



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	December 3, 2019
SUBJECT/REPORT NO:	Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 35 Sabrina Boulevard, Hamilton (Ward 8) (PED19219)
WARD(S) AFFECTED:	Ward 8
PREPARED BY:	Mike Davis (905) 546-2424 Ext. 1024
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-18-022, by Spallacci & Sons Ltd. (Owner)**, for a change in zoning from the “RT-20/S-1301a” (Townhouse – Maisonette) District, Modified, to the “RT-20/S-1301b-H1” (Townhouse – Maisonette – ‘Holding’) District, Modified (Blocks 1 and 2) and the “RT-20/S-1301b-H1, H2” (Townhouse – Maisonette – ‘Holding’) District, Modified (Block 3), in the City of Hamilton Zoning By-law No. 6593, to permit the development of 71 street townhouse dwellings and 260 stacked townhouse dwellings on lands located at 35 Sabrina Boulevard (Hamilton), as shown on Appendix “A” to Report PED19219, be **APPROVED** on the following basis:
- (i) That the draft By-law attached as Appendix “B” to Report PED19219, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms with A Place to Grow Plan (2019) and complies with the Urban Hamilton Official Plan; and,

(iii) That the amending By-law apply the Holding Provision of section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding symbol 'H1' and 'H2' as a suffix to the proposed zoning for the following:

(a) The 'H1' symbol shall be removed conditional upon:

- (1) That the necessary downstream sanitary sewer upgrades are completed and a suitable sanitary sewer outlet is established to the satisfaction of the Senior Director of Growth Management; and,
- (2) That the ultimate stormwater management facility downstream of the subject site is constructed and a suitable drainage outlet is established to the satisfaction of the Senior Director of Growth Management.

(b) For such time as the 'H2' symbol is applicable to the lands, the lands shall only be used for street townhouses in accordance with the "RT-20" District provisions as contained in Section 10E of Zoning By-law No. 6593, as amended by By-law No. 09-023. The 'H2' symbol shall be removed conditional upon:

- (1) That Draft Plan of Subdivision 25T-200721 lapses or the owner/applicant applies for and obtains approval of a revision to Draft Plan of Subdivision 25T-200721 to the satisfaction of the Director, Planning and Chief Planner.

EXECUTIVE SUMMARY

The applicant has applied to amend the City of Hamilton Zoning By-law No. 6593 to further modify previous zoning approvals for a 4.2 hectare (10.38 acre) block of land in the "Eden Park – Parkview Estates" subdivision. These modifications are intended to permit the development of:

Blocks 1 and 2

- 71 street townhouse dwellings (up to 11.0 metres in height) along the perimeter of the site with 142 parking spaces; and,

Block 3

- 260 stacked townhouse dwelling units (up to 13.0 metres in height) in the central portion of the site with 22 surface parking spaces and 452 underground spaces.

The existing “RT-20/S-1301a” (Townhouse – Maisonette) District, Modified zoning that applies to the site allows for the development of townhouse and maisonette dwellings up to 11.0 metres in height, and street townhouses up to a maximum of 12.5 metres in height. The proposed Zoning By-law Amendment will provide for two development scenarios for Block 3. In the first scenario, the lands could be developed as per the existing zoning approvals if the proposal is for the same uses as the existing zoning allows (e.g. townhouse dwellings, maisonettes and street townhouses) and the built form fits with the existing site-specific modifications to the “RT-20” (Townhouse – Maisonette) District regulations. In the second scenario, the proposed zoning modifications will also allow for stacked townhouse dwelling units up to 13.0 metres in height to be developed on the interior portion of the site (Block 3), as shown on the concept plan (see Appendix “D” to Report PED19219).

The existing “Eden Park – Parkview Estates” Draft Plan of Subdivision that applies to this site (25T-200721) (see Appendix “E” to Report PED19219) will continue to provide a framework for public streets and infrastructure necessary to service the development. It is anticipated that the interior block (Block 3) will undergo a future site plan control application to facilitate the development of the proposed stacked townhouses. In this scenario, a revision to the existing draft approved subdivision will be required. As noted above, the proposed zoning would also allow for the development of street townhouses in the central block (Block 3) in the event the stacked townhouse concept does not proceed. In this scenario, it is anticipated the site can be developed with no further modifications to the existing Draft Plan (25T-200721).

A Holding Provision has been applied to the Zoning By-law Amendment to ensure that required sanitary sewer upgrades are completed, that a new stormwater management pond downstream of the subject site is constructed and, if necessary, that the owner/applicant apply for and obtain approval of a revision to the existing Draft Plan of Subdivision (25T-200721) prior to development.

The application has merit and can be supported as it is consistent with the Provincial Policy Statement (PPS) (2014), conforms to A Place to Grow Plan (2019) and complies with the policies of the Urban Hamilton Official Plan (UHOP).

Alternatives for Consideration – See Page 24

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 prior to considering applications for an amendment to the Zoning By-law.

