



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	February 19, 2019
SUBJECT/REPORT NO:	Applications to Amend the Urban Hamilton Official Plan and Town of Dundas Zoning By-law No 3581-86 for Lands Located at 264 Governor’s Road (PED19041) (Ward 13)
WARD(S) AFFECTED:	Ward 13
PREPARED BY:	Adam Lucas (905) 546-2424 Ext. 7856
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Amended Urban Hamilton Official Plan Amendment Application UHOPA-17-040 by Intero Development Group Inc. (c/o Donald Newman) on behalf of Barbara Wilk-Ridge, Power of Attorney for Helmut and Anna Wilk, Owner,** to establish a Site Specific Policy to permit a 29 townhouse dwelling unit development with a minimum net residential density of 48 units per hectare on lands located at 264 Governor’s Road, Dundas, as shown on Appendix “A” to Report PED19041, be **APPROVED**, on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED19041, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe.
- (b) That **Amended Zoning By-law Amendment Application ZAC-17-088 by Intero Development Group Inc. (c/o Donald Newman) on behalf of Barbara Wilk-Ridge, Power of Attorney for Helmut and Anna Wilk, Owner,** for a change in zoning from Urban Reserve Zone (UR) to Low to Medium Density Multiple Dwelling Zone - Holding (H-RM1/S-139) to permit 29 townhouse dwellings on lands located

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at 264 Governor's Road, Dundas, as shown on Appendix "A" to Report PED19041, be **APPROVED**, on the following basis:

- (i) That the draft By-law, attached as Appendix "C" to Report PED19041 which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act, R.S.O. 1990* to the subject property by introducing the Holding Symbol 'H' to the proposed (RM1/S-139) Zone.

The "H" symbol may be removed at such time as the following has been satisfied:

- (i) That the owner / applicant provide a revised Documentation and Salvage Report to further detail their approach for removing, labelling, storing, and if required, reassembly of material salvaged from the buildings on-site and how the salvaged materials are to be incorporated on-site, to the satisfaction of the Director of Planning and Chief Planner.
- (ii) That the amending By-law, attached as Appendix "C" to Report PED19041, be added to Schedule "H" of the Town of Dundas Zoning By-law No. 3581-86; and,
- (iii) That this By-law is in conformity with the Urban Hamilton Official Plan, upon approval of Urban Hamilton Official Plan Amendment No. XX.

EXECUTIVE SUMMARY

The Owner, Barbara Wilk-Ridge, Power of Attorney for Helmut and Anna Wilk, has applied for an Official Plan Amendment and Zoning By-law Amendment to permit 29 townhouse dwellings on lands located at 264 Governor's Road in the former Town of Dundas.

The proposed Urban Hamilton Official Plan Amendment will permit an overall minimum net residential density of 48 units per hectare whereas the Official Plan requires a minimum net residential density of 60 units per hectare.

The amended Zoning By-law Amendment is for a change in zoning from the Urban Reserve Zone (UR) to a site specific Low to Medium Density Multiple Dwelling Zone (RM1) in the Town of Dundas Zoning By-law No. 3581-86. The site specific RM1 Zone includes modifications for:

- reduced minimum yard setbacks;

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- amenity space requirements;
- visitor parking rate requirements;
- landscape area and buffer strips;
- increased building height and density; and,
- removal of permitted encroachments for uncovered and unenclosed porches in the front yard.

The applicant does not agree with the site specific outdoor amenity requirements for the three-storey townhouse units recommended by staff.

The subject property contains a mid to late 19th century farm dwelling and accessory structures and is included in the City's Inventory of Buildings of Architectural and / or Historical Interest. A Holding Provision is being applied to the subject land until the owner / applicant updates, submits and implements the Documentation and Salvage Report which will detail the approach for removing, labelling, storing and if required, reassembly of materials salvaged from the existing buildings on subject lands.

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 upon finalization of the Urban Hamilton Official Plan (UHOP) Amendment, will comply with the intent of the UHOP. The proposal is considered to be compatible with the existing development pattern in the area and represents good planning by establishing compatible infill development.

Alternatives for Consideration – See Page 25

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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

HISTORICAL BACKGROUND

The subject property is located on the south side of Governor's Road, west of Creighton Road, and is municipally known as 264 Governor's Road (see Appendix "A" to Report PED19041). The property is approximately 0.65 ha (1.6 ac) in size with 107 m of lot frontage along Governor's Road. The property currently contains a one and a half

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storey single detached dwelling and two accessory structures (shed and barn), which are proposed to be demolished to accommodate the proposed development.

