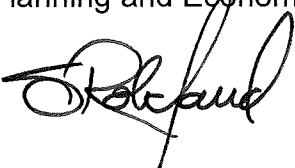




**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	August 11, 2020
<b>SUBJECT/REPORT NO:</b>	Applications to Amend the Urban Hamilton Official Plan and Hamilton Zoning By-law No. 6593 and for a Draft Plan of Subdivision for Lands known as 1517, 1477 & 1443 Upper James Street and 221 Genoa Drive, Hamilton (PED20084) (Ward 8)
<b>WARD(S) AFFECTED:</b>	Ward 8
<b>PREPARED BY:</b>	Mike Davis (905) 546-2424 Ext. 1024
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION(S)**

- (a) That **Urban Hamilton Official Plan Amendment Application UHOPA-18-010, by DiCenzo Construction Company Ltd. (Owner)**, to add a site specific policy in order to permit a minimum net residential density of 40 units per hectare for a block townhouse development, for lands known as at 1477 Upper James Street and 221 Genoa Drive, Hamilton, as shown on Appendix "A" to Report PED20084, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment attached as Appendix "B" to Report PED20084, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow Plan (2019).

**SUBJECT: Applications to Amend the Urban Hamilton Official Plan and the City of Hamilton Zoning By-law No. 6593 and for a Draft Plan of Subdivision for Lands known as 1517, 1477 & 1443 Upper James Street and 221 Genoa Drive, Hamilton (PED20084) (Ward 8) - Page 2 of 35**

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- (b) That Zoning By-law Amendment Application ZAC-18-025, by DiGenzo Construction Company Ltd. (Owner), to change the zoning of the lands from the "RT-30" (Street – Townhouse) District to the "D/S-1801" (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified (Block 1); from the "D/S-1395" (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified to the "D/S-1801" (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified (Block 2); from the "AA" (Agricultural) District to the "D/S-1801" (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified (Block 3); from the "C/S-1788" (Urban Protected Residential, etc.) District, Modified to the "D/S-1801" (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified (Blocks 4 and 5); from the "C/S-1788" (Urban Protected Residential, etc.) District, Modified to the "RT-30/S-1801" (Street – Townhouse) District, Modified (Blocks 6 and 13); from the "D/S-1395" (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified to the "RT-30/S-1801" (Street – Townhouse) District, Modified (Blocks 7, 9, 11 and 14); from the "RT-30" (Street – Townhouse) District to the "RT-30/S-1801" (Street – Townhouse) District, Modified (Blocks \* and 10); from the "AA" (Agricultural) District to the "RT-30/S-1801" (Street – Townhouse) District, Modified (Block 12); from the "D/S-1395" (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified to the "RT-20/S-1801" (Townhouse – Maisonette) District, Modified (Block 15); from the "AA" (Agricultural) District to the "RT-20/S-1801" (Townhouse – Maisonette) District, Modified (Block 16); from the "C/S-1788" (Urban Protected Residential, etc.) District, Modified to the "RT-20/S-1801" (Townhouse – Maisonette) District, Modified (Block 17); from the "AA" (Agricultural) District to the "C/S-1788" (Urban Protected Residential) District, Modified (Block 18); and, from the "C/S-1788" (Urban Protected Residential, etc.) District, Modified to the "C/S-1801"-H' (Urban Protected Residential, etc.) District, Modified, Holding (Block 19), in the City of Hamilton Zoning By-law No. 6593, to permit the development of 91 street townhouse dwellings, 38 semi detached dwellings, three single detached dwellings and 18 block townhouse units on lands known as 1477 & 1443 Upper James Street and 221 Genoa Drive, Hamilton, as shown on Appendix "A" to Report PED20084, be **APPROVED** on the following basis:
- (i) That the draft By-law attached as Appendix "C" to Report PED20084, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

**SUBJECT: Applications to Amend the Urban Hamilton Official Plan and the City of Hamilton Zoning By-law No. 6593 and for a Draft Plan of Subdivision for Lands known as 1517, 1477 & 1443 Upper James Street and 221 Genoa Drive, Hamilton (PED20084) (Ward 8) - Page 3 of 35**

