28 spaces as well as modifications to the height and location of the proposed maisonette dwellings and to the on-site landscaping in order to improve the compatibility of the proposed development.

---

*OUR Vision: To be the best place to raise a child and age successfully.*

*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

*OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.*

**SUBJECT: Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law for Lands Located at 115 and 121 Vansitmart Avenue, Hamilton (PED18124) (Ward 4) - Page 5 of 38**

---

The applicant applied for an Official Plan Amendment to reduce the minimum net residential density threshold for Medium Density Residential to permit the 40 maisonette dwellings.

The applicant applied for a Zoning By-law Amendment Application to rezone from the “C” (Urban Protected Residential, etc.) District to a modified “RT-20” (Townhouse Maisonette) District and a modified “C” (Urban Protected Residential, etc.) District to permit 62 stacked townhouse dwellings and two single detached dwellings and was subsequently amended by the applicant for 40 maisonette dwellings and further amended by the applicant to facilitate design improvements to improve the compatibility of the maisonette dwellings.

**Chronology**

- July 19, 2016: Zoning By-law Amendment Application ZAC-16-046 received.
- July 29, 2016: Zoning By-law Amendment Application ZAC-16-046 deemed complete.
- August 15, 2016: Notice of Complete Application and Preliminary Circulation for Zoning By-law Amendment Application ZAC-16-046 sent to 221 property owners within 120 m of the subject lands.
- August 19, 2016: The public notice sign was posted on the subject property.
- February 21, 2017: Public Information Meeting held by applicant.
- June 19, 2017: Official Plan Amendment Application UHOPA-17-026 received.
- July 18, 2017: Official Plan Amendment Application UHOPA-17-026 deemed complete.
- August 11, 2017: The Public Notice Sign was updated to reflect Official Plan Amendment Application UHOPA-17-026 as well as to note the changes in the proposed development.
- August 15, 2017: Notice of Complete Application and Preliminary Circulation for Official Plan Amendment Application

**SUBJECT: Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law for Lands Located at 115 and 121 Vansitmart Avenue, Hamilton (PED18124) (Ward 4) - Page 6 of 38**

---

UHOPA-17-014 sent to 221 property owners within 120 m of the subject lands.

May 9, 2018: The Public Notice Sign was updated to reflect the date and time of the Public Meeting.

May 18, 2018: Notice of Public Meeting was mailed to 221 property owners within 120 m of the subject property.

**Existing Land Use and Zoning:**

**DETAILS OF SUBMITTED APPLICATIONS**

**Location:** 115 and 121 Vansitmart Avenue, Hamilton

**Owner:** 1349010 Ontario Inc. c/o John Kemp

**Agent:** Original agent Liam Doherty (prior to October 18, 2016) and changed to Urban Solutions Planning and Land Development Consultants Inc. c/o Sergio Manchia (after October 18, 2016)

**Property Size:** Lot Area: 7,625 sq m  
Frontage: 122 m  
Depth: 62.9 m  
Servicing: Full Municipal Services Available

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<b><u>Subject Land:</u></b>	Contractors Yard and a Single Detached Dwelling	"C" (Urban Protected Residential, etc.) District
<b><u>Surrounding Land:</u></b>		
North:	Railway Yard	General Industrial (M5, 419) Zone
East:	Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District

---

*OUR Vision: To be the best place to raise a child and age successfully.*

*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

*OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.*

**SUBJECT: Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law for Lands Located at 115 and 121 Vansitmart Avenue, Hamilton (PED18124) (Ward 4) - Page 7 of 38**

---

South:	Single Detached Dwellings	“C” (Urban Protected Residential, etc.) District
West:	Single Detached Dwellings	“C” (Urban Protected Residential, etc.) District

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### **Provincial Policy Statement (2014):**

The Provincial Planning Policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS 2014). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS.

- “1.1.3.1      *Settlement areas* shall be the focus of growth and development, and their vitality and regeneration shall be promoted.
- 1.1.3.2      Land use patterns within settlement areas shall be based on:
- a) densities and a mix of land uses which:
    - 1. efficiently use land and resources;
    - 2. are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and / or uneconomical expansion; and,
    - 5. are *transit-supportive*, where transit is planned, exists or may be developed.
  - b) a range of uses and opportunities for *intensification* and *redevelopment* in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.
- 1.1.3.3      Planning authorities shall identify appropriate locations and promote opportunities for *intensification* and *redevelopment* where this can be accommodated taking into account existing building stock or areas, including *brownfield sites*, and the availability of suitable existing or planned *infrastructure* and *public service facilities* required to accommodate projected needs.”

---

*OUR Vision: To be the best place to raise a child and age successfully.*

*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

*OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.*

The proposed development is located within the Settlement Area and efficiently uses land for new residential development that is compatible with the area. Adequate infrastructures and services are available to service the subject lands and the proposed development will be supported by existing schools and parks in the area as well as transit service along Barton Street East.

“1.6.9.1 Planning for land uses in the vicinity of *airports, rail facilities and marine facilities* shall be undertaken so that:

- a) their long-term operation and economic role is protected; and
- b) *airports, rail facilities and marine facilities and sensitive land uses* are appropriately designed, buffered and / or separated from each other, in accordance with policy 1.2.6.

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

As part of the original application for a Zoning By-law Amendment, the applicant submitted a Preliminary Environmental Noise and Vibration Impact Study by dBA Environmental Services Inc. dated May, 2016 and subsequently updated on June, 2017 to reflect the revisions made to the proposal. The noise and vibration study reviewed the potential noise sources that might impact the subject property, which includes a railway line and rail yard to the north of the subject property, and an existing industrial property (Arcelormittal Dofasco Inc.) located north of the railway line and yard. In respect to the existing industrial property, the study noted that noise is contained within the building and is regulated by the MOECC noise guidelines under a Certificate of Approval. The noise study identified the existing railway line and rail yard as the primary noise sources impacting the subject property.

The noise study further identified the requirement for a 2.5 m high safety berm with a wood fence on top to be established between the railway line and the proposed dwellings. The concept plan included as Appendix “F” of Report PED18124 identifies a 1.8 m privacy fence at the rear of the property but does not identify the 2.5 m high safety berm. Instead, the concept plan identifies a landscaping and amenity area. As part of the Site Plan Control Application, the applicant will be required to provide both the 2.5 m high safety berm and the privacy fence. Additionally, the noise study identified requirements for building materials and standards for wall and window construction, mandatory central air conditioning requirements, noise warning clauses, and required vibration control measures. As will be discussed in detail in the Relevant



Consultation section of this Report, comments were also provided by Canadian National Railway (CN) respecting noise and vibration.

Updates to the noise and vibration study will be required and the necessary mitigation measures outlined in the updated noise and vibration study as well as the requirements of CN will need to be designed and implemented as part of the Site Plan Control application and future Plan of Condominium.

“3.2.2 Sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no *adverse effects*.”

The subject property is recognized as a potentially contaminated site due to its use as a contracting yard. As such, the property is subject to environmental review to allow for the proposed single detached dwellings and maisonette dwellings. The applicant has undergone a Phase I and II Environmental Site Assessment, but has not yet submitted their findings to the Ministry of the Environment and Climate Change (MOECC). As such, a Holding Provision is proposed as the provision of a Notice of Acknowledgement letter from the MOECC for the RSC.