Proposal:

First Submission – November 27, 2017 (see Appendix “E” to Report PED19041)

Applications for Official Plan and Zoning By-law Amendments were submitted seeking to permit 31 townhouse dwellings and a minimum of 66 parking spaces (60 private and six visitor parking spaces) on the subject land. The proposed development would be accessed by way of an internal private road. The applications would include 14 three storey townhouses along the Governor's Road frontage and 17 two storey townhouses along the rear of the property.

Second Submission – April 27, 2018 (see Appendix “F” to Report PED19041)

In response to the comments provided from internal departments, the concept plan was revised to align the access into the subject property with the intersection of Huntingwood Avenue and Governor's Road. In addition, the applicant made the following changes to the plan:

- The number of dwellings was decreased to 29 townhouse dwellings;
- The net residential density of the development was decreased to 48.4 units per hectare; and,
- The front yard setback was increased to 3.92 m.

Staff responded to the second submission and identified concern with the 3.75 sq m private outdoor amenity area proposed for the townhouses along Governor's Road. The applicant confirmed that they wish to proceed with the proposed amenity area indicating that the proposed 3.75 sq m is appropriate. Given the above, staff are recommending that a minimum of 6.0 sq m of outdoor amenity area in the form of a second storey deck or rooftop patio for each dwelling unit along Governor's Road be provided. The applicant is not in agreement with this proposed requirement.

Third Submission – November 27, 2018 (see Appendix “G” to Report PED19041)

In response to comments from the internal departments regarding clarification on the minimum visitor parking space sizes, the concept was revised resulting in the following changes:

- The visitor parking spaces have been increased in size to 2.7 m by 6 m; and,
- The easterly side yard was reduced to 3.35 m.

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Chronology

- November 27, 2017: Official Plan Amendment Application UHOPA-17-040 and Zoning By-law Amendment Application ZAC-17-088 received.
- December 13, 2017: Official Plan Amendment Application UHOPA-17-040 and Zoning By-law Amendment Application ZAC-17-088 deemed complete.
- December 20, 2017: Notice of Complete Application and Preliminary Circulation sent to 110 property owners within 120 m of the subject property.
- December 21, 2017: A Public Notice Sign was posted on site.
- April 12, 2018: Public Information Meeting held.
- April 27, 2018: Second submission including a revised concept plan, fire flow estimate, arborist report, and revised draft Official Plan Amendment and Zoning By-law Amendment.
- November 27, 2018: Third submission including a revised concept plan and Zoning By-law Amendment.
- January 23, 2019: Public Notice sign updated with public meeting date.
- February 1, 2019: Circulation of the Notice of Public Meeting to 110 property owners within 120 m of the subject property.

Details of Submitted Applications:

- Owner:** Barbara Wilk-Ridge, Power of Attorney for Helmut and Anna Wilk
- Applicant:** Intero Development Group Inc. (c/o Donald Newman)
- Agent:** UrbanSolutions Planning & Development Consultants Inc. (c/o Matt Johnston)
- Location:** 264 Governor's Road (see Appendix "A" to Report PED19041)

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Property Description:	<u>Lot Frontage:</u>	106.45 m
	<u>Lot Depth:</u>	61.48 m
	<u>Lot Area:</u>	0.65 ha (1.6 ac)
	<u>Servicing:</u>	Existing Full Municipal Services

Existing Land Use and Zoning:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Property:</u>	One and a half storey single detached dwelling and two accessory buildings	Urban Reserve Zone (UR)

Surrounding Lands:

North	Townhouse dwellings	Low to Medium Density Multiple Dwelling Zone (RM1/S-8)
	One storey hydro building	Public and Private Service Zone (PPS)
East	Single detached dwellings	Single-Detached Residential Zone (R1)
West	One storey elementary school	Neighbourhood Institutional (I1) Zone
South	Single detached dwellings	Single-Detached Residential Zone (R1)

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 (2014) (PPS). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS. The following policies, amongst others, apply to the proposed development.

Settlement Areas

With respect to Settlement Areas, the PPS provides the following:

- “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;
 - 3. minimize negative impacts to air quality and climate change, and promote energy efficiency;
 - 4. support *active transportation*; 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.”

The subject property is located within a settlement area as defined by the PPS. The proposal consists of 29 townhouse dwellings accessed by way of an internal private road. The proposal is contributing to the mix of land uses in the City of Hamilton that efficiently use land and existing infrastructure, thereby minimizing negative impacts to air quality and climate change and promote energy efficiency. Further, the proposal represents a form of intensification that is transit supportive and supports active transportation.

Cultural Heritage and Archaeology

With respect to Cultural Heritage and Archaeology, the PPS provides the following:

- “2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.
- 2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or area of archaeological potential unless significant archaeological resources have been conserved.”