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- (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2020), conform with A Place to Grow Plan (2019) and will comply with the Urban Hamilton Official Plan upon finalization of UHOPA No. \_\_; 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 'H' as a suffix to the proposed "C/S-1801" (Urban Protected Residential, etc.) District, Modified (Block 19), with the 'H' symbol being eligible to be removed conditional upon:
  - (1) That the lands identified as Block 19 in Schedule "A" of the amending by-law shall be consolidated with remnant parcels in the abutting Registered Plan 62M-1209, known as 87 and 91 Aquasanta Crescent to the satisfaction of the Senior Director, Growth Management.
- (c) That **Draft Plan of Subdivision Application 25T-201803, by DiCenzo Construction Company Ltd. (Owner)**, to establish a Draft Plan of Subdivision known as "Jamesmount Extension" on lands known as 1517, 1477 & 1443 Upper James Street and 221 Genoa Drive, as shown on Appendix "A" to Report PED20084, be **APPROVED** subject to the following conditions:
  - (i) That this approval applies to the Draft Plan of Subdivision "Jamesmount Extension" 25T-201803, prepared by A.T. McLaren Ltd., and certified by S.D. McLaren, O.L.S., dated June 19, 2020, consisting of 19 blocks for 38 semi detached dwellings (Blocks 1 – 19), 13 blocks for 91 street townhouse dwellings (Blocks 21 – 25, 27 – 31 and 32 – 34), one lot for a single detached dwelling (Lot 20), one block for 18 block townhouse dwellings (Block 26), two future development blocks for single detached dwellings (Blocks 35 and 36) and the extension of DiCenzo Drive, Aquasanta Crescent, Genoa Drive and the creation of a new Street 'A', subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions attached as Appendix "F" to Report PED20084;
  - (ii) In accordance with the City's Comprehensive Development Guidelines and Financial Policies Manual (2017) there will be no cost sharing for this subdivision; and,
  - (iii) That payment of cash-in-lieu or dedication of Parkland will be required, pursuant to Section 51 of the *Planning Act*, with the calculation for the payment to be based on the value of the lands on the day prior to the day of

issuance of each building permit, all in accordance with the Financial Policies for Development and the City's Parkland Dedication By-laws, as approved by Council.

- (d) That, upon finalization of the implementing Zoning By-law, the Ryckmans Neighbourhood Plan be amended by re-designating the lands identified as Blocks 6-17 on Appendix "A" to Report PED20084 from "Single and Double" to "Attached Housing".

## **EXECUTIVE SUMMARY**

The applicant has applied to amend the Urban Hamilton Official Plan and City of Hamilton Zoning By-law No. 6593 and for approval of a Draft Plan of Subdivision to allow for the development of 150 residential units comprised primarily of semi detached units and townhouse units. These applications apply to a 4.97 hectare (12.28 acre) site in the Ryckmans Neighbourhood, east of Upper James Street and south of Stone Church Road West. Portions of the site form part of the existing "Jamesmount Gardens" Draft Plan of Subdivision (25T-91007) and "Sobie" Draft Plan of Subdivision (25T-87032). These applications seek to revise and consolidate undeveloped lands from these two older plans of subdivision to complete the neighbourhood and street patterns (see Appendix "A" to Report PED20084).

The Urban Hamilton Official Plan (UHOP) Amendment is to permit a block townhouse development on Block 26 of the Draft Plan of Subdivision at a minimum density of 40 units per hectare, whereas the UHOP requires a minimum density of 60 units per hectare for this building form.

The Zoning By-law Amendment will permit a range of housing forms including townhouses (street townhouses and block townhouses), semi detached and single detached dwellings. Some minor site-specific modifications to the various zone regulations are required to facilitate the proposed development and reflect the specific context of this site (see Appendix "D" to Report PED20084).

The proposed Draft Plan of Subdivision establishes 19 blocks for 38 semi detached dwellings (Blocks 1 – 19), 13 blocks for 91 street townhouse dwellings (Blocks 21 – 25, 27 – 31 and 32 – 34), one lot for a single detached dwelling (Lot 20), one block for 18 block townhouse dwellings (Block 26) and two future development blocks for single detached dwellings (Blocks 35 and 36). The Draft Plan includes an extension of DiCenzo Drive, Aquasanta Crescent, Genoa Drive and the creation of a new Street 'A' to serve the planned development and complete portions of the overall neighbourhood

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street network, subject to the owner entering into a Standard Form Subdivision Agreement, with Special Conditions as outlined in Appendix "F" to Report PED20084. The proposed development represents a more comprehensive approach to the infilling of these lands than would be achieved by way of the existing subdivision approvals. The proposed street layout, block pattern and building forms represent a logical extension of and complement the existing developments to the east, north and west and will broaden the range of housing options. Based on the above, the proposal has merit and can be supported as it is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow (2019), and complies with the Urban Hamilton Official Plan (UHOP) subject to the recommended amendment.