HISTORICAL BACKGROUND

The subject site is located on the north side of Sabrina Boulevard, approximately 120 metres east of Garth Street, and is municipally known as 35 Sabrina Boulevard. The site is within the Sheldon Neighbourhood and comprises part of Phase 3 of Draft Plan of Subdivision No. 25T-200721 “Eden Park – Parkview Estates” (see Appendix “E” to Report PED19219).

The Sheldon Neighbourhood Plan sets out a comprehensive land use vision for the lands bounded by Garth Street, Stone Church Road West, West 5th Street and Rymal Road West. The Neighbourhood Plan establishes an overall framework for the neighbourhood design including locations for park blocks and open spaces to serve the future development of the broader area. The specific land use permissions and design details for individual development blocks in the neighbourhood have been, and continue to be, put in place through Zoning By-law Amendment applications and Draft Plans of Subdivision.

The current site-specific Zoning By-law and the Draft Plan of Subdivision for these lands was approved in February of 2009. These approvals established the site as an “attached housing” block applicable to the subject lands through the application of the “RT-20/S-1301a” (Townhouse – Maisonette) District, Modified of By-law No. 6593.

At the time, a range of modifications to the standard “RT-20” District provisions were included as part of the “RT-20/S-1301a” (Townhouse – Maisonette) District, Modified. These modifications, approved by Council in 2009, include:

- Increased maximum building height of 12.5 metres from 11.0 metres for street townhouse dwellings;
- Decreased minimum front yard depth of 4.5 metres to front of the unit and 6.0 metres to front of garage from a general 6.0 metre requirement;
- Decreased minimum rear yard depth of 7.0 metres from 7.5 metres;
- Decreased minimum lot area of 160.0 square metres per single family dwelling unit from 180.0 square metres;
- Decreased minimum dwelling unit width of 5.5 metres from 6.0 metres;
- Decreased minimum front yard landscaping requirement of 35% of the gross area of the front yard from 50%; and,
- Decreased exterior side yard requirement of 1.0 metres from 2.5 metres.

Proposal

The intent of the proposed Zoning By-law amendment is to further modify previous zoning approvals applicable to the site to allow for greater flexibility in housing form. The concept plan proposes the development of two separate blocks (see Appendix “D” to Report PED19219). From a zoning perspective, Blocks 1 and 2 indicated on “Schedule A” of the amending Zoning By-law comprise the “perimeter block” and Block 3 comprises the “interior block”. The development concept includes:

Blocks 1 and 2

- 71 street townhouse dwellings up to 11.0 metres in height (currently permitted) along the perimeter of the site with 142 parking spaces; and,

Block 3

- 260 stacked townhouse dwelling units up to 13.0 metres in height (i.e. multiple dwellings) in the central portion of the site, with 22 surface parking spaces and 452 underground spaces.

The following modifications to the existing site-specific Zoning By-law are required in order to implement the proposal.

Table 1: Proposed Modifications

Summary of Proposed Amendments		
Zoning By-law Changes	Entire Site	<ul style="list-style-type: none">• Eliminate zoning requirements for loading stalls• Specify required dimensions of parking stalls in an underground structure for multiple dwellings, maisonette dwellings and/or townhouse dwellings
	Blocks 1 and 2	<ul style="list-style-type: none">• Decreased front yard setback of 3.0 metres from 4.5 metres for street townhouse corner lots
	Block 2	<ul style="list-style-type: none">• Decreased minimum rear yard setback of 6.5 metres from 7.0 metres
	Block 3	<ul style="list-style-type: none">• To permit multiple dwellings (e.g. stacked townhouses)• To increase the maximum permitted building height to 13.0 metres for multiple dwellings• To introduce a maximum density of 150 units per hectare for multiple dwellings

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		<ul style="list-style-type: none">• To introduce massing and setback controls for multiple dwelling forms• To modify building separation distance requirements for multiple dwellings
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Following a Council decision on the application, the proponent will either pursue a revision to the existing Draft Plan of Subdivision to allow for the comprehensive stacked townhouse development (i.e. multiple dwellings) on the internal block (Block 3) or proceed with registration of the Draft Plan in its current form to provide a framework for a street townhouse development.

First Submission

The original application was submitted on March 15, 2018. The submission included a concept plan proposing 208 two-bedroom stacked townhouse units, 52 three-bedroom stacked townhouse units and 71 street townhouse units for a total of 331 residential units. The proposal included 142 surface parking spaces for the street townhouse units, 22 surface parking spaces and 452 underground parking spaces for the stacked townhouse units and 260 bicycle parking spaces. The applicants received circulation comments regarding the original concept plan in May of 2018.

Second Submission

The revised proposal clarified that proposed “Street A” would remain a public road, approved as part of the Eden Park Draft Plan of Subdivision. Maintaining this as a public street divides the site into two distinct blocks and re-classifies the townhouse form for the exterior block as “street townhouses”. Other than this technical modification, the development concept has generally remained the same throughout the review process.

Chronology

<u>March 15, 2018:</u>	Zoning By-law Amendment Application ZAC-18-022 received.
<u>April 9, 2018:</u>	Application ZAC-18-022 deemed complete.
<u>April 23, 2018:</u>	Notice of Complete Application and Preliminary Circulation was sent to 236 property owners within 120 m of the subject property.