The subject property contains a mid to late 19th century farm dwelling and accessory structures and is included in the City's Inventory of Buildings of Architectural and / or Historical Interest. In support of the proposal, a Documentation and Salvage Report (DSR) was completed by Archaeological Research Associates Ltd., dated July 26, 2017. The DSR provided a number of recommendations for the curation and / or reuse of materials located within the existing buildings on the property.

The Policy and Design working group of the Hamilton Municipal Heritage Committee reviewed the Documentation and Salvage Report at their meeting on January 15, 2018. The working group recommended that the applicant firstly consider moving the dwelling on site and retaining it, secondly relocating the dwelling off site and if these options were not feasible, that the building on site be salvaged in accordance with the DSR.

With respect to the above options, the applicant has indicated that they do not intend on retaining the buildings on site or relocating them off site. However, they do intend to incorporate some of the salvaged materials in the development of the property. A Holding Provision has been included in the By-law (attached as Appendix “C” to Report PED19041) requiring that the owner / applicant provide an updated Documentation and Salvage Report to further detail their approach for removing, labelling, storing, and if required, reassembly of material salvaged from the buildings on-site, and how they intend to incorporate any of the salvaged materials on-site.

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

- Within 300 m of a primary watercourse or permanent waterbody, 200 m of a secondary watercourse or seasonal waterbody, or 300 m of a prehistoric watercourse or permanent waterbody; and,
- Along historic transportation routes.

Notwithstanding current surface conditions, these criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the PPS apply to the subject applications. In support of the proposal, a Stage 1-2 Archeological Assessment was completed by New Directions Archaeology Ltd., dated August 1, 2017. Staff concur with the recommendations in the report, and the archaeology condition has been met. Further, comments have been forwarded from the Ministry of Tourism, Cultural and Sport indicating that the report has been entered into the Ontario Public Register of Archaeological Reports without technical review.

In consideration of the foregoing, staff are of the opinion that the proposal is consistent with the PPS.

Growth Plan for the Greater Golden Horseshoe (2017):

The policies of the Growth Plan for the Greater Golden Horseshoe (2017) (Growth Plan) apply to any planning decision.

The subject lands are located within the built-up area, as defined by the Growth Plan. Section 1.2.1 of the Growth Plan outlines a number of Guiding Principles regarding how land is developed, resources are managed and protected, and public dollars are invested. The subject proposal conforms to these Guiding Principles in that:

- It supports the achievement of complete communities that are designed to support healthy and active living and meeting people's needs for daily living throughout an entire lifetime; and,
- It supports a range and mix of housing options to serve all sizes, incomes, and ages of households.

The Growth Plan is focused on accommodating forecasted growth in complete communities and provides policies on managing growth. The following policies, amongst others, apply:

"2.2.1.2 Forecasted growth to the horizon of this Plan will be allocated based on the following:

- a) the vast majority of growth will be directed to settlement areas that:
 - i. have a delineated built boundary;
 - ii. have existing or planned municipal water and wastewater systems; and,

iii. can support the achievement of complete communities.

c) within settlement areas, growth will be focused in:

iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and,

iv. areas with existing or planned public service facilities.

2.2.1.4 Applying the policies of this Plan will support the achievement of *complete communities* that:

a) feature a diverse mix of land uses, including residential and employment uses, convenient access to local stores, services, and *public service facilities*;

c) provide a diverse range and mix of housing options, including second units and *affordable* housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes; and,

d) expand convenient access to:

i. a range of transportation options, including options for the safe, comfortable and convenient use of *active transportation*;

2.2.2 Delineated Built-up Areas

1. By the year 2031, and for each year thereafter, a minimum of 60 percent of all residential development occurring annually within upper- or single-tier municipalities will be within the delineated built-up area.”

The applications conform to the policies of the Growth Plan by focusing growth within the built-up area, contributing to achieving a complete community by helping to achieve the intensification targets, utilizing existing and planned municipal infrastructure, and providing for development with access to a range of transportation options.

Based on the foregoing, the proposal conforms to the Growth Plan.

Urban Hamilton Official Plan

The subject property is identified as “Neighbourhoods” on Schedule “E” - Urban Structure and designated “Neighbourhoods” on Schedule “E-1” - Urban Land Use

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Designations. The following policies, amongst others, apply to the proposed development.

Urban Structure

"E.2.6.4 The Neighbourhoods element of the urban structure shall permit and provide the opportunity for a full range of housing forms, types and tenure, including affordable housing and housing with supports.

Neighbourhoods Designation

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.3.2.7 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.

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."