**Alternatives for Consideration – See Page 34**

**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 the Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision applications.

**HISTORICAL BACKGROUND**

**Report Fact Sheet**

Application Details	
Applicant/Owner:	DiCenzo Construction Company Ltd.
Agent:	Webb Planning Consultants Inc. (c/o James Webb)
File Number:	UHOPA-18-010, ZAC-18-025 and 25T-201803
Type of Application(s):	Urban Hamilton Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision.

**SUBJECT: Applications to Amend the Urban Hamilton Official Plan and the City of Hamilton Zoning By-law No. 6593 and for a Draft Plan of Subdivision for Lands known as 1517, 1477 & 1443 Upper James Street and 221 Genoa Drive, Hamilton (PED20084) (Ward 8) - Page 6 of 35**

Proposal:	<p>To revise, consolidate and add lands to existing Draft Plans of Subdivision within the Ryckmans Neighbourhood to facilitate a comprehensive development that includes:</p> <ul style="list-style-type: none"> <li>• 91 street townhouse dwellings;</li> <li>• 38 semi-detached dwellings;</li> <li>• 1 single detached dwelling;</li> <li>• 2 future development blocks for single detached dwellings; and,</li> <li>• 18 block townhouse units.</li> </ul> <p>The proposal also involves the extension and creation of local streets (DiCenzo Drive, Aquasanta Crescent, Genoa Drive and Street 'A') and utilities in order to service the planned development and complete portions of the neighbourhood street network (see Appendix "E" to Report PED20084).</p>
<b>Property Details</b>	
Municipal Address:	1517, 1477 & 1443 Upper James Street and 221 Genoa Drive, Hamilton.
Lot Area:	4.97 hectares
Servicing:	Full Municipal Services
Existing Uses:	Vacant
Proposed Uses:	A range of low and medium density residential uses and built forms (150 total proposed units).
<b>Documents</b>	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS (2020).
A Place to Grow:	The proposal conforms to A Place to Grow Plan (2019).
Official Plan Existing:	<ul style="list-style-type: none"> <li>• Identified as "Neighbourhoods" on Schedule "E" – Urban Structure.</li> </ul>

**SUBJECT: Applications to Amend the Urban Hamilton Official Plan and the City of Hamilton Zoning By-law No. 6593 and for a Draft Plan of Subdivision for Lands known as 1517, 1477 & 1443 Upper James Street and 221 Genoa Drive, Hamilton (PED20084) (Ward 8) - Page 7 of 35**

	<ul style="list-style-type: none"> <li>Designated "Neighbourhoods" on Schedule "E-1" – Urban Land Use Designations.</li> </ul>
Official Plan Proposed:	To add a site-specific policy to allow for a minimum density of 40 units per net residential hectare within a medium density residential area for block townhouses.
Zoning Existing:	<ul style="list-style-type: none"> <li>"RT-30" (Street – Townhouse) District;</li> <li>"D/S-1395" (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified;</li> <li>"C/S-1788" (Urban Protected Residential, etc.) District, Modified; and,</li> <li>"AA" (Agricultural) District.</li> </ul>
Zoning Proposed:	<ul style="list-style-type: none"> <li>"D/S-1801" (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified;</li> <li>"RT-20/S-1801" (Townhouse – Maisonette) District, Modified;</li> <li>"RT-30/S-1801" (Street – Townhouse) District, Modified;</li> <li>"C/S-1788" (Urban Protected Residential, etc.) District, Modified; and,</li> <li>"C/S-1801"-'H' (Urban Protected Residential, etc. – 'Holding') District, Modified.</li> </ul>
Modifications Proposed: (see Appendix "D" to Report PED20084)	<p><u>Semi detached dwellings:</u></p> <ul style="list-style-type: none"> <li>Reduced minimum lot width of 16.0 metres for semi-detached dwellings (Blocks 1-5);</li> <li>Reduced minimum lot area of 515.0.0 square metres for semi-detached dwellings (Blocks 1-4); and,</li> <li>Reduced minimum lot area of 480.0 square metres for semi-detached dwellings (Block 5).</li> </ul> <p><u>Street townhouse dwellings:</u></p> <ul style="list-style-type: none"> <li>Reduced frontage requirement of 5.75 metres for street townhouse dwellings (Blocks 6-14);</li> <li>Reduced minimum lot area of 170.0 square metres for street townhouse dwellings (Blocks 6-9);</li> <li>Reduced minimum lot area of 160.0 square metres for street townhouse dwellings (Blocks 10-13);</li> </ul>

