



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	August 13, 2019
SUBJECT/REPORT NO:	Application for Zoning By-law Amendment for Lands Located at 360 Mohawk Road West (Hamilton) (PED19149) (Ward 14)
WARD(S) AFFECTED:	Ward 14
PREPARED BY:	Melanie Schneider (905) 546-2424 Ext. 1224
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION(S)

That **Revised Zoning By-law Amendment Application ZAC-18-046, by Tuscany Hill Homes (Dominic Chiaravalle, Owner)**, for a change in zoning from the “C” (Urban Protected Residential, etc.) District to the “D/S-1785” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified, to permit the development of two semi detached dwellings on lands located at 360 Mohawk Road West (Hamilton), as shown on Appendix “A” to Report PED19149, be **APPROVED** on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED19149, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
- (b) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2019), and complies with the Urban Hamilton Official Plan.

EXECUTIVE SUMMARY

The proposed Zoning By-law Amendment is for a change in zoning from the “C” (Urban Protected Residential, etc.) District to a site specific “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District to permit the development of two semi

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detached dwellings (four units). Modifications to the minimum lot area and minimum lot frontage are proposed to facilitate the development.

Alternatives for Consideration – See Page 12

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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

HISTORICAL BACKGROUND

Background:

The subject property is located on the northwest corner of the Mohawk Road West intersection with West 15th Street and is municipally known as 360 Mohawk Road West. The subject lands are 0.105 ha in size and are currently vacant. The lands were previously developed with a one room school house which has since been demolished.

Chronology:

<u>August 30, 2018:</u>	Application ZAC-18-046 received.
<u>September 14, 2018:</u>	Application ZAC-18-046 deemed complete.
<u>September 27, 2018:</u>	Notice of Complete Application and Pre-Circulation was mailed to 104 property owners within 120 m of the subject property.
<u>October 3, 2018:</u>	A Public Notice sign was established on the property.
<u>March 25, 2019:</u>	Revised concept received.
<u>July 17, 2019:</u>	Public Notice sign updated to reflect the date of Public Meeting.
<u>July 26, 2019:</u>	Circulation of Notice of Public Meeting to 104 property owners within 120 m of the subject property.

Zoning By-law Amendment (ZAC-18-046)

The lands are currently zoned “C” (Urban Protected Residential, etc.) District in the Hamilton Zoning By-law No. 6593. The initial submission of the application was for a change in zoning from the “C” (Urban Protected Residential, etc.) District to a modified “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District to permit two semi detached dwellings having access from West 15th Street and a single detached dwelling having access from Mohawk Road West for a total of five dwelling units.

In response to staff concerns with respect to the extent of the proposed modifications required to the Zoning By-law to implement this initial proposal and Transportation Planning concerns regarding access from Mohawk Road West, the applicant revised the proposal to two semi detached dwellings (four units) all proposed to be accessed from West 15th Street. The following modifications are now proposed:

- Minimum lot area of 480 sq m for a two family dwelling instead of a minimum 540 sq m; and,
- Minimum lot frontage of 13.5 m for a two family dwelling instead of a minimum 18 m.

Staff have also included a further modification to prohibit driveway access from Mohawk Road West.

Future Consent Applications will be required to create the lots.

DETAILS OF SUBMITTED APPLICATION:

Owner: Tuscan Hill Homes (Dominic Chiaravalle, owner)

Agent: IBI Group

Location: 360 Mohawk Road West (Hamilton) (see Appendix “A” to Report PED19149)

<u>Property Size:</u>	Frontage	32.95 m (Mohawk Road West)
	Area	0.1057 ha
	Depth	33.9 m

Servicing: Full Municipal Services

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Vacant	"C" (Urban Protected Residential, etc.) District
<u>Surrounding Lands:</u>		
North	Single detached dwellings	"C" (Urban Protected Residential, etc.) District
East	Single detached dwellings	"C" (Urban Protected Residential, etc.) District
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 Planning Policy Framework

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 and conform to the Growth Plan for the Greater Golden Horseshoe (A Place to Grow 2019).