With respect to the above policies, the following is provided:

- The proposal is contributing to the full range of residential dwelling types that are permitted in the Neighbourhood Designation (Policies E.2.6.4, E.3.2.1 and E.3.2.3);
- The proposal includes 29 townhouse dwellings with access by way of an internal private road. The townhouse dwellings along the Governor's Road frontage have

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been orientated towards the public street, while the attached garages have been located behind the dwellings and internal to the site (Policy E.3.2.7 b));

- The subject property has adequate and direct pedestrian access and linkages to community facilities and services such as St. Bernadette Elementary School and Dundas Valley Secondary School to the west, and is in close proximity to Huntingwood Avenue Open Space lands which connects to Veterans Park (Policy E.3.2.7 c)); and,
- Development on this site will be subject to Site Plan Control. Through that process, staff will ensure that enhanced landscaping will be provided to improve the existing landscape features on-site and character of the surrounding area (Policy E.3.2.7 d)).

Medium Density Residential

“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.”

In accordance with the UHOP, the proposed townhouse dwellings are considered a multiple dwelling which is a permitted form of medium density residential development (Policy E.3.5.2).

Medium density residential uses are required to be developed at a net residential density between 60 units per net hectare and 100 units per net hectare (Policy E.3.5.7). The proposed 29 townhouse dwellings and associated private road have a net residential density of 48.4 units per net hectare and is therefore less than the minimum density of 60 units per net hectare. An amendment to the Urban Hamilton Official Plan is required in order to facilitate the proposed development. The analysis of the amendment is discussed in greater detail in the Analysis and Rationale for Recommendations section of this Report.

The proposed 29 townhouse dwellings will maintain a building height of two and three storeys and will therefore comply with the policies that establish a maximum building height of six storeys (Policy E.3.5.8).

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

The subject property is located in an area of the City that is generally characterized as having low density residential development with a mix of single detached and townhouse dwellings. Staff are of the opinion that the proposed built form maintains the established patterns and built form in the area given that townhouses exist on the north side of Governor's Road and the proposed built form will not exceed three storeys in height (Policy B.2.4.1.4 b) and B.2.4.2.2 e)). Further, the proposal complements the existing function of the neighbourhood by developing underutilized lands (Policy B.2.4.2.2 h)).

The proposal is seeking to permit townhouse dwellings ranging in height between 10.5 m and 13.0 m which is consistent with and provides a transition in scale relative to the buildings in the area as the adjacent residential area is permitted to have maximum building heights of 10.5 m in accordance with the zoning by-law (Policy B.2.4.2.2 c).

Along with the proposed location of the townhouse dwellings on the property, staff are of the opinion that the proposed built form is compatible with the surrounding area in terms of use, scale, form and character (Policy B.2.4.2.2 d). The orientation of the buildings in a north-south direction, restricting the location of the three storey townhouses to the Governor's Road frontage and providing a minimum rear yard setback of 7.5 m will ensure compatibility with adjacent land uses in terms of shadowing, overlook and other nuisance effects (Policy B.2.4.2.2 b)).

Further, through the Site Plan Control process, staff will be reviewing elevation drawings of the townhouse dwellings to ensure that the built form will sensitively integrated with the neighbouring area (Policy B.2.4.1.4 d) and B.2.4.2.2 b), c) and d)).

The proposed townhouse dwellings contribute to the range of dwelling types and tenures being offered in the City (Policy B.2.4.1.4 c)).

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As shown on the concept plan (see Appendix "E" to Report PED19041), the townhouse dwellings to the rear of the subject property will contain traditional backyards and the townhouse dwellings along the Governor's Road frontage will contain second floor and / or rooftop amenity areas having a minimum size of 6.0 sq m (Policy B.2.4.2.2 f).

With regard to infrastructure and transportation capacity, Governor's Road is classified as a major arterial road on Schedule "C" - Functional Road Classification to the UHOP. Transportation Planning Services has reviewed the proposal and have indicated no concerns from a transportation capacity perspective subject to minor modifications to the concept plan that can be addressed as part of a future Site Plan Control Application. Further, Development Engineering have reviewed the proposal from a water, sanitary and storm water capacity perspective and have indicated no objection to the approval of this development subject to the submission of further detailed engineering considerations as part of a Site Plan Control Application (Policy B.2.4.1.4 f) and B.2.4.2.2 j)).

Urban Design

- "B.3.3.2.6 Where it has been determined through the policies of this Plan that compatibility with the surrounding areas is desirable, new development and redevelopment should enhance the character of the existing environment by:
- a) complementing and animating existing surroundings through building design and placement as well as through placement of pedestrian amenities;
 - b) respecting the existing cultural and natural heritage features of the existing environment by re-using, adapting, and incorporating existing characteristics;
 - c) allowing built form to evolve over time through additions and alterations that are in harmony with existing architectural massing and style;
 - d) complementing the existing massing patterns, rhythm, character, colour, and surrounding context."