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	<ul style="list-style-type: none"> <li>• Reduced minimum lot area of 150.0 square metres for street townhouse dwellings (Block 14); and,</li> <li>• Reduced minimum rear yard depth of 6.0 metres for street townhouse dwellings (Block 14).</li> </ul> <p><u>Block townhouse dwellings:</u></p> <ul style="list-style-type: none"> <li>• Reduced east side yard setback requirement of 2.0 metres (Blocks 15-17);</li> <li>• Reduced setback between a building and an adjacent residential property of 3.3 metres (Blocks 15-17); and,</li> <li>• A reduced setback between surface visitor parking spaces and a residential lot (Blocks 15-17).</li> </ul>
<b>Processing Details</b>	
Received:	April 12, 2018
Deemed Complete:	May 10, 2018
Notice of Complete Application:	Notice sent to 145 property owners within 120 m of the subject property on May 25, 2018.
Public Notice Sign:	Sign Posted: May 25, 2018. Sign Updated: July 15, 2020.
Notice of Public Meeting:	Notice sent to 145 property owners within 120 m of the subject property on July 24, 2020.
Public Consultation:	<p>The public consultation strategy relies on <i>Planning Act</i> requirements carried out by the City including installation of a Public Notice Sign, circulation of the Notice of Application to all landowners within 120 metres of the site and the holding of a statutory public meeting before the City's Planning Committee.</p> <p>To supplement these requirements, the Applicants hosted a neighbourhood information meeting on September 30, 2019. Invitations were circulated to all households within 120 metres of the site. Approximately 25 residents attended the meeting. The comments raised at this meeting are</p>



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	addressed in the Analysis and Rationale for Recommendation section of this report.
Public Comments:	No written correspondence was received.
Processing Time:	852 days

**Existing Land Use and Zoning:**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b><u>Subject Property:</u></b>	Vacant	"RT-30" (Street – Townhouse) District, "D/S-1395" (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified, "C/S-1788" (Urban Protected Residential, etc.) District, Modified and "AA" (Agricultural) District.

**Surrounding Lands:**

<b>North</b>	Street Townhouses and Dr. William Bethune Park.	"RT-30" (Street – Townhouse) District and Community Park (P2) Zone.
<b>East</b>	Single Detached Dwellings, Ryckmans Neighbourhood Park and the Olmstead Archaeological Site.	"C" (Urban Protected Residential, etc.) District, Neighbourhood Park (P1) Zone and Open Space (P4) Zone.
<b>South</b>	Vacant/Undeveloped.	"C/S-1788" (Urban Protected Residential, etc.) District, Modified.
<b>West</b>	Street Townhouses and Automotive Dealerships.	"RT-30" (Street – Townhouse) District, "RT-30"-H/S-1342 (Street – Townhouse –

Holding) District, Modified, "D/S-1395" (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified, and Mixed-Use Medium Density (C5) Zone.

## **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 2020). 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).

### **Provincial Policy Statement (2020)**

The application has been reviewed with respect to the Provincial Policy Statement (PPS). Section 1.1 of the PPS provides over-arching policy guidance for managing and directing land use in settlement areas to achieve efficient and resilient land use patterns. The following policies, amongst others, apply to the applications.

- "1.1.1 Healthy, liveable and safe communities are sustained by:
- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
  - b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;"

The Application is consistent with Section 1.1.1 of the PPS in that it serves to plan and designate lands for a mix of housing forms (townhouses, semi detached and single

detached dwellings) that will broaden the range of housing options available in the neighbourhood. The proposed housing forms will be developed at higher densities than what is currently planned through existing zoning and subdivision approvals applicable to the site, thereby making more efficient use of land and infrastructure.

