



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

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| TO: | Chair and Members Planning Committee |
| COMMITTEE DATE: | December 3, 2019 |
| SUBJECT/REPORT NO: | Application for Amendment to Zoning By-law No. 6593 for Lands Located at 112 Springvalley Crescent, Hamilton (PED19232) (Ward 8) |
| WARD(S) AFFECTED: | Ward 8 |
| 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)

- (a) That **Zoning By-law Amendment Application ZAC-18-055, by Maria Puzzo (c/o Turkstra Mazza Associates, Owner)**, for a change in zoning from the “C” (Urban Protected Residential, etc.) District (Block 1) and the “D-H/S-1706” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified, Holding (Block 2) to the “RT-30-S/1789” (Street – Townhouse) District, Modified in the City of Hamilton Zoning By-law No. 6593, to permit the development of four street townhouse dwellings fronting onto Springvalley Crescent, as shown on Appendix “A” to Report PED19232, be **Approved** on the following basis:
- i) That the draft By-law, attached as Appendix “B” to Report PED19232, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
 - ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2014), conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019), and comply with the Urban Hamilton Official Plan.

- (b) That the Gourley Neighbourhood Plan be amended to redesignate the subject lands from “Single and Double” to “Attached Housing”.

EXECUTIVE SUMMARY

The proposed Zoning By-law Amendment is for a change in zoning from the “C” (Urban Protected Residential, etc.) District (Block 1) and the “D-H/S-1706” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Holding, Modified (Block 2) to the “RT-30-S/1789” (Street – Townhouse) District, Modified, to permit the development of four street townhouse dwellings fronting onto Springvalley Crescent, on the subject lands located at 112 Springvalley Crescent (Hamilton). Modifications requested by the applicant to the “RT-30” District include front and side yard setbacks, balcony projections, manoeuvring space, and parking stall size. The applicant will require future Consent for Severance applications to create the four lots for the proposed street townhouses.

The proposed Zoning By-law Amendment has merit and can be supported since the proposal is consistent with the Provincial Policy Statement (2014), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) and complies with the Urban Hamilton Official Plan, subject to the recommended Neighbourhood Plan Amendment to redesignate the subject lands from “Single and Double” to “Attached Housing”.

Alternatives for Consideration – See Page 11

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 east side of Springvalley Crescent, south of the Lincoln Alexander Parkway, and were previously municipally known as 808 West 5th Street, now known as 112 Springvalley Crescent. The lands affected by this proposal are 710 square metres in size and were created through a Consent to Sever application which was finalized on May 27, 2019, including all associated conditions.

UHOPA-14-006 / ZAC-07-091 / 25T-200717

The Fontana Gardens Phase 3 Subdivision established the road network for Springvalley Crescent and was approved by Council on June 25, 2014. Block 3 of the subject lands (see Appendix “A” to Report PED19232) was part of a remnant parcel as a result of aligning Springvalley Crescent with the Gourley Neighbourhood Plan. This Block was transferred to the City and zoned “D-H/S-1706” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Holding, Modified. The lands were being held by the City to ensure orderly development occurs. The lands have been sold to adjacent lands for land assembly. An additional portion of this remnant block, south of the subject lands, has yet to be sold to the adjacent landowner for future development purposes. The Holding provision in the “D-H/S-1706” District prohibits development activity until:

- (a) The lands zoned “D-H/S-1706” (Urban Protected Residential, One and Two Family Dwellings, etc.) District, Holding, Modified have been appropriately assembled with lands located adjacent to West 5th Street to ensure comprehensive and orderly development to the satisfaction of the Director of Planning.

Block 3 has been assembled with lands located at 808 West 5th Street (Block 2 on Appendix “A” to Report PED19232).

HM/B-18:130

This property was subject to Consent for Severance application HM/B-18:130 to sever the lands affected by this development proposal from the existing single detached dwelling facing West 5th Street. This application was approved by the Committee of Adjustment on December 6, 2018 and deemed final and binding on January 2, 2019. All conditions were met on May 27, 2019, including assigning the new address of 112 Springvalley Crescent.

Zoning By-law Amendment (ZAC-18-055)

The applicant is proposing a change in zoning to a site specific “RT-30” (Street - Townhouse) District to permit four street townhouse dwellings fronting onto Springvalley Crescent. Modifications to the “RT-30” District are proposed to address front and side yard setbacks, parking stall size, manoeuvring, and yard encroachments.

Further Consent for Severance applications will be required to establish lots for each street townhouse dwelling.

Chronology:

October 31, 2018: Application ZAC-18-055 received.

November 8, 2018: Application ZAC-18-055 deemed complete.

November 28, 2018: A Public Notice sign was established on the property.

November 29, 2018: Notice of Complete Application and Pre-Circulation was mailed to 67 property owners within 120 metres of the subject property.

September 18, 2019: Public Notice sign updated to reflect the date of Public Meeting.

September 27, 2019: Circulation of Notice of Public Meeting to 67 property owners within 120 metres of the subject property.