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

Staff also note Cultural Heritage policies have not been updated within the UHOP in accordance with the PPS (2014). The following policy of the PPS (2014) also applies:

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

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

- 1) Within 300 metres 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;
- 2) Local knowledge associates areas with historic events/activities/occupations;
- 3) In an area of sandy soil in areas of clay or stone; and,
- 4) 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 Provincial Policy Statement apply to the subject application. As part of a previous application (FC-17-093), a Stage 1-2 (P029-0941-2017) archaeological report for the subject property was submitted to the City and the Ministry of Tourism, Culture and Sport. The Province signed off on the reports for compliance with licensing requirements in a letter dated February 12, 2018. Staff are of the opinion that the municipal interest in the archaeology of this portion of the site has been satisfied.

As the application for a change in zoning complies with the Official Plan and the relevant policies in the PPS, 2014, it is staff's opinion that the application is:

- consistent with Section 3 of the *Planning Act*,
- consistent with the Provincial Policy Statement (2014); and,
- conforms to A Place to Grow (2019).

Urban Hamilton Official Plan

The subject lands are identified as "Secondary Corridor" on Schedule "E" – Urban Structure and designated "Neighbourhoods" on Schedule E-1 – Urban Land Use Designations, in the Urban Hamilton Official Plan. The following policies, amongst others, apply to the proposal:

Noise

- "B.3.6.3.1 Development of noise sensitive land uses, in the vicinity of provincial highways, parkways, minor or major arterial roads, collector roads, truck routes, railway lines, railway yards, airports, or other uses considered to be noise generators shall comply with all applicable and municipal guidelines and standards.

B.3.6.3.11 Design of noise mitigation measures adjacent to collector roads, or major or minor arterial roads shall address streetscape quality through compliance with the following policies:

- a) Noise mitigation measures shall avoid the use of noise barriers (walls and berms) wherever possible.
- b) The use of noise barriers shall only be considered if it can be demonstrated to the satisfaction of the City that no other noise mitigation measures are practical or feasible and their long term maintenance and replacement has been addressed.
- c) The use of noise barriers shall be prohibited adjacent to Primary, Secondary, or Potential Expansion of Secondary Corridors designated on Schedule E – Urban Structure, and adjacent to pedestrian focus streets as identified in Section E.4.3 – Pedestrian Focus Streets.
- d) Noise mitigation measures shall comply with Section 3.3 – Urban Design Policies, and all other design policies of this Plan unless it is determined in the detailed noise study, to the satisfaction of the City, that compliance with the design policies is not practical or feasible.”

The subject lands have direct frontage on Mohawk Road West, which is a designated Major Arterial Road. Accordingly, a Noise Feasibility Study prepared by RWDI, dated August 13, 2018 was submitted. At minimum, a 2.0 m high acoustical barrier will be required for the semi detached dwelling unit adjacent to Mohawk Road West and warning clauses for each dwelling unit will be included in all future purchase / sale and lease agreements that will be implemented through a future Consent Application.

The applicant has indicated that this wall will be in the form of a board on board fence which will not provide the appearance of an engineered noise wall and will not negatively impact the streetscape of Mohawk Road West to any greater extent than a regular solid fence, which is permitted as of right. The proposed orientation of the development, facing West 15th Street, will provide a safer interface with the public realm by providing driveway access from a Local road instead of a Major Arterial road and will reduce potential traffic conflicts with other users of the road. Staff are of the opinion that the design and layout of the site provides for the most practical development orientation of the lands. A final Detailed Noise Study will be required as part of the Consent Applications to finalize the details of the required noise mitigation measures.

Natural Heritage

“C.2.11.1 The City recognizes the importance of trees and woodlands to the health and quality of life in our community. The City shall encourage sustainable forestry practices and the protection and restoration of trees and forests.”

The applicant has submitted a Tree Removal and Landscape Plan prepared by Marton Smith Landscape Architects (dated August 29, 2018) which identifies several trees in conflict with the proposed development. Minor modifications to the Tree Protection Plan are required which will be finalized as part of the future Consent Applications.

Daylight Triangles

“C.4.5.7 The City shall require the conveyance of property for appropriate daylighting triangles and corner rounding on existing roads at such times as the property is to be developed or redeveloped, as a condition of site plan approval, consent, or plan of subdivision approval, in accordance with City standards based on the intersecting roadways of the functional road classification detailed in Section C.4.5.2. Daylighting triangles at intersections shall generally be as follows:

- a) Local to local roads: 4.57 m triangle or radius;
- c) Arterial to collector or arterial (Urban): 12.19 m x 12.19 m triangle.”