The applicant proposes to locate three blocks of three storey townhouse dwellings adjacent to Governor's Road (see Appendix "E" to Report PED19041). The front of these units will be orientated toward Governor's Road with the attached garages located to the rear of the townhouse dwellings away from the public street. Each townhouse dwelling fronting on Governor's Road is proposed to have a walkway leading directly

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from the dwelling to the adjacent public sidewalk. Staff are supportive of this site layout as the orientation of the units facing Governor's Road provides continuity to the streetscape and the pedestrian experience (Policy B.3.3.2.6a)).

As previously noted, the subject property contains a mid to late 19th century farm dwelling and accessory structures and is included in the City's Inventory of Buildings of Architectural and / or Historical Interest. In support of the proposal, a Documentation and Salvage Report (DSR) was completed by Archaeological Research Associates Ltd. The DSR provided a number of recommendations for the curation and / or reuse of materials located within the buildings on the property. The applicant intends on incorporating some of the salvaged materials on site. A Holding Provision is being incorporated into the Zoning By-law Amendment to require the owner / applicant to provide an updated Documentation and Salvage Report to further detail their approach for removing, labelling, storing, and if required, reassembly of material salvaged from the buildings on-site, and how they intend to incorporate any of the salvaged materials on-site (see By-law attached as Appendix "C" to Report PED19041). Details of how the salvaged material will be reused will be addressed through the Site Plan Control process (Policy B.3.3.2.6 b)).

With respect to the surrounding area, staff note that the proposed development respects the existing massing patterns and style of the area, which consists of other low rise residential buildings within the surrounding area (Policies B.3.3.2.6 c) and d)).

Built Form

"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; and,
- b) ensuring adequate privacy and sunlight to neighbouring properties.

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

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

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;

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- b) including ample glazing on ground floors to create visibility to and from the public sidewalk;
- c) including a quality landscape edge along frontages where buildings are set back from the street; and,
- d) locating surface parking to the sides or rear of sites or buildings, where appropriate.”

The subject land is located within an area that is predominantly low rise in nature with buildings not exceeding three storeys in height, while the proposal is for three storey townhouse dwellings along the Governor's Road frontage and two storey townhouse dwellings to the rear of the subject property. The applicant is proposing 7.5 m yard setbacks to the rear lot line and 2.5 m (west) and 3.35 m (east) side yard setbacks. Staff are of the opinion that adequate transitions in scale are being achieved to neighbouring buildings while adequate privacy and sunlight is being maintained for neighbouring properties (Policy B.3.3.3.2).

The subject property has frontage on Governor's Road, which is considered a major arterial road having an ultimate right of way width of 36.575 m. Staff are of the opinion that the new development is massed to respect the existing and planned street proportions (Policy B.3.3.3.3).

With respect to the proposed built form, the townhouse dwellings along the Governor's Road frontage have been located close to the street while having the elevation read as the front face of the dwelling. Private driveways and attached garages are internal to the site, away from Governor's Road. Through the Site Plan Control process, staff will be ensuring the front facades of the dwellings along Governor's Road will have ample glazing and quality landscaping throughout the property. As a result, staff are of the opinion that the proposal will create a comfortable pedestrian environment (Policy B.3.3.3.5).

Roads Network

“C 4.5.6 The City shall reserve or obtain right-of-way dedications as described in Schedule C-2 – Future Right-of-Way Dedications. Where a right-of-way is not described in Schedule C-2 – Future Right-of-Way Dedications, the City shall reserve or obtain dedications for right-of-ways as described in Section C.4.5.2. The aforesaid dedications shall be reserved or obtained through subdivision approval, condominium approval, land severance consent, site plan approval or by gift, bequeathment, purchase or through expropriation where necessary and feasible.”

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As shown on the concept plan (see Appendix "F" to Report PED19041), a 5.18 m right-of-way dedication along the frontage of Governor's Road is being provided. The Right-of-way width is in keeping with the right-of-way dedication as described in Schedule C-2 of the UHOP. The dedication of the road widening to the City will be addressed at the Site Plan Control stage.

Noise Policies

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

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

As previously noted, the proposed development is located on a major arterial road (Governor's Road) and is therefore subject to a noise assessment. The noise assessment is required to address both indoor noise levels for the arterial road as well as noise levels in outdoor living areas. In support of the proposal, a Noise Control Feasibility Study was completed by SS Wilson Associates Consulting Engineers dated November 20, 2017. Staff have reviewed the assessment and note that mitigation measures have been recommended to reduce the impact of noise on the proposed dwellings. Staff note these mitigation measures will be implemented at the Site Plan Control stage.