Therefore the proposed development is consistent with the policies of the Provincial Policy Statement.

Growth Plan for the Greater Golden Horseshoe (2017):

The policies of the Growth Plan for the Greater Golden Horseshoe (2017) apply to any Planning decision. The following policies, amongst others, apply to the proposal.

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.”

The subject property is located within a settlement area and is located in proximity to an existing transit route. The proposal represents a form of intensification that makes use of existing infrastructure and provides a diverse range and mix of housing options. Therefore, the proposal conforms to the policies of the Growth Plan for the Greater Golden Horseshoe subject to the implementation of the proposed site specific zoning requirement, including the Holding Zone Provision.

### **Urban Hamilton Official Plan (UHOP)**

The subject property is identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the UHOP. The following policies, amongst others, apply with respect to the subject applications.

- “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.3.2.7 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.

---

*OUR Vision: To be the best place to raise a child and age successfully.*

*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

*OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.*

**SUBJECT: Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law for Lands Located at 115 and 121 Vansitmart Avenue, Hamilton (PED18124) (Ward 4) - Page 11 of 38**

---

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

The proposed single detached and maisonette dwellings are permitted uses in the Neighbourhoods designation.

#### Low Density Development

“E.3.4.3 Uses permitted in low density residential areas include single-detached, semi-detached, duplex, triplex, and street townhouse dwellings.

E.3.4.4 For low density residential areas the maximum *net residential density* shall be 60 units per hectare.

E.3.4.5 For low density residential areas, the maximum height shall be three storeys.”

The proposal includes two lots for single detached dwellings, which are considered to be a low density residential use. The proposed single detached dwellings will have a building height of two storeys and will therefore comply with the maximum height of three storeys. The proposed single detached dwellings form part of a larger low density residential area along both Cope Street and Tragina Avenue North. The residential density for the dwellings on Cope Street north of Vansitmart Avenue will be approximately 51 units per hectare and the residential density for the dwellings on Tragina Avenue North, north of Vansitmart Avenue will be approximately 24.7 units per hectare. Therefore the proposed single detached dwellings will form part of a larger low density residential area that complies with the maximum residential density of 60 units per hectare.

“E.3.4.6 *Development* in areas dominated by low density residential uses shall be designed in accordance with the following criteria:

- a) Direct access from lots adjacent to major or minor arterial roads shall be discouraged.
- b) Backlotting along public streets and in front of parks shall be discouraged. The City supports alternatives to backlotting, such as

---

*OUR Vision: To be the best place to raise a child and age successfully.*

*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

*OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.*

laneway housing and window streets, to promote improved streetscapes and public safety, where feasible.

- c) A mix of lot widths and sizes *compatible* with streetscape character; and a mix of dwelling unit types and sizes *compatible* in exterior design, including character, scale, appearance and design features; shall be encouraged. *Development* shall be subject to the Zoning By-law regulations for appropriate minimum lot widths and areas, yards, heights, and other zoning regulations to ensure *compatibility*.”

The single detached dwellings are located within the interior of the Homeside Neighbourhood fronting onto local roads. The proposed single detached dwelling at the corner of Tragina Avenue North and Vansitmart Avenue conforms to the front, side, and rear yard setback requirements of the “C” District but does not conform to the lot width and lot area requirements. However, the lot is consistent with the lot pattern along Tragina Avenue North. The proposed single detached dwelling on Cope Street conforms to the side yard setback requirement of the “C” District but does not conform to the lot width, lot area, front yard and rear yard setback requirements but is consistent with the lotting pattern and existing built form along Cope Street. Lastly, the proposed single detached dwellings provide a development pattern that fronts onto the adjoining streets and therefore does not constitute backlotting.

#### Medium Density Development

- “E.3.5.1 Medium density residential areas are characterized by *multiple dwelling* forms on the periphery of neighbourhoods in proximity to major or minor arterial roads, or within the interior of neighbourhoods fronting on collector roads.
- E.3.5.2 Uses permitted in medium density residential areas include *multiple dwellings* except street townhouses.
- E.3.5.7 For medium density residential uses, the *net residential density* shall be greater than 60 units per hectare and not greater than 100 units per hectare.
- E.3.5.8 For medium density residential uses, the maximum height shall be six storeys.”

The proposed maisonette dwellings are considered to be a multiple dwelling and therefore the proposed form of development is considered to be a medium density residential development.

---

*OUR Vision: To be the best place to raise a child and age successfully.*

*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

*OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.*

Medium density residential areas are characterized by multiple dwellings on the periphery of neighbourhoods in proximity to major or minor arterial roads or within the interior of neighbourhoods fronting onto collector roads. The subject property is not located on a major or minor arterial road but is located within one block of Barton Street East (a minor arterial road), and therefore is in proximity to a minor arterial road.

The proposed maisonette dwellings will have a building height of three storeys and therefore complies with the maximum height of six storeys. The proposal will have a net residential density of approximately 50 units per hectare and therefore an amendment to the UHOP is required as the proposed net residential density is less than the minimum 60 units per hectare. The analysis of the amendment is discussed in greater detail in the Analysis and Rationale for Recommendations section of this Report.

“E.3.5.9 *Development* within the medium density residential category shall be evaluated on the basis of the following criteria:

- a) Developments should have direct access to a collector or major or minor arterial road. If direct access to such a road is not possible, the development may gain access to the collector or major or minor arterial roads from a local road only if a small number of low density residential dwellings are located on that portion of the local road.
- b) *Development* shall be integrated with other lands in the Neighbourhoods designation with respect to density, design, and physical and functional considerations.
- c) *Development* shall be comprised of sites of suitable size and provide adequate landscaping, amenity features, on-site parking, and buffering if required. The height, massing, and arrangement of buildings and structures shall be *compatible* with existing and future uses in the surrounding area.
- d) Access to the property shall be designed to minimize conflicts between traffic and pedestrians both on-site and on surrounding streets.”

The subject property does not have direct access to either a collector road or a major or minor arterial road but is located one block from Barton Street East, a minor arterial road, with between 20 and 23 dwellings via Cope Street and Tragina Avenue North respectively between the subject property and Barton Street East (Policy E.3.5.9 a)).

The proposed three storey maisonettes are compatible in height to the existing one to two storey single detached dwellings that exist in the neighbourhood. Setbacks in the range of 4.2 m to 30 m will be provided between the existing and proposed maisonettes

to provide an appropriate transition in height. The existing construction yard represents an anomaly in the built form along Vansitmart Avenue which is out of character with the neighbourhood. The proposed maisonette dwellings located along Vansitmart Avenue represents an improvement to the existing situation by replacing the existing contractor's yard with a residential built form that is compatible with the character of the area. The maisonettes located to the rear of property will not impact the existing streetscape character of the area and are oriented, designed and setback to minimize the massing and impact of the buildings on existing development adjacent to the site and in the area.

In order to establish the proposed private condominium road as far from Cope Street and Tragina Avenue North as possible, the private condominium road is to be located on the easterly side of the subject lands creating a setback of approximately 33 m from Tragina Avenue North (Policy E.3.5.9 d)). Access for the maisonette dwellings is primarily from the private condominium road and therefore the property is designed to minimize conflicts between traffic and pedestrians. Visual barriers, planting strips, and a minimum 3.0 m setback will provide buffering between the proposed development and the existing residential dwellings to the west. In respect to the existing residential dwellings to the east, visual barriers and a 1.25 m wide planting strip will provide buffering between the 6.0 m access driveway and the existing dwellings to the east. Therefore, adequate buffering will be provided between the proposed development and the adjacent lands to the west and east.