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April 24, 2018: Public Notice Sign installed on site.

December 21, 2018: Submission of a Revised Zoning By-law Amendment Application ZAC-18-022.

November 6, 2019: Public Notice Sign updated with Public Meeting Date.

November 15, 2019: Circulation of the Notice of Public Meeting sent to 236 property owners within 120 m of the subject property.

Details of Submitted Application:

Applicant / Owner: Spallacci & Sons Ltd.

Agent: UrbanSolutions Planning & Land Development Consultants Inc.

Location: 35 Sabrina Boulevard, Hamilton

Property Description:

<u>Lot Frontage:</u>	138.00 m (Sabrina Boulevard)
<u>Lot Depth:</u>	130.61 m
<u>Lot Area:</u>	17,912 m ²
<u>Servicing:</u>	Future municipal services to be installed

Existing Land Use and Zoning:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Property:</u>	Vacant (stripped & graded)/Temporary Stormwater Management	"RT-20/S-1301a" (Townhouse – Maisonette) District, Modified.
<u>Surrounding Lands:</u>		
North	Garth Street Reservoir	"AA" (Agricultural) District.
East	Vacant Lands (HWDSB site)	"AA" (Agricultural) District.

South	West Highland Baptist Church and Single Detached Dwellings	Community Institutional (I2) Zone, “R-4/S-1301a” (Small Lot Single Family Dwelling) District, Modified and DE-‘H’/S-1301 (Low Density Multiple Dwellings – Holding) District, Modified.
West	Block Townhouses	“RT-20/S-369” (Townhouse – Maisonette) District, Modified.

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 Local Planning Appeal Tribunal approval of the City of Hamilton Official Plan, 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 (i.e. efficiency of land use) are discussed in the Official Plan analysis that follows.

One exception to the local implementation of the Provincial planning policy framework is that the UHOP has not been updated with respect to the cultural heritage policies of the Provincial Policy Statement. The following policy, amongst others, 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.*”

In this regard, the subject property meets three (3) of the 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 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
- 2) In the vicinity of distinctive or unusual landforms; and,
- 3) Along historic transportation routes.

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 previous applications ZAC-07-099 and 25T-200721, Staff required an archaeological assessment be conducted for the subject lands. A Stage 1-3 archaeological report (P017-130-2007) was submitted to the City of Hamilton and Ministry of Tourism, Culture and Sport. The Ministry signed-off on compliance with licensing requirements in a letter dated October 14, 2008. Staff concur that there is no longer a municipal interest in the subject property with respect to archaeology.

As the application for a change in zoning complies with the Official Plan and 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 (UHOP)

The subject property is identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations of the UHOP. The subject site is located outside of the built boundary identified on Appendix “G” – Boundaries Map of the Urban Hamilton Official Plan.

From an urban structure perspective, Section 2.6.4 of the UHOP directs that the neighbourhoods element of the urban structure shall permit and provide the opportunity for a full range of housing forms, types and tenure, including affordable housing and housing with supports. The proposed development seeks to allow for additional dwelling forms on a vacant site in a developing greenfield area. The following policies of the “Neighbourhoods” designation contained in Section E.3.0 of the UHOP, amongst others, apply.

Neighbourhoods Designation

- “E.3.1.1 Develop compact, mixed use, transit-supportive, and active transportation friendly neighbourhoods.
- E.3.1.2 Develop neighbourhoods as part of a complete community, where people can live, work, shop, learn, and play.
- E.3.1.3 Plan and designate lands for a range of housing types and densities, taking into account affordable housing needs.
- E.3.1.4 Promote and support design which enhances and respects the character of existing neighbourhoods while at the same time allowing their ongoing evolution.
- E.3.1.5 Promote and support residential intensification of appropriate scale and in appropriate locations throughout the neighbourhoods.”

The proposed Zoning By-law Amendment is supported by the policy goals for neighbourhoods in urban Hamilton. The site-specific zoning will carry forward and build on previous approvals to allow for multiple dwellings (i.e. stacked townhouses) on a portion of the site, in addition to existing permitted uses such as townhouses and maisonette dwellings.

The zoning changes will facilitate a more compact form of residential development with appropriate controls on building height, massing and separation distances such that development will fit with the scale and character of existing and planned residential uses in proximity to the site. The proposed amendments will provide for new forms of housing (e.g. stacked townhouses) that are not currently available in existing or planned residential development within the Eden Park – Parkview Estates Subdivision. This will allow for greater market choice within this developing community and the potential for more affordable units to be offered at densities that support transit service and the creation of a more complete community.

Residential

Section 3.3 of the UHOP defines three specific residential categories (low, medium and high density). In accordance with Section 3.3, these specific categories provide scale and design policy for the purposes of zoning. The proposed Zoning By-law amendment introduces a flexible zoning framework that allows for a combination of low density residential and high density residential building forms. The amendment includes some further special modifications to the existing zoning standards for street townhouses. It

also introduces potential for high-density dwelling forms (e.g. stacked townhouses) on a portion of the site. The following relevant policies of the high density residential category and policies for existing, non-complying and non-conforming uses apply to the proposed development.