The subject lands are located at the intersection of Mohawk Road West and West 15th Street, which are designated as Major Arterial and Local roads, respectively. Through detailed review of the development, staff are satisfied that the local triangle having dimensions of 4.57 m by 4.57 m is sufficient for this intersection and reflects a similarly dimensioned daylight triangle provided at the opposite end of the intersection.

Urban Corridors

“E.2.4.2 Urban Corridors are a separate structural element from the Neighbourhoods, which are set out in Section E.2.6, however in many locations, Urban Corridors function as an integral part of the surrounding Neighbourhood, and serve as a central focal point.

E.2.4.5 Secondary Corridors shall serve to link nodes and employment areas, or Primary Corridors.

E.2.4.10 The built form along the Urban Corridors shall generally consist of low to mid rise forms, but will vary along the length of the corridors with some areas permitted to accommodate high density and high rise built form. The

Primary Corridors shall have a greater proportion of the corridor length in retail and mixed use forms, while the Secondary Corridors shall generally accommodate retail and mixed use forms in small clusters along the corridors with medium density housing located between the clusters.

- E.2.4.16 New development shall respect the existing built form of adjacent neighbourhoods where appropriate by providing a gradation in building height. New development shall locate and be designed to minimize the effects of shadowing and overview on properties in adjacent neighbourhoods.”

The subject lands are located along Mohawk Road West which is identified as a Secondary Corridor on Schedule “E” – Urban Structure of the UHOP. The proposed development consists of two semi detached dwellings in an area primarily characterized by single detached dwellings. Accordingly, the proposal will introduce similarly scaled uses within an area dominated by low density development that will minimize shadowing and overview of adjacent properties.

Neighbourhoods

- “E.3.4.1 The preferred location for low density residential uses is within the interior of neighbourhoods.
- E.3.4.3 Uses permitted in low density residential areas include single-detached, semidetached, 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.
- 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 to adjacent to major or minor arterial roads shall be discouraged.
 - 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 subject lands are considered to be on the periphery of the neighbourhood, but are consistent with surrounding land uses which are dominated by low density residential uses. The proposed semi detached dwellings are permitted uses under Policy E.3.4.3 and will be restricted in height to three storeys under the implementing zoning by-law. The proposed lot area of 480 sq m and lot width of 13.5 m are compatible with the surrounding developments, which range in size from 345 sq m to approximately 490 sq m for lot areas and 12 m to 14 m for lot widths, with the units having a density of approximately 37.8 units per hectare. The lands will be accessed from West 15th Street, identified as a Local Road to avoid conflicts with Mohawk Road West, a Major Arterial road. While the proposed units are compatible in scale and massing with the surrounding single detached development, they also offer a wider range in use by introducing another housing form in an otherwise homogeneous neighbourhood developed predominantly with single detached dwellings.

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

Hamilton Zoning By-law No. 6593

The applicant proposes a change in zoning from the “C” (Urban Protected Residential, etc) District to a modified “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District in support of the proposed development, which permits semi detached dwellings. The following modifications are proposed:

- Minimum lot width of 13.5 m for a two family dwelling instead of a minimum 18 m;
- Minimum lot area of 480 sq m for a two family dwelling instead of a minimum 540 sq m; and,
- To prohibit driveway access from Mohawk Road West.

An evaluation of the proposed modifications is included in Appendix “D” to Report PED19149.

RELEVANT CONSULTATION

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

- Corporate Assets & Strategic Planning Division, Public Works Department; and,
- Transit Strategy & Infrastructure Division, Public Works Department.

Forestry and Horticulture Section, Public Works Departments have confirmed there are no municipal trees on site, though street trees would need to be planted. A landscape

plan depicting the quantity and location will be required and would be a condition of the future Consent Applications.

Ministry of Environment, Conservation and Parks (MECP) has noted that the subject lands were previously used as a school and museum before the original building was demolished. As a result, a Phase 1 ESA was submitted to the MECP and City of Hamilton for review. Since the previous uses were considered a sensitive land use and the current proposal is also considered a sensitive land use, the MECP has indicated that filing a Record of Site Condition is not required. MECP have noted no further concerns with the proposal.

Recycling and Waste Disposal, Environmental Services Division, Public Works Department has noted that the lands are eligible for curbside municipal waste collection. Design standards for waste collection have been provided to the applicant for their information.