Section 2.6 of the PPS provides policy related to the conservation of significant cultural heritage and archaeological resources.

“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 is within 250 metres of known archaeological sites which is one of the ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) for determining archaeological potential.

A Stage 1 and partial Stage 2 archaeological assessment (P017-0368-2015) for the subject property was previously submitted to the MHSTCI and the City of Hamilton. The report recommends that further archaeological work be conducted to address the archaeological potential of the subject property. As a condition of the Draft Plan of Subdivision (Condition No. 26), the applicant will be required to carry out a complete Stage 2 archaeological assessment of the entire property (and further stages as recommended by a licensed archaeologist) and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found, to the satisfaction of the Director of Planning and Chief Planner and the MHSTCI. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning and Chief Planner and the MHSTCI confirming that all archaeological resource concerns have met licensing and conservation requirements.

The proposal is consistent with the Provincial Policy Statement (2020).

### **A Place to Grow (2019)**

Section 1.2.1 of A Place to Grow (2019) provides an overview of guiding principles upon which further, more detailed, policies are based. The proposal is supported by the guiding principles outlined in Section 1.2.1 in that it will provide for a broader mix of housing options in the neighbourhood, thereby contributing to the creation of a more

complete community. These more compact building forms will provide for a more efficient use of land and infrastructure than existing planned development on the site. Section 2.2.7 of A Place to Grow (2019) provides high-level policy guidance for new development in designated greenfield areas within municipalities.

**"2.2.7 Designated Greenfield Areas**

1. New development taking place in designated greenfield areas will be planned, designated, zoned and designed in a manner that:
  - a) supports the achievement of complete communities;
  - b) supports active transportation; and
  - c) encourages the integration and sustained viability of transit services.
2. The minimum density target applicable to the designated greenfield area of each upper- and single-tier municipality is as follows:
  - a) The Cities of Barrie, Brantford, Guelph, Hamilton, Orillia and Peterborough and the Regions of Durham, Halton, Niagara, Peel, Waterloo and York will plan to achieve within the horizon of this Plan a minimum density target that is not less than 50 residents and jobs combined per hectare."

The subject lands are identified as a designated greenfield area within the Urban Hamilton Official Plan. The proposed development will support the creation of a more complete community by planning and designating a 4.97 hectare greenfield site for a mix of low profile grade-oriented housing forms at varying densities. Further, the proposed development will complete key portions of the planned local street network, better connecting existing residents to commercial activities, employment uses and transit services along Upper James Street.

In accordance with Section 2.2.7.2 above, the Growth Plan sets a minimum target density of 50 people and jobs per hectare across the City's designated greenfield areas. This proposal will provide for an anticipated density of 83 people and jobs per hectare, thereby contributing to the achievement of provincial density targets.

The proposal conforms to the policies of A Place to Grow Plan (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. Further, the subject site is located outside of the built boundary identified on Appendix “G” – Boundaries Map of the Urban Hamilton Official Plan.

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 a range of new housing forms on an undeveloped 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**

- “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 proposal is supported by the policy goals for Neighbourhoods in urban Hamilton. The applications serve to plan and designate lands within the neighbourhood for a range of housing types. By providing opportunities for the development of block townhouses, street townhouses, semi detached and single detached dwellings, the proposal will broaden the mix of housing types available and generally provide for more compact forms of residential development. Notwithstanding the more compact form of development, the proposed housing types remain low-rise, grade-oriented, forms such

as townhouses and semi detached dwellings that fit with the scale and proportions of existing and planned residential uses in proximity to the site. Portions of the neighbourhood have already been planned and developed with street townhouses.

Overall, the proposed draft plan of subdivision will consolidate, connect and “infill” a gap in the neighbourhood and associated street network. The completion of this portion of the neighbourhood street network will serve both new and existing residents, allow for appropriate integration of these expanded residential uses and increase access to nearby commercial services located along Upper James Street.

#### Low Density Residential

##### Function

- “E.3.4.1      The preferred location for low density residential uses is within the interior of neighbourhoods.
- E.3.4.2      Low density residential areas are characterized by lower profile, grade-oriented built forms that generally have direct access to each unit at grade.
- E.3.4.3      Uses permitted in low density residential areas include single-detached, semi-detached, duplex, triplex, and street townhouse dwellings.”