Given all the above, staff are of the opinion that the applications comply with the policies of UHOP subject to the required OPA for reduced density.

Town of Dundas Zoning By-law No. 3581-86

The subject property is currently zoned Urban Reserve Zone (UR) (see Appendix "A" to Report PED19041). Permitted uses within this Zone are limited to agricultural uses and existing residential uses including accessory structures.

An amendment is required to rezone the subject lands to a site specific Low to Medium Density Multiple Dwelling Zone (RM1) to permit the proposed use for townhouse dwellings and the following site specific modifications:

- A minimum front yard setback of 3.92 m;
- A minimum side yard setbacks of 2.5 m (westerly) and 3.35 m (easterly);

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- A maximum density of 49 dwellings per hectare;
- A maximum height of 13.0 m for three storey townhouse dwellings;
- A minimum landscaped area of 30% of the site;
- 2.25 parking spaces per dwelling unit, of which 0.25 spaces per dwelling unit shall be provided for visitor parking;
- Removal of permissions for uncovered and unenclosed porches encroachments into the front yard; and,
- Require a minimum buffer strip of 2.5 m within the easterly side and rear yards.

RELEVANT CONSULTATION

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

- Alectra Utilities;
- Hamilton Conservation Authority;
- Light Rail Transit Office;
- Recreation Division, Healthy & Safe Communities Department;
- Transit Division, Public Works Department; and,
- Environmental Services Division, Public Works Department.

The following Departments and / or Agencies have provided comments on the Application:

Forestry and Horticulture Division, Public Works Department has indicated that a detailed landscape plan will be required to facilitate street trees along the frontage of Governor's Road. This matter will be addressed as part of a future Site Plan Control Application.

Healthy Environments Division, Public Works Department has indicated the proposal should provide no more than the minimum number of parking spaces for residents and visitors, reduce parking requirements (i.e. 53 parking spaces) based on proximity to transit and consider the inclusion of visitor bike parking that is visible and well lit. Further, said division has requested that the applicant complete a pest control plan. These matters will be addressed as part of a future Site Plan Control Application.

Transportation Planning Services (TPS), Planning and Economic Development Department has indicated no objection to the approval of the proposal. However, TPS has requested that the applicant revise the submitted TDM Options report. More specifically, TPS has requested that the proposed development provide two - six short term exterior bike parking, provide sidewalks on both sides of the internal street, and provide travel planning resources in a central location on the property. Given the

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relatively small size of the proposed development, staff are of the opinion that a sidewalk on both sides of the internal street is not warranted and the proposal has included sidewalks on the north side of the internal road. However, the remainder of the above matters can be addressed as part of a future Site Plan Control Application.

PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and the Council approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 110 property owners within 120 m of the subject property on December 20, 2017. A Public Notice sign was posted on the property on December 21, 2017 and updated on January 23, 2019 to reflect the Public Meeting date. Finally, Notice of the Public Meeting was circulated on February 1, 2019 in accordance with the requirements of the *Planning Act*.

To date, 20 pieces of correspondence, including two petitions were received respecting the proposed development (see Appendix "F" to Report PED19041). These items are further summarized in the Analysis and Rationale for Recommendations section of this Report.

Public Consultation Strategy

Pursuant to the City's Public Consultation Strategy Guidelines, the applicant prepared a Public Consultation Strategy, which included a public information meeting held by the Ward Councillor on April 12, 2018 at the Dundas Town Hall at 60 Main Street in Dundas. The purpose of the meeting was to provide an overview of the proposal with the use of display boards and to meet with the residents in the area to discuss any issues or concerns with the proposal. A total of 16 residents attended the public information meeting. In addition, the applicant set up a microsite in January 2018 which provided electronic copies of the reports / drawings submitted in support of the proposed development.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - i) It is consistent with the PPS and conforms to the Growth Plan;
 - ii) It complies with the general intent of the UHOP; and,
 - iii) The development is compatible with the type and form of development in the surrounding neighbourhood.

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2. The subject property is located on the south side of Governor's Road. The property currently contains a one and half storey single detached dwelling and two accessory structures (barn and shed). The existing structures on the property will be demolished to accommodate the proposal. The applications propose to permit the construction of 29 townhouse dwellings with a minimum net residential density of 48 units per hectare ranging in height between two and three storeys and an associated internal private road with a sidewalk and 66 parking spaces (60 private and six visitor parking spaces).