The proposed maisonette dwellings will maintain a residential density of approximately 50 units per hectare which is similar to the residential density of Cope Street to the west which maintains a residential density of approximately 51 units per hectare. Therefore the proposed density for the maisonette dwellings is compatible with the existing densities in the area.

Each maisonette dwelling unit will be provided with a 7.25 sq m second storey balcony which will provide private amenity space for each dwelling unit along with on-site landscaped areas. Also, Fairfield Park is located approximately 120 m to the east of the subject property which will also serve the amenity needs of the residents. Sufficient on-site parking to meet the parking requirements of the By-law for both residents and visitors parking is also provided.

#### Residential Intensification

"B.2.4.1.4 *Residential intensification* developments shall be evaluated based on the following criteria:

- a) a balanced evaluation of the criteria in b) through g) as follows;

- b) the relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;
- c) the development's contribution to maintaining and achieving a range of dwelling types and tenures;
- d) the *compatible* integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;
- e) the development's contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;
- f) infrastructure and transportation capacity; and,
- g) the ability of the development to comply with all applicable policies.

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

- 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;
- j) infrastructure and transportation capacity and impacts.”

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 the above 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 are mutually tolerant and capable of existing together in harmony within the area. The proposed 40 maisonette dwellings represent a residential use that in respect to form is a medium density residential development but in respect to building height and residential density is consistent with low density forms of development. The proposed use is not expected to generate significant noise levels, and the majority of the activity on-site will be contained within dwelling units. The proposed maisonettes will be setback and oriented perpendicular to the adjacent properties which will minimize shadow and overview impacts on the adjacent properties. Lighting will be contained on-site and reviewed as part of the Site Plan Control Application. The proposed development is within close proximity to a minor arterial road and the low density scale of development is not expected to generate significant volumes of traffic. Therefore, the proposed 40 maisonette dwelling will be mutually tolerant and will be capable of existing in harmony with the area (Policy B.2.4.1.4 b) and B.2.4.2.2 b)).

The proposed single detached dwellings will have building heights of two storeys or 11.0 m which will be compatible with the building heights of existing dwellings along Cope Street and Tragina Avenue North, which range in height from one to two storeys. Furthermore it is noted that no modification to the current Zoning By-law in respect to building height is being requested for either of the two single detached dwellings.

The proposed maisonette dwellings will have a height of three storeys or 12.6 m. The majority of the maisonette dwellings are not located along any of the existing streets and will instead be located along a new private condominium road. It is noted that the maisonette dwellings will be setback 3.0 m from the westerly lot line and 9.5 m from the easterly lot line, which will provide an appropriate buffer and transition in scale to the adjacent properties (Policy B.2.4.2.2 c) and d)).

It is further noted that five maisonette dwellings are proposed to be located along Vansitmart Avenue. In respect to the compatibility of these units along the street frontage, Vansitmart Avenue, east of Division Street, is comprised primarily of dwellings that flank onto Vansitmart Avenue and the existing contractor’s yard represents an



anomaly in the built form along Vansitmart Avenue. The proposed maisonette dwellings located along Vansitmart Avenue represents an improvement to the existing situation as it replaces the existing contractor's yard with a residential built form that is compatible in height to the surrounding area, as the height of the buildings flanking Vansitmart Avenue range in height from one to two storeys. Furthermore, the existing dwelling at the corner of Cope Street and Vansitmart Avenue maintains a building height of two storeys and the proposed dwelling at the corner of Tragina Avenue North and Vansitmart Avenue will also have a height of two storeys, and will maintain a setback of 9.0 m from the existing dwelling to the west and 16.5 m from the proposed dwelling to the east.

The proposed setbacks of will maintain a buffer between the existing and proposed buildings. In addition the five maisonette dwellings along Vansitmart Avenue represents a massing, while larger in width than that of the existing dwellings along Vansitmart Avenue, will remain compatible with the area in that the massing will be broken up by way of changes in building material, colour, architectural elements, and balconies. The building height on either side of the maisonette dwellings located along Vansitmart Avenue will maintain a height of two storeys, providing an appropriate transition to the three storeys proposed internal to the site (Policy B.2.4.1.4 d) and B.2.4.2.2 c) and d)).

The lots for the proposed single detached dwellings will be similar in size to the existing lots along Cope Street and Tragina Avenue North and are compatible with the existing lot and development pattern. The maisonette dwellings are to be located on one lot and the size and scale of the lot currently is and will continue to be larger than the existing lot pattern in the area but will facilitate a form of development that will be compatible with the neighbourhood (Policy B.2.4.2.2 e)).

The two single detached dwellings will have private amenity space in the rear yard, while the maisonette dwellings will provide private amenity space in the form of a 7.25 sq m balcony area per unit and on-site landscaped areas. Additionally, the subject property is within 120 m of an existing municipal park (Fairfield Park). Therefore, the amenity needs of the subject property will be met. In respect to the existing pattern of private and public amenity area, the proposal is not immediately adjacent to any public amenity area and appropriate setbacks and privacy screening will be provided on the balconies to buffer the private amenity area to adjacent residential dwellings (Policy B.2.4.2.2 f)).

The proposed single detached dwellings complete the development pattern along Cope Street and Tragina Avenue North and therefore complement the existing function of the neighbourhoods. The maisonette dwellings replace the existing contractors yard with residential development that complements and integrates into the existing residential function of the neighbourhood (Policy B.2.4.2.2 h)).

---

*OUR Vision: To be the best place to raise a child and age successfully.*

*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

*OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.*

**SUBJECT: Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law for Lands Located at 115 and 121 Vansitmart Avenue, Hamilton (PED18124) (Ward 4) - Page 18 of 38**

---

There are existing municipal services available to service the subject property. Additionally, as part of the Site Plan Control Application the applicant will be required to provide internal servicing connections to the maisonette dwellings (Policy B.2.4.1.4 f) and Policy B.2.4.2.2 j)).

Urban Design

“B.3.3.3.2 *New development* shall be designed to minimize impact on neighbouring buildings and public spaces by:

- a) creating transitions in scale to neighbouring buildings;
- b) ensuring adequate privacy and sunlight to neighbouring properties; and,
- c) minimizing the impacts of shadows and wind conditions.

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

B.3.3.3.5 Built form shall create comfortable pedestrian environments by:

- a) locating principal façades and primary building entrances parallel to and as close to the street as possible;
- b) including ample glazing on ground floors to create visibility to and from the public sidewalk; and,
- d) locating surface parking to the sides or rear of sites or buildings, where appropriate.”

The proposal will create a transition in scale from the existing one to two storey dwellings that currently exist in the area to the three storey height proposed that is appropriate as it remains within a low rise form (Policy B.3.3.3.2 a)). Adequate setbacks and privacy screening will be provided to ensure privacy and sunlight for neighbouring properties is preserved (Policy B.3.3.3.2 b)). Also given the size and scale of the proposed development, adverse shadow or wind impacts on either the public realm or on neighbouring properties is not anticipated (Policy B.3.3.3.2 c)). Furthermore, the massing of the new development will respect the existing and planned street proportions (Policy B.3.3.3.3). The proposed built form includes maisonettes that will be fronting Vansitmart Avenue with a setback that ranges from 4.2 m to 5.0 m for the dwellings and 6.0 m to 6.6 m for the garage. The new maisonette dwellings therefore represents an improved streetscape condition (Policy B.3.3.3.5 a)).