Existing, Non-Complying and Non-Conforming Uses

The UHOP recognizes that there are some previously existing land uses that do not comply with the goals and objectives set out in the Plan. It is recognized that these uses may have been established for a number of years and the following policies provide guidance on expanding existing, non-complying and non-conforming uses.

- “F.1.12.7 Legally existing land uses which do not comply with the land use designations shown on Schedule E-1 - Urban Land Use Designations or their related policies should cease to exist over time. Accordingly, such uses shall be deemed as legal non-complying.
- F.1.12.8 Where appropriate, the City may amend the Zoning By-law to recognize the legal non-complying use as an existing use provided that all the following criteria shall be met:
- a) the Zoning By-law shall permit only the existing use and the associated performance standards;
 - b) the use does not constitute a danger to surrounding uses and persons by virtue of their hazardous nature or by the traffic generated; and,
 - c) the use is in compliance with appropriate provincial and municipal regulations.
- F.1.12.9 The expansion or enlargement or change in legal non-complying uses shall be permitted provided they maintain the intent and purpose of this Plan and the Zoning By-law.”

The existing “RT-20/S-1301a” (Townhouse – Maisonette) District, Modified that applies to the site permits a range of lower profile grade-oriented building forms including townhouse and street townhouse dwellings. This site-specific Zoning By-law was approved in January of 2009, prior to the adoption of the UHOP. The proposed Zoning By-law Amendment carries forward existing site-specific regulations that allow a minimum lot area of 160.0 square metres per dwelling unit for street townhouses and a maximum building height of 12.5 metres. This results in a maximum density of 62 units

per hectare which exceeds the 60 units per hectare maximum density for low density residential uses prescribed in Section E.3.4.4. of the UHOP. Additionally, the maximum height of 12.5 metres exceeds the height policies outlined in Section E.3.4.5 which allow for a maximum of three storeys.

In this regard, Section F.1.12.8 of the UHOP provides an opportunity to carry forward and recognize these existing non-complying zoning permissions. The proposed uses and design regulations are supported by the general policies for the Neighbourhoods designation in the UHOP and are supported by the objectives of the PPS, 2014 and A Place to Grow Plan, 2019 which encourage compact form in urban Hamilton. These uses are compatible with the character of surrounding development in the neighbourhood. The surrounding subdivision pattern and street network has been designed specifically to accommodate this form of development and, as such, it will not introduce any safety issues with respect to traffic.

The proposed Zoning By-law amendment includes two further modifications to the existing zone to allow for a reduced rear yard setback on a single block of parcels (Block 2) and a reduced front yard setback on corner lots. The reduced rear yard setback of 6.5 metres from 7.0 metres is limited to a small number of parcels that are impacted by irregular road right-of-way geometry imposed by an adjacent roundabout. The reduced setback will help to facilitate a more consistent front setback with adjacent proposed dwellings to the north and overall appearance from the street. The reduced front yard setback will allow for a 3.0 metre setback for corner lots (whereas 4.5 is required). This modification is limited to corner lots where the lot lines are likely to be impacted by intersection geometry, curves and daylight triangles. Overall, this modification would only apply to two parcels on the exterior blocks (Blocks 1 and 2). Similar to the reduced rear yard setback, the further reduced front yard setback is technical in nature and will actually help to enable a more consistent appearance of front building facades front the adjacent public street. These further modifications are appropriate in the limited locations and maintain the intent of the Neighbourhoods policies of the UHOP and the “RT-20” (Townhouse – Maisonette) District.

High Density Residential

- “E.3.6.1 High density residential areas are characterized by multiple dwelling forms on the periphery of neighbourhoods in proximity to major or minor arterial roads.
- E.3.6.2 Uses permitted in high density residential areas include multiple dwellings, except street townhouses.

- E.3.6.3 Local commercial uses may also be permitted on the ground floor of buildings containing multiple dwellings, provided the provisions of Section E.3.8 – Local Commercial are satisfied.
- E.3.6.4 High density residential uses shall be located within safe and convenient walking distance of existing or planned community facilities/services, including public transit, schools, and active or passive recreational facilities.
- E.3.6.5 Proximity to the Downtown Urban Growth Centre, Sub-Regional Nodes or Community Nodes, and designated Employment Areas shall be considered desirable for high density residential uses.”

The proposed zoning framework will add permissions for multiple dwellings on Block 3 in accordance with the High Density Residential policies discussed below.

The subject site is located on the periphery of the planned Eden Park – Parkview Estates Subdivision and is 120 metres east of Garth Street. Garth Street is designated as a Minor Arterial Road on Schedule C – Functional Road Classification of the UHOP. Garth Street provides access to transit service and direct connections to the City’s Arterial Street network. Additionally, the site is within close walking distance to St. Thomas More Catholic Secondary School and the William Connell City-Wide Park which are significant community amenities.