Transportation Planning, Planning and Economic Development Department have reviewed the proposal and note that an appropriate daylight triangle shall be provided at the West 15th Street and Mohawk Road West intersection. Additionally, direct access from Mohawk Road West is discouraged. The applicant has revised the concept to remove access from Mohawk Road West and has confirmed daylight triangle dimensions with staff to ensure the design is appropriate. However, to ensure the development does not have direct access from Mohawk Road West, staff have included an additional modification into the Draft Zoning By-law to prohibit this orientation of the development (see Appendix “B” to Report PED19149).

Canada Post Corporation has noted that a community mail box may be in conflict with the driveways fronting on West 15th Street. The applicant is coordinating with Canada Post staff to relocate the community mail box on the easterly side of West 15th Street to accommodate the development.

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 of the proposal was sent to 104 property owners within 120 m of the subject lands on September 27, 2018. A Public Notice Sign was posted on the property on October 3, 2018, and updated with the Public Meeting date on July 17, 2019. The Notice of Public Meeting was given in accordance with the provisions of the *Planning Act*. Two submissions were received as a result of the circulation and are discussed in the Analysis and Rationale for Recommendation Section of Report PED19149 and attached as Appendix “E” to Report PED19149.

Public Consultation Strategy

As part of the applicant's Public Consultation Strategy, a neighbourhood meeting was organized by the local Ward Councillor's office prior to the submission of a complete application. The proposal presented to the public included a five storey multiple dwelling. Concerns from the participants at the meeting included scale of development and traffic. The applicant then revised the proposal to five grade oriented units as a result of the feedback and further revised to four units based on comments from the Preliminary Circulation by the City.

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

1. The proposal can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe (A Place to Grow), which encourages compact development within built-up areas;
 - (ii) It complies with and implements the policies of the Urban Hamilton Official Plan; and,
 - (iii) The proposal represents good planning by providing a compatible development that is in keeping with existing development in the surrounding area and uses existing infrastructure.
2. The applicant will be required to submit Consent applications in order to facilitate the proposed future residential development. As conditions of approval, the applicant will be required to complete and implement a detailed noise study and finalize the associated Tree Protection Plan.
3. The proposed change in zoning from the "C" (Urban Protected Residential, etc.) District to a site specific "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District will allow for a new housing form in an area primarily comprised of single detached dwellings. The proposed lots are appropriate for the use of the lands which were previously underutilized with a one room school house which has since been demolished. Due to the configuration and size of the subject lands, additional units would not be appropriate beyond what is currently proposed. The site layout reflects the continued development pattern of the lands bound by West 15th Street, West 16th Street, Mohawk Road West, and Sanatorium Road. While the units will not be fronting onto Mohawk Road West, which is identified as a Secondary Corridor, a successful street interface with the Corridor can still be provided by the corner lot with enhanced façade articulation facing Mohawk Road West. The proposed development complies with the UHOP and staff support the

proposed change in zoning. Two modifications are required to the “D” District which are discussed in Appendix “D” to Report PED19149.

4. Existing watermain, sanitary and storm sewers are available along the frontage of West 15th Street to service the proposed development. The proposed density is in keeping with the available services to support the development.
5. To date, two submissions from the public have been received in response to the public circulation (see Appendix “E” to Report PED19149). The overall concerns from the responses are generally summarized as follows:

Number of Units

One response from the public was concerned with the original proposal of five dwelling units on the subject lands. As a result of public and staff feedback, the development has been revised to a total of four dwelling units.

Parking

Concerns were raised with providing adequate parking on site and avoiding on street parking overflow onto West 16th and West 15th Streets. The applicant will be required to provide all parking on site, either in garages or driveways, in accordance with Hamilton Zoning By-law No. 6593.

Proposed Yard Reductions

A member of the public indicated concerns with the original proposal which included a minimum westerly side yard setback of 0.54 m and could pose fire safety concerns. The applicant has revised the proposal to remove the single detached dwelling along Mohawk Road West to avoid the proposed side yard setback of 0.54 m which was not supported by staff. All dwellings shall have a minimum side yard setback of 1.2 m, in accordance with Hamilton Zoning By-law No. 6593.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Zoning By-law Amendment application be denied, the property would remain under the “C” (Urban Protected Residential, etc.) District, which would permit one single detached dwelling.

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.

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.

Healthy and Safe Communities

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

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 Zoning By-law

Appendix “C” – Concept Plan

Appendix “D” – Zoning Modification Chart

Appendix “E” – Public Input

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