Official Plan Amendment

In accordance with the policies of the UHOP, townhouse dwellings fronting on a private road are deemed to be a multiple dwelling and are considered to be a permitted use within the "Medium Density Residential Area" of the Neighbourhoods Designation. The proposed 29 townhouse dwellings have a net residential density of approximately 48.4 units per hectare whereas the UHOP requires a net residential density of 60 units per hectare (uph) but not more than 100 units per net hectare. On this basis, an amendment to the UHOP is required in order to permit the proposed townhouse development.

Based on the size and shape of the subject lands, townhouse dwellings that complied with the minimum net residential density of 60 units per hectare would create an undesirable residential development that would not have sufficient space to meet the parking and amenity needs of the dwelling units. Alternatively, development would be in the form of maisonettes or stacked townhouses. The proposed net residential density of 48.4 units per hectare allows for the establishment of townhouse dwellings that are of a size and scale that is appropriate, along with available space for parking and amenity for each dwelling unit. The proposed townhouse dwellings will establish a development that is also compatible in size and scale with the character of the neighbourhood. While the net residential density of the 29 townhouse dwellings is approximately 48.4 units per hectare, staff recommends that a minimum net residential density of 48 units per net hectare be established in order to provide a level of flexibility. As the proposed net residential density of 48 units per hectare establishes dwellings of an appropriate size and form in both functionality and character of the area, the proposed amendment to the UHOP to permit a minimum net residential density of 48 units per hectare, whereas the UHOP requires a minimum net residential density of 60 uph, has merit and can be supported.

Zoning By-law Amendment

The subject property is currently zoned Urban Reserve Zone (UR) in the Town of Dundas Zoning By-law 3581-86. Permitted uses within this Zone are limited to agricultural uses and existing residential uses, including accessory structures.

An amendment is required to rezone the subject lands to a site specific Low to Medium Density Multiple Dwelling Zone (RM1) to permit the proposed townhouse dwellings and the following site specific modifications:

- A minimum front yard setback of 3.92 m;
- A minimum side yard setbacks of 2.5 m (westerly) and 3.35 m (easterly);
- A maximum density of 49 dwellings per hectare;
- A maximum height of 13.0 m for three storey townhouse dwellings;
- A minimum landscaped area of 30% of the site;
- 2.25 parking spaces per dwelling unit, of which 0.25 spaces per dwelling unit shall be provided for visitor parking;
- Removal of permissions for uncovered and unenclosed porches encroachments into the front yard; and,
- Require a minimum buffer strip of 2.5 m within the easterly side and rear yards.

The use of the land for townhouses dwellings can be supported as it provides for a form of development that is compatible with the adjacent area in terms of use and scale. Further, the proposal is compact in form and develops underutilized land within the Neighbourhoods designation and complies with the intent of the UHOP. Therefore, staff support the Zoning By-law Amendment.

Staff's analysis and recommendation of the requested modifications are provided below and within Appendix "D" to Report PED19041.

(i) **Holding Provision**

A "H" Holding Provision is recommended for the subject property prior to development occurring on the land. Staff have requested that the owner / applicant update, submit and implement a Documentation and Salvage Report to further detail their approach for removing, labelling, storing, and if required, reassembly of material salvaged from the buildings on-site and how they intend to incorporate any of the salvaged materials on-site, to the satisfaction of the Director of Planning and Chief Planner. Given that this information has not yet been provided by the applicant to the satisfaction of City staff, a Holding Provision is recommended by staff.

(ii) Minimum Private Outdoor Amenity Area

Staff have amended the Zoning By-law Amendment Application to require a minimum outdoor amenity area requirement of 6.0 sq m per unit for the three storey townhouse dwellings proposed. The intent of this provision is to ensure that adequate private outdoor amenity area is provided for occupants of the dwelling units to accommodate amongst other items, patio tables and chairs, barbeque and vegetation. It is staff's understanding that the applicant is in disagreement with this requirement and proposed a 3.75 sq m outdoor amenity area located on the second storey at the rear of the three storey townhouses along Governor's Road. Staff are of the opinion that an outdoor amenity area of 3.75 sq m is not sufficient to accommodate the above items. Staff note that the recently approved Commercial and Mixed use (CMU) zoning requires a minimum of 6.0 sq m of amenity area for multiple dwellings. While this property is not located in CMU area, in the absence of minimum outdoor amenity area requirements for each townhouse dwelling in the zoning by-law or common outdoor amenity area provided on the concept plan, and that the dwellings do not contain a typical backyard condition, staff consider that a minimum private outdoor amenity area of 6.0 sq m could accommodate adequate outdoor area for the occupants of the three storey townhouse dwellings in this instance. This provision only applies to 14 of the 29 proposed townhouse dwellings in the development, while the remaining 15 townhouse dwellings are provided approximately 40 sq m of private outdoor amenity area in the form of a traditional backyard. Staff are of the opinion that the outdoor amenity area requirement of 6.0 sq m can be accommodated as part of the current configuration of the townhouse dwellings based on the concept plan provided. This can occur by way of a rooftop amenity area or second floor deck overtop of the driveway.