---

*OUR Vision: To be the best place to raise a child and age successfully.*

*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

*OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.*

**SUBJECT: Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law for Lands Located at 115 and 121 Vansitmart Avenue, Hamilton (PED18124) (Ward 4) - Page 19 of 38**

---

Visibility to and from the public sidewalks will be achieved through ground floor windows as well as balconies and windows on the second floor from which the primary living area is provided (Policy B.3.3.3.5 b)). All of the visitor parking is located in the interior of the subject property and principal parking is provided with one parking space in the attached garage and one on the driveway in front of the garage. Therefore, surface parking is primarily located to the rear of the site and not located at the front of the buildings (Policy B.3.3.3.5 d)).

The detailed façade treatment and design of the maisonette dwellings, including the pedestrian environment, will be further undertaken and reviewed as part of the Site Plan Control application.

Homeside Neighbourhood Plan

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

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

The subject property is designated “Single and Double” in the Homeside Neighbourhood Plan. The proposed two single detached dwellings represent a use permitted on lands designated “Single and Double”. However, the proposed maisonettes are not permitted for lands designated “Single and Double”. The Homeside Neighbourhood Plan will therefore need to be amended to re-designate the lands shown on Block 1 of Appendix “C” to Report PED18124 from “Single and Double” to “Low Density Apartments”. The policies of the Homeside Neighbourhood Plan state that “Homeside is viewed as a stable low density residential area with commercial and institutional uses located on the arterial roads. Existing low density residential areas are to be retained”. The form of the proposed maisonette dwellings is considered to be a medium density residential use, and is considered to be compatible with the surrounding area. Also the proposal facilitates replacement of an existing contractor’s yard with a residential use thereby bringing the lands in line with the general intent of the neighbourhood plan which is for the area to be residential. The proposed re-designation constitutes good planning as the proposal is an appropriate form of intensification within an existing neighbourhood, and is supported by staff.

---

*OUR Vision: To be the best place to raise a child and age successfully.*

*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

*OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.*

City of Hamilton Zoning By-law No. 6593

The subject property is zoned “C” (Urban Protected Residential, etc.) District which permits a single detached dwelling with a minimum lot width of 12 m and lot area of 360 sq m. An amendment to the City of Hamilton Zoning By-law No. 6593 is required to change the zoning to a site specific “RT-20” (Townhouse – Maisonette) District, (Block 1) and site specific “C” (Urban Protected Residential, etc.) District (Blocks 2 and 3) in order to establish 40 maisonettes and two single detached dwellings. Site specific modifications will be required to implement the proposal and are discussed in greater detail in the Analysis and Rationale for Recommendation Section of this Report.

**RELEVANT CONSULTATION**

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

- Recreation Division, Community and Emergency Services Department;
- Strategic Planning, Public Works Department; and,
- Alectra Utilities (formerly Horizon Utilities).

The following Departments and Agencies have provided comments with respect to the proposed application:

**Canadian National Railway (CN)**, advised of the setbacks, mitigation measures, and requirements of CN, which includes a minimum 30 m setback from the railway right-of-way in conjunction with a safety berm along with a noise attenuation barrier, chain link fencing on the mutual property line, required warning clauses, easements and restrictive covenants, and agreements that will need to be established with CN.

CN identified that any vibrations in excess of 0.14 mm/sec will require isolation measures to be implemented. Additionally, CN provided comments respecting the noise and vibration study and identified areas that need to be updated to ensure that the noise study accurately reflects existing and future noise and vibration levels and that the required mitigation measures meet the requirements of the MOECC and CN.

An updated noise study and vibration study along with the implementation of all noise and vibration mitigation measures will be undertaken as part of the Site Plan Control Application and future Draft Plan of Condominium Application.

**Urban Forestry and Horticulture, Public Works Department**, identified that there are potential conflicts with publicly owned trees and therefore a Tree Management Plan will be required. A landscape plan will be required for the placement of trees both on the subject property and on the City Boulevard. Urban Forestry and Horticulture staff noted

**SUBJECT: Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law for Lands Located at 115 and 121 Vansitmart Avenue, Hamilton (PED18124) (Ward 4) - Page 21 of 38**

---

that new development is required to provide payment for road allowance street trees. The Tree Management Plan, landscape plan and payment for street trees will be reviewed and collected as part of the Site Plan Control Application.

**Public Health Services, Health Protection Division**, identified a pest control plan focusing on rats and mice be developed and implemented for the construction/development phase. The pest control plan will be required as part of the Site Plan Control Application.

**Transportation Management, Public Works Department**, identified that the classification of the streets are local roads with an ultimate road allowance width of 20.117 m. The applicant has identified a 1.25 m wide road widening on the concept plan in order to achieve the ultimate road allowance width. Transportation Management staff advise that street trees are to be provided and that a 2.0 m wide sidewalk be provided within the right-of-way and 1.5 m sidewalks through the site. The required road widening, provision for street trees, and implementation of the sidewalks will be undertaken as part of the Site Plan Control Application.

Transportation Management staff reviewed a Transportation Demand Management Option Report (TDM) and advised that the TDM initiatives do not meet the objectives of the City, specifically pedestrian sidewalks should include pedestrian amenities such as benches, landscaping, and lighting. Two to eight short-term exterior bicycle parking will be required and long-term bicycle parking will be provided by the provision of garages for each unit. The updates to the TDM report will be undertaken as part of the Site Plan Control Application.

**Operations Division, Public Works Department**, advised that the development is eligible for municipal waste collection service subject to meeting the City's requirements. Operation staff noted that the design of the access routes in the development do not meet the City's requirements for curb side collection as it does not allow continuous forward movement. Based on the layout of the development, waste materials will need to be collected from a common collection pad located at the entrance to the property on Vansitmart Avenue. The details in respect to the common collection pad will be addressed as part of the Site Plan Control Application.

**Corridor Management, Public Works Department**, advised that the applicant will be required to provide adequate visibility triangles and appropriate driveway widths, as well as remove any abandoned access and restore the boulevard. Corridor Management staff also advised that a Traffic Impact Study will not be required and that a Construction Management Plan will be required. The visibility triangles, driveway width, restoration of the abandoned access, and the Construction Management Plan will all be reviewed and addressed as part of the Site Plan Control Application.

---

*OUR Vision: To be the best place to raise a child and age successfully.*

*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

*OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.*

### **Public Consultation**

In accordance with Council's Public Participation Policy, the proposal was circulated as part of the Notice of Complete Application to 221 property owners within 120 m of the subject lands on August 15, 2016. A public notice sign was also established on-site on August 19, 2016. An additional Notice of Complete Application respecting the Official Plan Amendment was circulated to 221 property owners within 120 m of the subject lands on August 15, 2017. Lastly, a Notice of Public Meeting was circulated to 221 property owners within 120 m of the subject lands on May 18, 2018. At the time of the writing of this Report, a total of 15 letters of correspondence were received. The issues raised in the letters of correspondence are summarized in the Analysis and Rationale for Recommendation Section of this Report.