Details of Submitted Application

Owner: Maria Puzzo (c/o Turkstra Mazza Associates)

Agent: A.J. Clarke & Associates c/o Spencer Skidmore

Location: 112 Springvalley Crescent (Previously 808 West 5th Street)

Property Description:

| | |
|-------------------|----------------|
| <u>Frontage:</u> | 25.96 metres |
| <u>Lot Depth:</u> | 29.92 metres |
| <u>Area:</u> | 0.071 hectares |

Servicing: Full municipal services

EXISTING LAND USE AND ZONING:

| | <u>Existing Land Use</u> | <u>Existing Zoning</u> |
|------------------------------|---------------------------------|--|
| <u>Subject Lands:</u> | Single detached dwelling | "C" (Urban Protected Residential, etc.) District, "D-H/S-1706" (Urban Protected Residential, One |

and Two Family Dwellings, etc.) District, Holding, Modified

Surrounding Lands:

| | | |
|--------------|---|--|
| North | Multiple dwelling | “E” (Multiple Dwellings, Lodges, Clubs, etc.) District |
| East | Single detached dwellings | “C” (Urban Protected Residential, etc.) District |
| South | Single detached dwelling, semi detached dwellings | “C” (Urban Protected Residential, etc.) District, “D” (Urban Protected Residential, One and Two Family Dwellings, etc.) District |
| West | Semi detached dwellings | “D” (Urban Protected Residential, One and Two Family Dwellings, 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 A Place to Grow (Growth Plan). The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Local Planning Appeal Tribunal (LPAT) 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.”

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

1) Within 100m of a Historic Transportation Corridor.

Notwithstanding current surface conditions, this criteria defines 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 this application, a Stage 1-2 (P389-0346-2018) archaeological report for the subject property was submitted to the City and the Ministry of Tourism, Culture and Sport. 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 UHOP 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 and designated “Neighbourhoods” on Schedule “E” - Urban Structure and Schedule “E-1” - Urban Land Use Designations, respectively in the Urban Hamilton Official Plan. The following policies, amongst others, apply to the proposal:

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.
 - 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) 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 proposed development consists of four street townhouse dwellings and is considered a low density housing form. The configuration of the development results in a net residential density of 22 units per hectare, with garages recessed along the front façade of the development to ensure that parking and garages are not the dominant feature. Further, the applicant will be maintaining the minimum lot frontage of 6.0 metres, with the overall massing of the development to be in keeping with the established character of Springvalley Crescent, comprised of a range of housing forms and lots widths approximately 6.0 metres wide for street townhouse dwellings to 8.0 metres for semi detached dwellings. The proposed townhouses will provide a transition, being two storeys in height, from the semi detached dwellings to the south and the multiple dwelling located at the north easterly bend of Springvalley Crescent to provide a scale and massing that is compatible with the surrounding context. This is consistent with the transition on the opposite side of the multiple dwelling which transitions to street townhouse dwellings within a “RT-30” District. Access will be provided from a local road (Springvalley Crescent) instead of West 5th Street, which is identified as a Minor Arterial Road.

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.

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:

- a) 100 metres of a minor arterial road, as identified on Schedule C – Functional Road Classification;
- d) 400 metres of an existing or proposed parkway or provincial highway (controlled access), as identified on Schedule C – Functional Road Classification;”

West 5th Street is identified as a minor arterial road on Schedule “C” - Functional Road Classification in the UHOP. Additionally, the lands are located less than 80 metres from the Lincoln Alexander Parkway. Accordingly, a detailed noise study will be required as part of future Consent for Severance applications to determine what noise mitigation measures are required for each street townhouse dwelling.

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

Gourley Neighbourhood Plan

The subject lands are designated “Single & Double” within the Gourley Neighbourhood Plan.

The proposed built form of street townhouses would be best suited under the “Attached Housing” designation. While the Gourley Neighbourhood Plan currently anticipates attached housing to be located along Garth Street and Stone Church Road West, this proposal will provide for an appropriate transition on Springvalley Crescent between the semi detached dwellings and the existing multiple dwelling surrounding the site. Additionally, there are street townhouse dwelling along the northerly extent of Springvalley Crescent also within the “RT-30” District, to ensure this proposal is consistent with the established neighbourhood. Therefore, staff are supportive of the change in designation to “Attached Housing”.

Hamilton Zoning By-law No. 6593

The applicant proposes a change in zoning from the “C” (Urban Protected Residential, etc.) District (Block 1) and the “D-H/S-1706” (Urban Protected Residential - One and Two Family Dwellings, etc.) District, Holding, Modified (Block 2) to a site specific “RT-30” (Street - Townhouses) District, which permits street townhouse dwellings. A number of modifications are proposed:

- Minimum front yard setback of 4.5 metres to a dwelling and 5.8 metres to an attached garage, whereas a minimum front yard setback of 6.0 metres is required;
- Minimum side yard setback of 1.2 metres for a two storey dwelling, whereas a minimum side yard setback of 2.0 metres is required;
- Minimum 5.8 metres of manoeuvring space for a parking space whereas a minimum 6.0 metres of manoeuvring space is required;
- Minimum parking stall size of 3.0 metres by 5.8 metres whereas a minimum parking stall size of 2.7 metres by 6.0 metres is required;
- A maximum balcony projection of 1.5 metres into a front yard from the street line whereas a maximum 1.0 metre projection from the street line is required; and,

An evaluation of the proposed modifications is included in Appendix “D” to Report PED19232.