The proposed development is largely located within the interior of the neighbourhood. These portions of the plan (Blocks 1-25 and Blocks 27-36 on Appendix “E” to Report PED20084) are proposed to be developed with single detached, semi detached and street townhouse dwellings in accordance with the policies outlined above.

##### Scale

- “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.”

In total, the proposed low density residential area will be developed at a net residential density of 44.9 units per hectare, with street townhouse forms being developed at a net residential density of 50 units per hectare and semi detached forms being developed at

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a net residential density of 36.2 units per hectare. The proposed maximum height regulations in the implementing Zoning By-law do not exceed three storeys.

Design

- "E.3.4.6 Development in areas dominated by low density residential uses shall be designed in accordance with the following criteria:
- a) Direct access from lots adjacent to major or minor arterial roads shall be discouraged.
  - b) Backlotting along public streets and in front of parks shall be discouraged. The City supports alternatives to backlotting, such as laneway housing and window streets, to promote improved streetscapes and public safety, where feasible.
  - c) A mix of lot widths and sizes compatible with streetscape character; and a mix of dwelling unit types and sizes compatible in exterior design, including character, scale, appearance and design features; shall be encouraged. Development shall be subject to the Zoning By-law regulations for appropriate minimum lot widths and areas, yards, heights, and other zoning regulations to ensure compatibility.
  - d) Development, including the creation of infill lots involving the creation of new public streets or extensions, shall generally proceed by way of plan of subdivision. Such plans shall achieve the logical and sequential extension of streets and municipal services and an efficient lotting pattern."

The proposed development includes a total of 132 low density residential dwelling units. These units have been oriented towards interior local streets, being developed by way of the draft plan of subdivision, with direct vehicular access to be provided by these streets. Higher intensity areas of development, focused around the intersection of DiCenzo Drive and Regina Drive, have been restricted as direct vehicular access points.

The proposed subdivision pattern has been configured to avoid backlotting on existing and proposed public streets (i.e. no backlotting is proposed). Street townhouse, semi detached and single detached blocks have been oriented such that building fronts predominantly face existing and proposed local streets within the plan area. In limited

areas, the sides of buildings will face the street. In these cases, building elevations will be designed to mimic the rhythm and character of front elevations.

The plan provides for a mix of dwelling types including semi detached and street townhouse dwellings. The site-specific zoning will provide for minimum lot widths and sizes that are compatible with the existing character of the area which includes existing street townhouse lots developed at a width of 6.0 metres and area of 180 square metres directly north and west of the site. An 'H' Holding provision has been applied to a small portion of the plan (Blocks 35 and 36) to ensure that two remnant parcels being created are comprehensively developed with two remnant parcels in the abutting Registered Plan 62M-1209, east of the site. The Draft Plan of Subdivision includes the extension of three existing local streets and the creation of one new internal local street. The plan presents logical and sequential extension of streets and municipal services to ensure an efficient lotting pattern.

#### Medium Density Residential

##### Function

- "E.3.5.1 Medium density residential areas are characterized by multiple dwelling forms on the periphery of neighbourhoods in proximity to major or minor arterial roads, or within the interior of neighbourhoods fronting on collector roads.
- E.3.5.2 Uses permitted in medium density residential areas include multiple dwellings except street townhouses.
- E.3.5.5 Medium density residential uses shall be located within safe and convenient walking distance of existing or planned community facilities, public transit, schools, active or passive recreational facilities, and local or District Commercial uses.
- E.3.5.6 Medium density residential built forms may function as transitions between high and low profile residential uses."

A portion of the plan area is located at the intersection of Regina Drive and DiCenzo Drive towards the periphery of the residential portion of the neighbourhood, where residential uses interface with commercial development fronting on Upper James Street. This portion of the area also has frontage on DiCenzo Drive and Regina Drive, which function as collector streets within the neighbourhood.



This block (see Block 26 on Appendix “E” to Report PED20084) has been identified for medium density residential uses within the proposed Draft Plan of Subdivision. Specifically, Block 26 is proposed to be developed with block townhouses, which the UHOP classifies as a form of multiple residential development. Within the context of the proposed development, this block and the proposed building form serve as a transition between higher intensity development and activity along DiCenzo Drive to lower forms such as street townhouses and semi detached dwellings along Street ‘A’ and Aquasanta Crescent.