### **Public Consultation Strategy**

The applicant engaged in a Public Consultation Strategy that consisted of a Public Information Meeting on February 21, 2017. The Public Information Meeting was attended by 21 area residents and City staff. A number of questions were raised at the Public Information Meeting. The concerns raised are discussed in the Analysis and Rationale for Recommendation Section of this Report.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposed Official Plan Amendment and Zoning By-law Amendment 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;
  - ii) The addition of 40 maisonette dwellings and two single detached dwellings will provide for additional residential uses that are compatible with the character and function of the area; and,
  - iii) The proposal is compatible with the type and form of development in the surrounding neighbourhood.

### **2. Official Plan Amendment**

The proposed single detached dwellings comply with the "Low Density Residential" policies of the UHOP.

Maisonette dwellings on a private condominium road are deemed to be multiple dwellings in the UHOP. The use is therefore considered to be "Medium Density

Residential” in the UHOP. The proposed 40 maisonette dwellings have a net residential density of approximately 50 units per net hectare and therefore do not comply with the required residential density range of greater than 60 units per hectare but not more than 100 units per hectare in the UHOP. On this basis, an amendment to the UHOP is required. While the residential density of the maisonette dwellings are 50 units per hectare, the applicant requested a minimum residential density of 48 units per net hectare be established in order to provide some flexibility given the requirement for a road widening which will further reduce the net lot area.

The proposed residential density of 48 units per net hectare allows for the establishment of maisonette dwellings that are of a size and scale that is compatible with the character of the area. In order to achieve the density requirement, a different form of residential development such as stacked townhouses or a low rise apartment building(s) would be required and development of the site is constrained by the 14.0 m setback required by CN rail right-of-way. As the proposed residential density of 48 units per hectare establishes dwellings of an appropriate size and form that integrates into the neighbourhood in respect to building height, massing, and setbacks, and as appropriate on-site landscaping and parking is to be provided, the proposed residential development is compatible with the character of the area. Therefore, the proposed amendment to the UHOP to permit a minimum net residential density of 48 units per hectare has merit and can be supported.

3. **Zoning By-law Amendment – RT-20/S-1762 (Block 1)**

The proposed application, as amended, is for a change in zoning from the “C” (Urban Protected Residential, etc.) District to the “RT-20/S-1762-‘H’” (Townhouse – Maisonette) District, Holding, Modified (Block 1) and “C/S-1762-‘H’” (Urban Protected Residential, etc.) District, Holding, Modified (Blocks 2 and 3). Site specific modifications are being requested in order to implement the proposal.

**Change in Zoning**

“RT-20/S-1762-‘H’” District

The proposed change in zoning from the “C” (Urban Protected Residential, etc.) District to the “RT-20/S-1762-‘H’” (Townhouse – Maisonette) District, Holding, Modified will permit a maximum of 40 maisonette dwellings. The scale of the development represents an appropriate level of density within the interior of a neighbourhood in proximity to Barton Street East, a minor arterial road, and will be of a size and form that is compatible with the surrounding area.

**SUBJECT: Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law for Lands Located at 115 and 121 Vansitmart Avenue, Hamilton (PED18124) (Ward 4) - Page 24 of 38**

---

The proposed maisonette dwellings will each have two parking spaces that are solely for the use of the individual unit, which exceeds the 1.3 parking spaces per dwelling unit that is required in the Zoning By-law. In addition, the proposed maisonette dwellings will also have access to 28 on-site visitor parking spaces, which is more than double the 12 visitor parking spaces required by the Zoning By-law.

In respect to amenity space, each dwelling will have a second floor balcony and the subject property is within 120 m of an existing municipal park. Therefore, the amenity needs of the proposed development will be met.

With the exception of the density, the proposed 40 maisonette dwellings comply with the policies of the UHOP, including all other Medium Density Residential policies, residential intensification policies and Urban Design policies.

The proposed change in zoning will also prohibit the use of a day nursery on the basis that a day nursery along with the 40 maisonette dwellings would represent an over intensification of the subject lands, and it is unlikely that a day nursery would be able to be established in accordance with Provincial requirements.

Therefore, the proposed change in zoning to permit 40 maisonette dwellings and prohibit a day nursery has merit and can be supported.

Modifications for the “RT-20/S-1762-‘H’” District (Block 1)

Restriction on the Number of Dwelling Units

Staff are including a modification to restrict the number of maisonette dwelling units to a maximum of 40 and to restrict the use to only maisonette dwellings. This modification is to ensure certainty of use and to ensure that the proposed maisonette dwellings remain small in size and scale and are compatible with the character of the area.

Therefore the proposed modification regarding use has merit and can be supported.

Building Height

The proposed modification is to increase the maximum building height from 11.0 m to 12.6 m.

The intent and purpose of requiring a maximum building height of 11.0 m is to maintain a built form that is compatible with the existing built form of the

---

*OUR Vision: To be the best place to raise a child and age successfully.*

*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

*OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.*



neighbourhood and to minimize privacy and shadow impacts on adjacent properties.

The proposed modification is for a 1.6 m increase in the maximum building height in order to permit a three storey building with a pitched roof. The height of existing dwellings in the area range from one to two storeys in height. The majority of the proposed maisonettes are located internal to the subject lands. The proposed maisonette dwellings are setback 3.0 m from the westerly lot line and 9.0 m from the existing dwelling to the west and 9.5 m from the easterly lot line and 16.5 m from the proposed dwelling to the east. The buildings are oriented perpendicular to the adjacent residential properties and therefore will be massed in such a way to reduce the massing along the shared lot line with the existing low density residential lots along Cope Street and Tragina Avenue North. Furthermore, the roof is proposed to slope away from the adjacent residential properties, further reducing the massing along the shared lot line with the existing low density residential lots along Cope Street and Tragina Avenue North.

Therefore, the proposed modification can be supported.

#### Front Yard Setback

The proposed modification is to reduce the minimum depth of a yard abutting a street (front yard) from 6.0 m to 4.3 m for the second and third floor, 5.5 m for the first floor, and 6.0 m for the garage.

The intent and purpose of requiring a minimum front yard setback of 6.0 m is to maintain the streetscape character of the area and to provide adequate space with which to provide adequate driveway access and landscaping.

The proposed reduction in the front yard setback to 4.3 m is in respect to the second and third floors above the garage, while the ground floor will maintain a larger front yard setback of 5.5 m and the garage will conform to the minimum 6.0 m front yard setback. The proposed reduction in the front yard setback will be compatible with the character along the north side of Vansitmart Avenue. Based on the above, the proposed modification can be supported.

#### Side Yard Setback

The proposed modification is to reduce the minimum width of a yard abutting any other lot (side yard) from 6.0 m to 3.0 m where windows to a habitable room face the yard.

**SUBJECT: Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law for Lands Located at 115 and 121 Vansitmart Avenue, Hamilton (PED18124) (Ward 4) - Page 26 of 38**

---

The intent and purpose of requiring a minimum side yard setback of 6.0 m where there are windows is to maintain adequate space for privacy.