A block townhouse/medium density residential development exists to the west, the Garth Street Reservoir (a public utility site) to the north, and a vacant Hamilton-Wentworth District School Board site to the east. The Eden Park Subdivision identified this site as an “attached housing” block intended for townhouse dwellings and maisonettes. The Sheldon Neighbourhood Plan also identifies the site for “attached housing”, establishing the lands as suitable for more intense forms of housing than found on other residential lands in the neighbourhood to the south of the site.

Given the local context of the site, being located on the periphery of the Eden Park subdivision and in close proximity to Garth Street, it meets the criteria for high density residential uses. The surrounding land use pattern also provides an opportunity to accommodate high density density residential uses in a manner that limits impacts on surrounding lower density areas to the south.

- “E.3.6.6 In high density residential areas, the permitted net residential densities, identified on Appendix G – Boundaries Map shall be:

- b) greater than 100 units per hectare and not greater than 200 units per hectare in all other Neighbourhoods designation areas.
- c) Notwithstanding the maximum density requirement in Policy E.3.6.6 b), for smaller sites fronting on arterial roads, an increase in density may be considered, without an amendment to this Plan, provided the policies of this Plan are met. (OPA 109)”

The proposed Zoning By-law Amendment will allow for a maximum net residential density of 150 units per hectare on Block 3, with a maximum permitted height of 13.0 metres. As such, the overall intensity of development meets the thresholds defined in Section E.3.6.6 of the UHOP.

“E.3.6.7 Development within the high density residential category shall be evaluated on the basis of the following criteria:

- a) Development should have direct access to a collector or major or minor arterial road. If direct access to such a road is not possible, the development may be permitted indirect access to a collector or major or minor arterial roads from a local road upon which only a small number of low density residential dwellings are fronting on the local road.
- b) High profile multiple dwellings shall not generally be permitted immediately adjacent to low profile residential uses. A separation distance shall generally be required and may be in the form of a suitable intervening land use, such as a medium density residential use. Where such separations cannot be achieved, transitional features such as effective screening and/or design features shall be incorporated into the design of the high density development to mitigate adverse impact on adjacent low profile residential uses.
- c) High profile development may be considered appropriate, subject to the other policies of this Plan, where it would result in the preservation of natural heritage system features or public view corridors which may otherwise be compromised by more dispersed, lower profile development.
- d) Development shall:
 - i) provide adequate landscaping, amenity features, on-site parking, and buffering where required;

- ii) be compatible with existing and future uses in the surrounding area in terms of heights, massing, and an arrangement of buildings and structures; and,
 - iii) provide adequate access to the property, designed to minimize conflicts between traffic and pedestrians both on-site and on surrounding streets.
- e) In accordance with the policies of Section B.3.3 – Urban Design Policies, development shall contribute to an attractive public realm by minimizing the view of the following elements from the abutting public streets (excluding public alleys):
- i) surface parking areas;
 - ii) parking structures;
 - iii) utility and service structures such as garbage enclosures; and,
 - iv) expanses of blank walls.”

The proposed development will continue to rely on an existing draft-approved plan of subdivision where the street network and the lot/block pattern has been planned comprehensively to address traffic, pedestrian connectivity and neighbourhood integration. The specific design details for the interior block (Block 3) such as access, building placement/orientation, landscaping and parking will be addressed in detail through a future Site Plan Control application. Block 3 has frontage along a collector road and there are opportunities for access on the future local road where only a small number of the street townhouse dwellings planned for the exterior block would separate the access from the collector network.

The building heights have been limited to 13.0 metres (4 storeys) for the interior block (Block 3). This is not considered to be “high profile” development but is more in line with a low-rise scale envisioned for high density buildings forms in close proximity to lower density development. Further, the 13.0 metre maximum represents only a modest increase in building height to that of the development south of the site. Also, it is important to recognize that the existing “RT-20/S-1301a” District allows for a maximum height of 12.5 metres. Block 3 is separated from existing residential development to the south by a municipal road which serves to mitigate any perceived impacts of the additional building height.

Finally, the proposal will be implemented through a site-specific Zoning By-law Amendment that introduces site-specific measures to control building massing, and landscaping in a manner that balances the need to respect neighbourhood character with a desire to facilitate a compact efficient development form (see Appendix “B” of Report PED19219). The Zoning By-law Amendment will enable densities that support the provision of underground parking. As mentioned previously, the proposed development is located 120 metres east of Garth Street and only one existing driveway access separates the site from Garth Street. The impacts of any added traffic will have minimal disruptions to existing development.

Servicing

- “C.5.3.11 The City shall ensure that any change in density can be accommodated within the municipal water and wastewater system.
- C.5.3.15 The City shall be satisfied that adequate infrastructure services can be provided prior to any development or intensification proceeding and, where technically and economically possible, the City shall require such services to be located underground.
- C.5.4.9 All land designated on Schedule E-1 – Urban Land Use Designations shall meet the following conditions:
- a) Development and / or redevelopment shall be connected to, or serviced by, a storm water drainage system or other appropriate system such as ditches, or any other techniques acceptable to the City, Conservation Authorities, or the Province and/or detailed in a Storm Water Master Plan or other relevant study;
 - b) Development shall be in accordance with the system capacity for drainage and storm water management and where relevant, will conform to storm water site management plans, a Storm Water Master Plan, site plans and/to other relevant studies, guidelines or regulations; and,
 - c) Storm water systems shall be designed and constructed, in accordance with the City’s standards and guidelines, provincial guidelines, storm water master plans, master drainage plans and any other relevant study or legislation.”