#### Scale

- “E.3.5.7 For medium density residential uses, the net residential density shall be greater than 60 units per hectare and not greater than 100 units per hectare.
- E.3.5.8 For medium density residential uses, the maximum height shall be six storeys.”

The proposed medium density block has a density of 40 units per hectare. Given the specific context of this site, there is a desire to maintain lower profile, grade-oriented forms of medium density housing within this block. The proposed block townhouses also include requirements for visitor parking and amenity areas that make meeting the minimum density threshold of 60 units per hectare difficult to achieve on this limited size of a site. As such, the applicant has applied for a site-specific policy area that recognizes the reduced density requirement. The proposed amendment is further discussed in the Analysis and Rationale for Recommendation section of this report.

#### Design

- “E.3.5.9 Development within the medium density residential category shall be evaluated on the basis of the following criteria:
- a) Developments should have direct access to a collector or major or minor arterial road. If direct access to such a road is not possible, the development may gain access to the collector or major or minor arterial roads from a local road only if a small number of low density residential dwellings are located on that portion of the local road.

- b) Development shall be integrated with other lands in the Neighbourhoods designation with respect to density, design, and physical and functional considerations.
- c) Development shall be comprised of sites of suitable size and provide adequate landscaping, amenity features, on-site parking, and buffering if required. The height, massing, and arrangement of buildings and structures shall be compatible with existing and future uses in the surrounding area.
- d) Access to the property shall be designed to minimize conflicts between traffic and pedestrians both on-site and on surrounding streets."

With respect to the medium density residential design policies noted above, it is important to note that the proposed development is a part of a comprehensively designed Draft Plan of Subdivision. The specific design details for the interior block (Block 26) such as access, building placement/orientation, landscaping and parking will be addressed in detail through a future Site Plan Control application. Block 26 contains approximately 40 metres of frontage along DiCenzo Drive which provides an opportunity for direct pedestrian access to a collector street (i.e. DiCenzo Drive). Although the supporting concept plan envisions vehicular access to be provided on the east side of the block by way of a local street, the lower anticipated density (i.e. 40 uph vs. a minimum of 60 uph) will ensure the impacts of vehicular traffic will have minimal disruptions to planned and existing development in the vicinity.

Through the amending Zoning By-law, building heights are proposed to be limited to three-storeys (11.0 metres) on Block 26. These maximum building heights match with the existing townhouse development west of the site.

Finally, the proposed Zoning By-law Amendment 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.

#### Residential Greenfield Design

- "E.3.7.1 New greenfield communities shall be designed with a unique and cohesive character. Buildings, streetscapes, street patterns, landscaping, open

spaces, and infrastructure shall be designed to contribute to this character.

- E.3.7.2 New greenfield communities shall be designed to include a focal point. All elements of the design of the community including the layout of streets, trails, pedestrian connections, and transit routes as well as the location of land uses and transit stops, shall contribute to creation of the community focal point.
- E.3.7.3 The configuration of streets, trails, and open spaces shall ensure clear and convenient pedestrian, cycling, and vehicular connections from within the greenfield community to the focal point and adjacent neighbourhoods.
- E.3.7.5 New residential development in greenfield areas shall generally be designed and planned to:
- a) minimize changes to existing topography;
  - b) preserve existing trees and natural features; and,
  - c) be compatible with, and maintain public views and vistas to prominent City features and landmarks, including the Niagara Escarpment, the waterfronts of Lake Ontario and Hamilton Harbour, Cootes Paradise, and Dundas Valley, or as identified through secondary plans, cultural heritage management plans, cultural heritage conservation plan statements, or other studies.
- E.3.7.6 New development or redevelopment adjacent to open spaces shall:
- a) minimize the impacts on natural heritage features;
  - b) maintain or enhance public access to trails, bikeways, and parks within these features;
  - c) preserve or enhance public views to these features; and,
  - d) use native plant material adjacent to these features.
- E.3.7.7 Prior to registration of a plan of subdivision, the City may require the owner to prepare urban design and/or architectural guidelines to the

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satisfaction of the City. The City may undertake architectural control to ensure compliance with the approved urban design or architectural guidelines.”