It is noted that a setback of 3.0 m is required when there are no windows for a habitable room facing the abutting lot, whereas a setback of 6.0 m is required where there are windows to a habitable room. The applicant is seeking a 3.0 m setback with windows to a habitable room. It is noted that the buildings are oriented so that only the westerly end units face the adjacent property. This limits the number of proposed windows facing the adjacent lots and limits the number of lots facing the window of an end unit. Based on the concept elevation plan provided by the applicant, the number of windows on the side elevation will be limited to one window per floor for each end unit, and the window on the ground floor would not be to a habitable room. A landscaped area and visual barrier will also be provided between the proposed buildings and the adjacent properties to buffer and screen the adjacent properties.

Given the orientation of the buildings, the limited number of windows facing the adjacent properties and the proposed landscaping and visual barrier, the proposed 3.0 m side yard setback will still maintain the privacy of adjacent properties.

Based on the above, the proposed modification can be supported.

#### Privacy Area Screening

The applicant is proposing to establish second floor balconies with privacy screens in all cases except for when separated from another balcony by a minimum of 3 m, whereas privacy screening is required on two sides of each balcony. A full privacy screening will be provided when two balconies are immediately adjacent to each other, on the easterly side of the balcony for the easterly end units and on the westerly side of the balcony for the westerly end units. For all sides of a balcony that are not mentioned above, partial privacy screening will be provided by the proposed building design.

The intent and purpose of requiring a privacy area to be screened on two sides is to ensure privacy for the occupants of the patio and adjacent residents. The separation between balconies and partial screening created by the building will ensure that the privacy of the balconies for the interior units is protected. In respect to the balconies on the westerly end units, a separation of 3.0 m is provided between the balcony and the rear lot line of the properties on Cope Street and therefore a privacy screen is required to protect the privacy of both the abutting properties and the occupants of the patio. In respect to the balconies for the easterly end units, while the balconies maintain a 9.5 m setback from the

---

*OUR Vision: To be the best place to raise a child and age successfully.*

*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

*OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.*

adjacent properties a privacy screen is nonetheless required to protect the privacy of the occupants of the patio.

Therefore, as the proposed modification is only to permit a partial screening for balconies that are non-abutting the proposed modification can be supported.

### Landscape Area

The proposed modification is to permit a total of 23% (1,839.4 sq m) of the lot to be comprised of landscaped area instead of the required 40% (3,198.9 sq m).

The intent and purpose of requiring 40% of the lands to be landscaped is to maintain the character of the area and to provide adequate buffering for adjacent land uses. Landscaped area proposed on the site includes:

- A landscaped area of 3.0 m in width along the westerly side of the proposed development and ranges between 3.8 m to 4.7 m in width between the access driveway and parking areas and the adjacent residential district;
- A 1.25 m wide landscaped strip along the easterly lot line between the access driveway and the adjacent lands to the east;
- Landscaping between the two rows of visitor parking in the centre of the proposed development;
- A large landscaped area at the rear of the proposed development adjacent to the existing railway line to the rear; and,
- Landscaping at the front of each dwelling unit including along Vansitmart Avenue.

At 23%, the proposed landscaped area represents an appropriate amount of front yard landscaping for this form of development. The proposed landscaping will provide sufficient buffering for adjacent properties from the activities on-site.

Therefore, the proposed modification can be supported.

### Parking Space Length

The proposed modification is to reduce the minimum parking space length for the visitor parking spaces from 6.0 m to 5.8 m. The reduction only applies to the visitor parking spaces.

The intent and purpose of requiring a minimum parking space length of 6.0 m is to ensure that parking spaces are of a sufficient size to accommodate a wide range of different types of vehicles. The length of the parking spaces in the garage and on the front driveway will meet or exceed the required 6.0 m parking space length. It is noted that the reduction in parking space length is being requested in order to facilitate additional landscaping between the two rows of visitor parking in the centre of the proposed development. The proposed 5.8 m long parking spaces will be of sufficient size to accommodate a wide range of different types of vehicles.

Therefore, the proposed modification can be supported.

#### Setback of Parking Area from Adjoining Residential District

The proposed modifications are requested in order to reduce the required 1.5 m setback between a parking area and an adjoining residential district and to reduce the required 3.0 m setback between an access driveway and an adjoining residential district. The modifications are as followings:

- To permit a parking area to be setback 1.25 m from an adjoining residential district;
- To permit the proposed access driveway to be setback 0.0 m from an adjoining residential district to the east for the first 8.5 m; and,
- To permit a 1.25 m setback for the remaining portion of an access driveway from an adjoining residential district to the east.

The intent and purpose of requiring a 1.5 m setback for a parking area and 3.0 m for an access driveway from an adjoining residential district is to provide adequate buffering for adjacent land uses.

A 1.25 m landscape area along with a visual barrier will be provided between the parking area at the rear of subject property and the adjoining residential district to the east which will buffer and screen the adjoining residential uses from the parking area. A visual barrier will be provided between the access driveway and adjoining residential district and a 1.25 m landscaped area will be provided along the majority of the easterly side yard between the access driveway and the adjoining residential district. The setback is reduced at the point where the access driveway connects to Vansitmart Avenue in order to accommodate a wider access driveway width. It is noted that the proposed 0.0 m setback is between the access driveway and the proposed single detached dwelling at the corner of Vansitmart Avenue and Tragina Avenue North, and not an existing

---

*OUR Vision: To be the best place to raise a child and age successfully.*

*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

*OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.*

dwelling. The site specific By-law will permit a 0.0 m setback for only the first 8.5 m. It is noted that the existing dwellings along Tragina Avenue North maintain large rear yard setbacks of 14 m or larger and therefore significant buffering already exist on the easterly side of the subject property. Based on the above, adequate buffering will be provided between the parking area and access driveway and the adjoining residential use.

The proposed modification can be supported.

4. **Zoning By-law Amendment – C/S-1762-‘H’ (Blocks 2 and 3)**

**Front Yard Setback (Block 3)**

The proposed modification is to reduce the front yard setback for the proposed single detached dwelling on Block 3 from 6.0 m to 1.0 m.

The intent and purpose of requiring a minimum 6.0 m front yard setback is to maintain the streetscape character of the area and to provide adequate space with which to provide driveway access and landscaping. The lots along Cope Street are shallow in depth and the dwellings are typically located close to the front lot line. The subject property will maintain more than 50% front yard landscaping on-site. The proposed 1.0 m front yard setback will be consistent with the existing setbacks along Cope Street which range from 0.0 m to 2.8 m. In addition, the proposed 1.0 m front yard setback along with the existing boulevard depth of approximately 3.5 m will maintain approximately 4.5 m of manoeuvring space with which to access the one on-site parking space within the garage. Therefore, the proposed 1.0 m front yard setback will provide adequate landscaping and is consistent with the existing character. Therefore, the proposed modification can be supported.

**Rear Yard Setback (Block 3)**

The proposed modification is to reduce the rear yard setback for the proposed single detached dwelling on Block 3 from 7.5 m to 6.0 m.

The intent and purpose of requiring a minimum 7.5 m rear yard setback is to maintain adequate private amenity space to meet the amenity needs of the subject property. Due to the shallow depth of the lots on the east side of Cope Street, a 6.0 m rear yard setback or smaller is common. The rear yard setback of the lot to the north is approximately 5.0 m and approximately 5.8 m for the lot to the south, therefore the proposed 6.0 m rear yard setback represents a larger rear yard than the immediately adjacent lots. The proposed 6.0 m rear yard setback will still maintain a 54.6 sq m rear yard private amenity area, which given

**SUBJECT: Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law for Lands Located at 115 and 121 Vansitmart Avenue, Hamilton (PED18124) (Ward 4) - Page 30 of 38**

---

the size of the property, is appropriate and will meet the amenity needs of residents. The proposed modification can be supported.