A Functional Servicing Report (FSR) prepared by S. Llewellyn & Associates and dated March 2018 was submitted with the applications. The FSR provides an overview of the

proposed hard servicing arrangements including anticipated sanitary flows from the subject lands. Effluent is intended to be directed to the existing sanitary sewer on Stone Church Road West from the northeast corner of the site. Upsizing of existing downstream sanitary infrastructure on Stone Church Road West is necessary in order to serve the proposed development. Therefore, prior to development of the subject lands, an adequate sanitary outlet at the northeast corner needs to be established. The recommended zoning by-law includes a Holding Provision in order to ensure that sufficient wastewater infrastructure is in place prior to development of the site.

There is a temporary stormwater management facility on the subject lands, which is currently servicing Eden Park Phase 1 development. The ultimate intent is that a permanent stormwater management facility will be constructed northeast of the site. This need is identified in the Sheldon Neighbourhood Plan. Currently, a suitable stormwater outlet does not exist to service the proposed development and the timing of the required pond construction is not certain. The Holding Provision for wastewater recommended for the site will also include a provision requiring that development on the subject lands cannot proceed until the ultimate stormwater management facility is constructed and a suitable drainage outlet is established for the subject lands.

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

Sheldon Neighbourhood Plan

The subject site is located within the boundaries of the Sheldon Neighbourhood Plan. The site is designated “Attached Housing” in the Neighbourhood Plan. The neighbourhood plan policies are broad and do not specify allowable densities and/or built forms for the “Attached Housing” category. However, the plan does provide that residential development will be encouraged which:

- Is compatible with the height and density of adjacent development;
- Is innovative in design, e.g. energy efficient; and,
- Includes a variety of housing sizes, densities, tenures, types and costs.

Section 8 – Plan Implementation also outlines that the plan is meant to be flexible enough to allow for changes which are compatible with the general goals of the plan and that amendments shall only be required where there are significant changes in the neighbourhood.

In this regard, the proposed Zoning changes will enable a form of development that generally aligns with the form of development envisioned for lands designated “Attached Housing”. The proposal will introduce additional housing options, sizes and densities with appropriate controls on built form, scale and massing to ensure the development is

compatible with its surroundings. As such, the proposal is consistent with the neighbourhood plan.

City of Hamilton Zoning By-law No. 6593

The subject property is currently zoned “RT-20/S-1301a” (Townhouse – Maisonette) District, Modified (By-law 09-023) which permits townhouse, maisonette dwellings and street townhouse dwellings. The existing site-specific zoning includes the following modifications to the standard “RT-20” District provisions:

- Increased maximum building height of 12.5 metres from 11.0 metres for street townhouse dwellings;
- Decreased minimum front yard depth of 4.5 metres to front of the unit and 6.0 metres to front of garage from a general 6.0 metre requirement;
- Decreased minimum rear yard depth of 7.0 metres from 7.5 metres;
- Decreased minimum lot area of 160.0 square metres per single family dwelling unit from 180.0 square metres;
- Decreased minimum dwelling unit width of 5.5 metres from 6.0 metres;
- Decreased minimum front yard landscaping requirement of 35% of the gross area of the front yard from 50%; and,
- Decreased exterior side yard requirement of 1.0 metres from 2.5 metres.

In order to implement the current proposal and provide a flexible land use framework that facilitates appropriate compact form, further modifications to the “RT-20/S-1301a” (Townhouse – Maisonette) District, Modified (By-law 09-023) are required. Given the new block-based approach to the development of the site and the further modifications required to introduce new standards for the expanded land use, this application proposes to establish new site-specific zones that are based on the previous “RT-20/S-1301a” (Townhouse – Maisonette) District, Modified.

All of the modifications established through By-law 09-023 and listed above are being carried forward into the new site-specific zones. The additional modifications are generally described below. A detailed overview and evaluation of the following proposed modifications are included in Appendix “C” to Report PED19219. The additional modifications are:

Street Townhouse Regulations for Blocks 1 & 2

- Decreased front yard depth of 3.0 metres from 4.5 metres for corner lots.

Street Townhouse Regulations for Block 2 only

- Decreased minimum rear yard depth of 6.5 metres from 7.0 metres.

Site-Specific Regulations for Block 3

- To permit multiple dwellings (e.g. stacked townhouses);
- To increase the maximum permitted building height to 13.0 metres for multiple dwellings;
- To introduce a maximum density of 150 units per hectare for multiple dwellings;
- To introduce massing and setback controls for multiple dwelling forms; and,
- To modify building separation distance requirements for multiple dwellings.