3. The Growth Management Division has indicated that a 300 mm diameter Ductile Iron watermain, 250 mm diameter sanitary sewer (Vitrified Clay pipe) and 375 mm concrete storm sewer is available within the Governor's Road right of way. As part of the Site Plan Control application the applicant will be required to submit:

- Erosion and sediment control plan;
- Grading and drainage control plan;
- Road widening on Governor's Road (+/- 5.18 m);
- Functional servicing report (FSR);
- Stormwater management report;
- Site servicing plan including driveway access details; and,
- Water assessment / water hydraulic analysis, etc. to demonstrate that the proposed development can be supported with the existing municipal services and infrastructures. All the recommendations from these reports will be implemented as a condition of Site Plan approval.

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The Stormwater Management Report has to demonstrate how the quality and quantity will be controlled within the site. Level 1 quality control will be provided in accordance with the City Standards. Further, 100 year post-development flows should be controlled to the 5-year pre-development levels. Governor's Road is an arterial road and in accordance with City Standards, uncontrolled 100 year-post development across Governor's Road will not be allowed. During the Site Plan process, if the applicant cannot design the storm water management system and / or any services in accordance with City Standards; the proposed layout of the plan may need to be refined to the satisfaction of the Manager of Development Approvals. As such, Growth Management staff does not have any objection to the approval of these applications.

4. Following the Notice of Complete Applications, staff received 20 letters and two petitions from the public for the proposed planning applications indicating concerns with the proposed development (see Appendix "H" to Report PED19041). Concerns identified in the correspondence are summarized below:

Traffic and Safety

A concern was raised with respect to the volume of traffic generated if the proposal was approved and the safety concerns posed for children in the area. As part of the circulation of the applications, the City's Transportation Planning Services reviewed the proposal and indicated no concerns with Traffic volume. Further, the proposed development would be subject to Site Plan Control where such matters as traffic circulation, ingress / egress, etc. will be reviewed in greater detail.

Height / Loss of Privacy / Compatibility

Concerns were raised with respect to the proposed height, loss of privacy and compatibility with adjacent uses resulting from the proposed development on the property. As previously noted in this Report, the applicants have located and orientated the buildings on the subject property in a manner that minimizes the impact on adjacent neighbours. As a result, staff are of the opinion that the height of the proposed buildings are compatible with adjacent uses and can be supported.

Reduction to property values

A concern was raised with respect to the proposal causing a negative impact on 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.

Stormwater Management

A concern was raised with respect to stormwater runoff, flooding and drainage issues occurring as a result of the approval of the proposal. The City's Growth Management Division provided comments indicating no objection to the approval of the applications from a stormwater management and drainage perspective. Further, the proposed development would be subject to Site Plan Control wherein matters relating to grading, drainage and stormwater management will be reviewed in greater detail.

Noise

A concern was raised with respect to noise resulting from the new dwellings being occupied on the subject lands. Staff note that noise is a by-product of any residential development where dwellings will be occupied. Staff note that the City has a Noise Control By-law that regulates noise in the City. Notwithstanding, issues associated with noise from this development are not anticipated.

Loss of Green Space

A concern was raised with respect to the loss of green space resulting from the approval of the proposal. Staff note that the subject property does not form part of the natural heritage system identified in the UHOP and is not a park and further designated 'Neighbourhoods' in the UHOP wherein residential development is envisioned on the subject land. Further, through the Site Plan process, the applicant will be required to provide enhanced landscaping on the subject property.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Urban Hamilton Official Plan and Zoning By-law Amendment Applications be denied the subject lands could be utilized in accordance with the uses and provisions of the Urban Reserve Zone (UR) in the Town of Dundas Zoning By-law No. 3581-86.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation

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

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Economic Prosperity and Growth

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

Healthy and Safe Communities

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

Clean and Green

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

Built Environment and Infrastructure

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

Culture and Diversity

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

Our People and Performance

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

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" – Location Map

Appendix "B" – Urban Hamilton Official Plan Amendment

Appendix "C" – Zoning By-law Amendment

Appendix "D" – Zoning By-law Modification Assessment

Appendix "E" – Concept Plan (Submission 1)

Appendix "F" – Concept Plan (Submission 2)

Appendix "G" – Concept Plan (Submission 3)

Appendix "H" – Correspondence from the public

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