Reduced Lot Width and Lot Area (Blocks 2 and 3)

The proposed modification is to reduce the lot width and lot area for Blocks 2 and 3 from the required 12.0 m width and 360 sq m area, to 10 m in width and 329 sq m in area for Block 2 and 9.1 m in width and 149 sq m in area for Block 3.

The intent and purpose of requiring a minimum lot width of 12 m and lot area of 360 sq m is to ensure that lots are of an appropriate size to be compatible with the character of the neighbourhood and able to accommodate an appropriate sized dwelling unit with adequate parking and amenity space.

For Block 2

A modification for lot width and area is required in order to accommodate a 1.25 m road widening along Vansitmart Avenue. The proposed lot is compatible in size to the existing 12 m, 400 sq m lots that are common along Tragina Avenue North. An appropriate sized dwelling unit with a gross floor area of 264 sq m can be established on site in conformity with the setback requirements of the "C" District. Two on-site parking spaces can be provided along with a minimum 64 sq m rear yard private amenity space. The reduction in lot width and lot area will be compatible with the character of the neighbourhood, will provide an appropriate sized dwelling, and will provide adequate parking and amenity space.

Therefore, the proposed modification can be supported.

For Block 3

The lot for Block 3 represents a remnant parcel located between two existing dwellings and as such there is no opportunity to enlarge the lands. The proposed 9.1 m lot width and 149 sq m lot area represents a typical lot width and lot area for the properties on the east side of Cope Street. A dwelling with a gross floor area of approximately 123.8 sq m can be accommodated on-site with reductions to the front and rear yard setback that are consistent with other dwellings along the east side of Cope Street in terms of placement and dwelling size. A rear yard amenity area that is 54.6 sq m in size can be provided to meet the amenity needs of the subject property. A reduced number of on-site parking spaces is provided however on-site parking spaces are not provided for the majority of dwellings on the east side of Cope Street. The reduction in lot width and lot area will be

---

*OUR Vision: To be the best place to raise a child and age successfully.*

*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

*OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.*

compatible with the character of the neighbourhood, will provide an appropriate sized dwelling and will provide adequate parking and amenity space.

The proposed modification can be supported.

#### Porch Encroachment (Block 3)

The proposed modification is to permit a front porch to be established at the front of the proposed dwelling with an encroachment of 1.0 m into the required front yard and to be setback 0.0 m from the front lot line, whereas a maximum encroachment of 3.0 m is permitted with a minimum setback of 1.5 m from the front lot line.

The intent and purpose of permitting a maximum encroachment of 3.0 m with a minimum setback of 1.5 m for a roofed-over unenclosed porch is to maintain the streetscape character of the area. The lots along Cope Street are shallow in depth and the dwellings including front porches are typically located close to the front lot line. Therefore a porch with a 0.0 m setback from the front lot line will be in keeping with the streetscape character of the area.

The proposed modification can be supported.

#### Reduced On-site Parking (Block 3)

The proposed modification is to reduce the number of required on-site parking spaces for the proposed dwelling on Block 3 from two spaces to one space.

The intent and purpose of requiring two parking spaces on-site is to ensure that the parking needs of the subject property are met. The lots on the east side of Cope Street are small in size including the proposed lot, and do not have sufficient lot size in which to provide two parking spaces. The majority of properties on the east side of Cope Street have no on-site parking and the few lots that do only provide one parking space. On-street parking is permitted on Cope Street and there is existing transit available within 200 m along Barton Street East, which will provide alternative parking and transportation options for the residents of the proposed single detached dwelling on Cope Street. The proposed one on-site parking space along with available on-street parking and transit will meet the parking needs of the subject property.

Therefore, the proposed modification can be supported.

Reduced Manoeuvring Space (Block 3)

The proposed modification is to reduce the required manoeuvring space length from 6.0 m to 1.0 m for the dwelling on Block 3.

The intent and purpose of requiring a minimum of 6.0 m of manoeuvring space is to ensure that vehicles can enter into and exit from a parking space safely. As noted above the lots along the east side of Cope Street are small in size and are located in close proximity to the front lot line. The existing properties on Cope Street that have an on-site parking space do not provide 6.0 m of manoeuvring space. It is further noted that Cope Street is a dead end street and therefore traffic is limited in both volume and speed. The one on-site parking space is to be provided in an attached garage which is setback 1.0 m from the front lot line. There is an additional setback of approximately 2.0 m from the sidewalk on the boulevard and a 1.5 m wide sidewalk therefore representing an approximate 3.5 m setback from Cope Street. The 4.5 m setback along with the limited traffic volume and speed of the street will ensure that the one on-site parking space can be entered into and exited safely.

Therefore, the proposed modification can be supported.

5. As discussed in the Policy Implications and Legislated Requirements section of this Report, the subject property has the potential to be a contaminated site due to its previous use as a contracting yard. In addition, it is noted that that applicant has undergone a Phase I and Phase II Environmental Site Assessment but has not submitted their findings to the MOECC. In order to ensure that the applicant submits the findings of the Environmental Site Assessment and receives a Notice of Acknowledgement letter from the MOECC, the proposed By-law will establish a 'H' Holding Provision on the subject property.
6. There is an existing 150 mm watermain fronting the subject lands on Vansitmart Avenue and a 150 mm watermain on both Cope Street and Tragina Avenue North. There is a 300 mm combined storm and sanitary sewer fronting the subject lands on Vansitmart Avenue, 300 mm combined sewers on Cope Street and Tragina Avenue North, and a 450 mm combined sewer to the rear of the subject lands adjacent to the CN rail line. A Functional Servicing Report was submitted and reviewed as part of the applications for Official Plan Amendment and Zoning By-law Amendment (June 28, 2016 and Revised May 16, 2017). In respect to servicing there is not a concern with establishing the principal of the land use. However, it is noted that the applicant will be required to revise the Functional Servicing Report as part of the Site Plan Control Application. The details with respect to servicing and storm water management will be evaluated and implemented as part of the application for Site Plan Control.



**SUBJECT: Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law for Lands Located at 115 and 121 Vansitmart Avenue, Hamilton (PED18124) (Ward 4) - Page 33 of 38**

---

Vansitmart Avenue is classified as a local road with an ultimate road width of 20.1 m. The current road width is 17.6 m. A road widening of approximately 1.25 m dedicated to the City of Hamilton will be required, at the Site Plan Control stage.

7. The subject property is comprised of 115 and 121 Vansitmart Avenue which are both owned by the same Owner but have not yet merged on title. The lands will need to be merged on title in order facilitate the proposed development. Additionally, the lots for the two single detached dwellings will need to be severed through a Consent Application.
8. Following the Notice of Complete Application, staff received 14 letters of correspondence received in response to the first Notice of Complete Application in 2016 in respect to the original proposal and one letter of correspondence received in response to the second Notice of Complete Application in 2017 in response to the second proposal see Appendix “G” to Report PED18124. The letters of correspondence identified a number of concerns with respect to the proposed development and are summarized below:

Over Intensification

A concern was raised that the proposed development represents an over-intensification of the subject lands given the context of the area. The applicant has revised the proposed development reducing the number of dwelling units from 62 stacked townhouse dwellings and two single detached dwellings to 40 maisonette dwellings and two single detached dwellings. As discussed in the Policy Analysis Section of this Report, while the form of the development is considered to be medium density residential, the height and density of the proposed development is compatible with low density residential.