Regulations for all Blocks

- Removal of requirements for loading stalls; and,
- Introduce required dimensions for parking stalls in an underground structure for multiple dwellings, maisonette dwellings and/or townhouse dwellings.

RELEVANT CONSULTATION

The following internal departments and external agencies had no comments or objections to the applications:

- Hydro One Networks Inc.;
- Ministry of Transportation;
- Public Health, Healthy and Safe Communities Department;
- Recreation, Healthy and Safe Communities Department;
- Landscape Architectural Services, Public Works Department;
- Parks and Cemeteries, Public Works Department;
- Hamilton Fire Department; and,
- Transit Planning and Infrastructure, Transit (HSR).

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

Hamilton Conservation Authority (HCA) notes that the subject property contains a temporary stormwater quantity control facility that was constructed to service a portion of the Phase 1 lands to the south, until such time as the ultimate stormwater quantity and quality control facility was constructed downstream. HCA indicated it was their understanding that development of the subject lands cannot proceed until the

downstream stormwater management pond is constructed and deemed functional by the municipality and the storm sewer extension along Stone Church Road West is completed. Accordingly, HCA requested that a Holding Provision be applied recognizing these stormwater management requirements. Staff have recommended a Holding Provision be applied to the subject site as part of the proposed Zoning By-law amendment.

Transportation Planning, Planning and Economic Development Department notes that they have reviewed the March 2018 Traffic Impact Study by Paradigm Transportation Solutions Limited and have approved the TIS. Site design issues will be reviewed in more detail and implemented through future revisions to the Eden Park Draft Plan of Subdivision and/or the future Site Plan Control application stage for Block 3.

Forestry and Horticulture Section, Public Works Department notes that there are no municipal tree assets on site; therefore, a Tree Management Plan was not required. They require a detailed Landscape Plan prepared by a Registered Landscape Architect, showing the placement of trees on internal/external City property be provided. The Landscape Plan requirement can be most effectively implemented through subsequent stages of the development process including revisions to the Draft Plan of Subdivision (if necessary) and/or the Site Plan Control stage for the multiple dwellings.

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 236 property owners within 120 m of the subject property on April 23, 2018 and a Public Notice sign was posted on the property on April 24, 2019. As a result of changes to the development concept a revised application was submitted on December 21, 2018. A revised Notice of Complete Application was sent to the same property owners on February 7, 2019 and the Public Notice Sign was updated accordingly on February 7, 2019. The Public Notice Sign was updated with the Public Meeting Date on November 6, 2019. Finally, notice of the Public Meeting was given in accordance with the requirements of the *Planning Act*.

At the time of writing this report, one submission had been received from a member of the public. The submission is discussed in the Analysis and Rationale for Recommendation section of this report and attached as Appendix “F” to Report PED19219.

Public Consultation Strategy

Pursuant to the City's Public Consultation Strategy Guidelines, the applicant prepared a Public Consultation Strategy. The strategy prepared by the consulting planners UrbanSolutions included the following tactics:

- Posting a sign on the site detailing contact information for their firm and the project lead. The intent of the signage was to provide members of the public with a direct link to call or email with inquiries and feedback about the proposal.
- Development of a “microsite” (project website) for the project. The link was provided to the Planner on file and the Ward Councillor. The microsite provided a portal for members of the public to access the submitted reports, studies and supporting information that was provided to the City. Updates on the project were also posted on the site, as they occurred.
- UrbanSolutions staff will attend and be prepared to provide a presentation at the Statutory Public Meeting.

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

1. The proposed Zoning By-law Amendment has merit and can be supported for the following reasons:
 - (i) The proposal is consistent with the Provincial Policy Statement (2014) and conforms to A Place to Grow Plan (2019);
 - (ii) It complies with the general intent and purpose of the UHOP, in particular the function, scale and design of the Low Density Residential and High Density Residential use categories of the Neighbourhoods designation; and,
 - (iii) The proposed development represents good planning by, amongst other things, providing a compact and efficient urban form that is compatible with the area, providing a wider range of housing in the Eden Park subdivision and including densities that are transit supportive.
2. Zoning By-law Amendment

The applicant has requested further modifications to the “RT-20/S-1301a” (Townhouse – Maisonette) District, Modified in the City of Hamilton Zoning By-law No. 6593. The proposed Zoning By-law amendment will carry forward existing zoning permissions allowing for townhouses, maisonettes and street townhouses

up to 11.0 metres in height. Existing modifications to the parent street townhouse regulations will also be carried forward. The proposed zoning framework includes further modifications that will introduce the potential for multiple dwellings (e.g. stacked townhouses) on Block 3. A range of site-specific regulations have been introduced to control the massing, scale and extent of multiple dwellings. These zoning regulations will produce a built form that will be complementary to the design and scale of adjacent residential development (see Appendix “D” to Report PED19219) and comply with applicable UHOP policies guiding the scale and design of development within the Neighbourhoods designation.

The proposed amendment to Zoning By-law No. 6593 can be supported as it will broaden the range of housing forms available within Eden Park and implement appropriate regulations to ensure that development is compatible with existing housing forms in the surrounding area.