RELEVANT CONSULTATION

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

- Corporate Assets & Strategic Planning Division, Public Works Department;
- Industrial Park & Airport Development, Growth Management Section; and,
- Transit Strategy & Infrastructure Division, Public Works Department.

Forestry and Horticulture Section, Public Works Department have noted that there are no conflicts between the proposed development and existing street trees. All new street trees and associated payments will be collected through the previously approved Consent Application HM/B-18:130.

Transportation Planning staff have reviewed the proposal and have identified no concerns with the application. All public sidewalks shall be continuous through each driveway approach. Staff have also indicated standard design requirements, such as minimum separation from utilities and location of curbing.

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 67 property owners within 120 m of the subject lands on November 29, 2018. A Public Notice Sign was posted on the property on November 28, 2018 and updated with the Public Meeting date on September 18, 2019. The Notice of Public Meeting was given in accordance with the provisions of the *Planning Act*. No submissions from the public were received as a result of the circulation.

Public Consultation Strategy

As part of the applicant's Public Consultation Strategy, a letter circular was mailed by the applicant in March 2019 to all properties within approximately 130 metres of the subject lands. The circular explained the proposed development and provided direct contact information for the applicant, should members of the public have additional questions regarding the proposal. No responses were received by the City or applicant as a result of this Public Consultation.

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

1. The proposed Zoning By-law Amendment has merit and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement and conforms to A Place to Grow (2019), 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, among other things, providing a compatible development that is in keeping with existing development in the surrounding area and uses existing infrastructure.
2. The proposed change in zoning from the "D-H/S-1706" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, Holding, Modified and the "C" (Urban Protected Residential, etc.) District to a site specific "RT-30" (Street - Townhouses) District will allow for a transitional housing form along Springvalley Crescent between the existing semi detached dwellings and the multiple dwelling to the north. The proposed modifications to the "RT-30" District represent similar modifications permitted throughout the Fontana Gardens Phase 3 Subdivision to ensure that the change in zoning is in keeping with the established character and street edge along Springvalley Crescent in terms of massing, yard setbacks, and parking requirements. The proposed street townhouse dwellings will introduce an additional housing form that is in keeping with the surrounding low to medium density residential uses, consistent with the street townhouses on the north leg of Springvalley Crescent, and the policies of the UHOP. Rationale regarding the proposed modifications to the "RT-30" District are outlined in Appendix "D" to Report PED19232. Based on the foregoing, staff support the proposed Zoning By-law Amendment.

3. The applicant will be required to submit Consent for Severance applications to create the four lots for street townhouse dwellings. As a condition of approval, the applicant will be required to complete and implement a detailed noise study.
4. A portion of the lands are subject to an H provision until the following requirement has been fulfilled:
 - (a) "The lands zoned "D"- 'H'/S-1706 (Urban Protected Residential, One and Two Family Dwellings, etc.) District, Holding have been appropriately assembled with lands located adjacent to West 5th Street to ensure comprehensive and orderly development to the satisfaction of the Director of Planning."

The lands subject to the "H" Provision were originally owned by the City of Hamilton and have since been purchased by the owner of, and merged on title with, a portion of the lands previously known as 808 West 5th Street, now 112 Springvalley Crescent. This parcel of land was a remnant block that resulted from the road pattern layout of the Fontana Gardens - Phase 3 Subdivision. Since a portion of this remnant block has now been appropriately assembled with adjacent lands, the "H" Provision is no longer required.

5. The City of Hamilton Site Plan Control By-law No. 15-176 identifies that unless street townhouses are within a Registered Plan of Subdivision, then the development is subject to Site Plan Control. Conditions of approval relating to grading, noise and servicing will be addressed through the future Consent Applications and Consent Agreement. The development will be subject to Site Plan Control.
6. Development Engineering Approvals staff have reviewed the application and the associated Functional Servicing Brief, prepared by A.J. Clarke & Associates, dated October 29, 2018. Minor adjustments are required to the Preliminary Grading Plan which can be further addressed at the Consent Stage. Staff have no further concerns with the development proposal from an engineering perspective.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Zoning By-law Amendment application be denied, the property would remain under the "D-H/S-1706" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, Holding, Modified and the "C" (Urban Protected Residential, etc.) District. A Holding Removal Zoning By-law Amendment application would be required to remove the 'H' Provision from the lands to allow future development to proceed. The lands could be developed for a 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.

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

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.