Building Height

A concern was raised that the height of the buildings are not compatible with the area. The area is comprised of buildings that range in height from one to two storeys. The proposed three storey maisonette dwellings will have a height that is greater than the existing buildings but is compatible with the area. Also setbacks of 3.0 m from the westerly side lot line and 9.0 m from the existing dwelling to the west and a setback 9.5 m from the easterly side lot line and 16.5 m from the proposed dwelling to the east will create an appropriate transition in scale.

---

*OUR Vision: To be the best place to raise a child and age successfully.*

*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

*OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.*

### Reduction in Property Value

A number of interested parties were concerned that the proposed development would negatively impact the property values of existing properties in the area. Staff are not aware of any supporting information or any empirical data with respect to property devaluation that would substantiate this concern.

### Privacy

A concern was raised with respect to the potential impact of the proposed development on the privacy of nearby residential properties. A visual barrier will be established between the proposed development and the adjacent residential properties which will provide screening. The balconies on the west side will be required to provide a privacy screen on the westerly side of the balcony to protect the privacy of the existing single detached dwellings to the west of the subject property. The balconies on the east side will require a privacy screen on the easterly side of the balcony which along with the proposed 9.5 m setback will protect the privacy of the existing single detached dwellings to the east of the subject property. The orientation, setback and the limited number of window openings on the west end of the maisonette dwellings will limit privacy impacts on the adjacent properties.

### Noise Impacts

A concern was raised with respect to potential noise impacts caused by the proposed development on nearby residential properties. The proposed development is a residential development that maintains a density consistent with a low density residential area. The majority of the activity on-site will be contained within the dwellings and would therefore not impact nearby residential properties.

### Parking and Traffic

A concern was raised that insufficient parking is being provided and that on-street parking is currently a problem. Two parking spaces are being provided for each maisonette dwelling along with 28 visitor parking spaces which exceeds the required 1.3 parking spaces per unit and 12 visitor parking spaces that are required. The single detached dwelling at the corner of Vansitmart Avenue and Tragina Avenue North is providing two required parking spaces. Only the single detached dwelling on Cope Street is seeking a reduction in parking from two parking spaces to one parking space, which represents more parking than most of the dwellings on the east side of Cope Street. Therefore, sufficient parking is being provided.

A concern was also raised with respect to traffic congestion. It noted that the proposed parking for the maisonette dwellings is accessed from Vansitmart Avenue and not the dead end streets of Cope Street or Tragina Avenue North. On-street parking is limited to one side of Vansitmart Avenue in order to accommodate greater volumes of traffic. Also the proposed development is located within one block of Barton Street East a minor arterial road. Given the density of the proposed development, the function of Vansitmart Avenue, and the proximity to a minor arterial road, the proposed development is not expected to create negative traffic impacts.

#### Infrastructure Impacts

A concern was raised that the proposed development would impact the aging sewer and water systems in the area. As noted above, a Functional Servicing Report was submitted and reviewed as part of the applications and there is not a concern with establishing the principal of the land use. The details respecting servicing and storm water management will be undertaken as part of the future Site Plan Control Application.

#### Shadow Impacts

A concern was raised in respect to the impact of the proposed development on sun access and shadow impacts. The perpendicular orientation of the proposed buildings from the adjacent residential properties along with the building height being limited to three storeys and setbacks of 3.0 m from the westerly lot line and 9.5 m from the easterly lot line being maintained will ensure that shadow impacts on the adjacent residential properties will be limited.

#### Form and Tenure

A concern was raised with the compatibility of the form and tenure of the proposed development, whether the units would be rental or ownership. As mentioned in this Report, a future condominium application will establish condominium ownership, however it is noted that the City cannot regulate the tenure through the Zoning By-law. The maisonette dwellings, are a compatible use, form and density for the area.

#### Taxes

A concern was raised that the proposed redevelopment of the subject lands would increase the property taxes of neighbouring properties. Staff are not aware of any supporting information or any empirical data with respect to increase in property taxes that would substantiate this concern.

### Limited Consultation

A concern was raised that the neighbours and interested parties were not given adequate time in which to review the proposal and comment. It is noted that notices were sent to the public on August 15, 2016 with comments requested by September 2, 2016, however, comments can continue to be submitted to the City up to the Public Meeting and decision by Council, and that all comments received prior to the writing of this Report are included. It is further noted that there have been two separate notices that have been sent to the public requesting comments: one in August, 2016 and another in August, 2017. Also, there was a public open house held in February, 2017.

### Loss of Greenspace and Tree Removal

A concern was raised that the proposed development will result in a loss of greenspace on-site and the removal of existing trees. As noted above, the proposed applications are seeking a reduction in on-site landscaping from 40% to 23%, however, landscaped areas between the development and adjacent lands will be provided as well as landscaping throughout the site. Therefore, sufficient greenspace will be provided on-site. In respect to existing street trees, as part of the Site Plan Control Application a Tree Management Plan will be required.

### Snow Removal

A concern was raised with respect to how snow removal will be addressed. Snow removal for the private condominium road will not be undertaken by the City of Hamilton and will be maintained by the condominium corporation. Furthermore, the large landscaped areas at the rear of the property, other landscaped areas throughout the site, and the excess visitor parking spaces will provide sufficient space on-site to accommodate snow storage.

### Parking During Construction

A concern was raised with respect to how parking will be accommodate during construction phase. Short term parking can be provided on-site to accommodate parking for works and a Construction Management Plan will be required as part of the Site Plan Control Application.

### Assurance that the Revised Proposal will not be Altered

A concern was raised that the applicant would alter the revised proposal following community agreement. The proposed site specific By-law is based on the

revised proposal and further revision to the proposed development would require additional modifications to the By-law by way of a public process.

#### Provision of Basement

A question was raised about whether the proposed development would include basements. Based on the plans provided basements are not proposed for the maisonette dwellings.

#### Setbacks

A concern was raised with respect to the setback of the proposed buildings from the adjacent land. The applicant increased the westerly side yard setback from 1.5 m to 3.0 m and a setback of 9.5 m will be maintained from the easterly lot line.

### **ALTERNATIVES FOR CONSIDERATION**

Should the proposed Official Plan Amendment and Zoning By-law Amendment applications be denied, the subject property could be utilized in accordance with the range of uses and provisions of the “C” (Urban Protected Residential, etc.) District.

### **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

#### **Community Engagement and Participation**

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

#### **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.*

---

*OUR Vision: To be the best place to raise a child and age successfully.*

*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

*OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.*

**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" – Draft Official Plan Amendment

Appendix "C" – Draft Amendment to Zoning By-law No. 6593

Appendix "D" – Original Concept Plan

Appendix "E" – Revision Concept Plan

Appendix "F" – Current Concept Plan

Appendix "G" – Public Comments

---

*OUR Vision: To be the best place to raise a child and age successfully.*

*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

*OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.*