3. Implementation

As noted previously, the site is subject to the existing Draft Approved Eden Park Subdivision (25T-200721). This draft plan will continue to provide a framework for the development of streets and infrastructure necessary to service the site. The proposed Zoning By-law is flexible and allows for varying configurations and tenures of townhouses and multiple dwellings based on market need/uptake.

Should the applicant proceed with the development concept outlined in this report (see Appendix “D” to Report PED19219), the proposed stacked townhouse development in Block 3 will be subject to Site Plan Control. The Site Plan Control process will provide a further opportunity for Staff to review and analyse the specific details of that portion of the site including site access, building placement/orientation, landscaping, parking design, etc. In this instance, a revision to the existing Draft Plan of Subdivision would be required to remove the interior street and form a larger consolidated block in the centre of the site. Future revisions to the approved Draft Plan of Subdivision would provide an opportunity to re-examine the design details of the subdivision framework and appropriate conditions of approval.

In an alternative scenario, the applicants could elect to develop the entire site for street townhouse dwellings as envisioned by the existing site-specific “RT-20/S-1301a” zoning. In this case, it is anticipated the applicants would rely on the existing draft approved subdivision and no further planning approvals would be required.

4. Engineering Approvals Section, Growth Management Division

The Engineering Approvals section has no issues with the proposed zoning changes but has recommended that a Holding Provision be applied to the zoning approval to ensure that the required servicing works downstream of the subject development are constructed. The Engineering Approvals Section has requested that the Holding Provision should not be lifted until:

- i. The existing sanitary sewer on Stone Church Road West is upsized;
- ii. The future sanitary sewer from the northeast corner of the property to Stone Church Road West is completed and an adequate sanitary sewer easement over the property at 305 Stone Church Road West in the City's favour is established; and,
- iii. That the ultimate stormwater management facility downstream of the subject land is constructed, and suitable drainage outlet at the northeast corner is established for the subject land before development proceeds.

The recommended Holding Provision ensures that these requirements are addressed prior to development of the site. All outstanding site servicing and design issues will be reviewed in more detail and implemented through the future Site Plan Control application. In addition, all conditions of draft plan approval for the Eden Park – Parkview Estates subdivision (25T-200721) will continue to apply until otherwise revised.

5. One submission was received from a member of the public citing concerns about potential traffic impacts, impacts to wildlife and lack of open space.

Traffic

A concern was raised with respect to the amount of traffic being generated as a result of the subject proposal. A Transportation Impact Study was prepared by Paradigm Transportation Solutions Ltd. and submitted by the applicant with the Zoning By-law Amendment application. The study includes a 10-year forecast for level of service of surrounding major intersections. In general, the study highlights some anticipated future operational deficiencies at the intersections of Garth Street and Stone Church Road, Garth Street and Sabrina Boulevard and Garth Street and Rymal Road East. Overall background traffic within the area has contributed to greater levels of congestion. However, the proposed zoning changes are not significant in the context of overall growth in the area and would not, in and of themselves, contribute to any further exacerbation of future level of service.

Wildlife Impacts

The subject site has largely been cleared and graded and it not home to any known significant wildlife habitat. This site has been previously planned for urban development through the Sheldon Neighbourhood Plan, Eden Park Subdivision and Zoning By-law 09-023. The proposed amendments introduce the potential for alternative housing forms to be built on this site but do not expand the overall footprint of the planned subdivision. As such, the amendments will not introduce impacts to wildlife.

Open Space

This site is one component of a larger neighbourhood plan and Draft Plan of Subdivision that includes significant open space components. Parks and other significant open space and amenities are planned and established at a neighbourhood scale. This site should be viewed as a small part of a broader community. The William Connell Park, Garth Street Reservoir and a significant woodland located on the adjacent site to the east all form components of a planned open space network in the neighbourhood. The introduction of additional housing forms on a planned development site does not provide an opportunity to secure new public open space. Furthermore, developing these lands at higher densities serves to minimize the need for outward expansion of urban growth into existing natural areas and has a positive net benefit from an open space perspective. The future site plan approval process will provide a mechanism for the City and applicant to explore additional on-site landscaping, open space and low impact development techniques.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Zoning By-law Amendment application be denied, the property could be utilized in accordance with the existing “RT-20/S-1301a” (Townhouse – Maisonette) District, Modified provisions of City of Hamilton Zoning By-law No. 6593. The existing zoning allows for the development of townhouse and maisonette dwellings up to 11.0 metres in height and street townhouse dwellings up to a maximum height of 12.5 metres.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

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

Economic Prosperity and Growth

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

Healthy and Safe Communities

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

Clean and Green

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

Built Environment and Infrastructure

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” – Location Map

Appendix “B” – Amendment to Zoning By-law No. 6593

Appendix “C” – Zoning By-law Modification Chart

Appendix “D” – Concept Plan

Appendix “E” – Eden Park/Parkview Estates Draft Plan of Subdivision (25T-200721)

Appendix “F” – Public Correspondence