Section E.3.7 of the Neighbourhoods Designation policies outlined above provides guidance for the design of new residential communities that are located outside of the built boundary as defined in A Place to Grow (2019). The proposed development is contiguous with existing development to the east, north and west. The design is heavily influenced and constrained by these existing conditions and the plan seeks to provide for a logical completion, integration with and extension of existing development and infrastructure.

Parks and other significant open space and amenities, for example, are planned and established at a neighbourhood scale and have been planned and implemented through previous draft plans. This site is one component of a larger neighbourhood plan and Draft Plan of Subdivision that already includes significant open space components (e.g. Dr. William Bethune Park and Ryckmans Neighbourhood Park). Instead, the plan provides for a logical extension of street connections and development blocks. It is an assembly of four remnant zoning blocks that provide a more cohesive strategy for the infilling of this area than what would be achieved through existing zoning and subdivision approvals.

The Draft Plan has been designed in conformity with City development standards for right-of-way widths and infrastructure design. In this case, given the infill nature of the proposal and the limited land area, architectural controls and site-specific urban design guidelines have not been applied although the proposed block townhouse development will continue to be reviewed from an urban design perspective at the future site plan approval stage.

#### Plans of Subdivision

“F.1.14.1.2 Council shall approve only those plans of subdivision that meet the following criteria:

- a) the plan of subdivision conforms to the policies and land use designations of this Plan;
- b) the plan of subdivision implements the City’s staging of development program;

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- c) the plan of subdivision can be supplied with adequate services and community facilities;
- d) the plan of subdivision shall not adversely impact upon the transportation system and the natural environment;
- e) the plan of subdivision can be integrated with adjacent lands and roadways.”

The proposed Plan of Subdivision has been identified in the City of Hamilton’s Staging of Development Plan for as a priority for processing in 2020 and is consistent with the Criteria for Staging of Development. The proposed development relies on existing planned utilities and community amenities as it represents a small portion of a broader planned neighbourhood. The proposed Draft Plan can be adequately serviced using existing infrastructure, subject to the proposed Draft Plan conditions, and will not adversely impact the natural environment or transportation system, will be integrated with existing lands and roads, and will not adversely impact municipal finances. Based on the above, the proposal conforms to the criteria relative to Plans of Subdivision in the Official Plan subject to the recommended amendment to recognize a reduced density requirement on the proposed medium density block (see Block 26 on Appendix “E” to Report PED20084).

### **Ryckmans Neighbourhood Plan**

The subject site is located within the boundaries of the Ryckmans Neighbourhood Plan. The neighbourhood plan sets out a comprehensive land use vision for the lands bounded by Stone Church Road East, Upper James Street, Rymal Road East and Upper Wellington Street. The Neighbourhood Plan establishes an overall framework for the neighbourhood design, including locations for park blocks, open spaces and opportunities for maximizing passive solar energy through the orientation of the road pattern 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, implemented through Zoning By-law Amendment applications and Draft Plans of Subdivision. The site is designated “Single and Double” in the Neighbourhood Plan, which contemplates single detached and semi detached dwellings.

The Provincial Policy Statement (2020) and A Place to Grow Plan (2019) provide minimum density targets of 50 people and jobs per hectare in designated greenfield

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areas. These documents also place a greater policy emphasis on achieving a more complete range of housing options within neighbourhoods. The Urban Hamilton Official Plan takes a more flexible and broad approach to the range of housing types contemplated within the interior of neighbourhoods. Where the neighbourhood plan previously established the “single and double” category, limiting development to single detached and semi detached dwellings, the evolving planning expectations and requirements also consider townhouse building forms in this area. The proposed plan will provide for a range of low profile, grade-oriented housing that fits with the established building forms in the area.

The proposed Official Plan and Zoning changes will enable a form of development that generally aligns with the form of development envisioned for lands designated “Attached Housing”. An amendment to redesignate the lands identified as Blocks 6-17 on Appendix “A” to Report PED20084 from “Single and Double” to “Attached Housing” on the Ryckmans Neighbourhood Plan Land Use Map is included as part of the staff recommendation. 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 overall intent of the neighbourhood plan to provide for low profile grade-oriented housing forms in the interior of the neighbourhood and the proposed amendment to reflect relevant portions of this development is appropriate.

**City of Hamilton Zoning By-law No. 6593**

The subject lands are currently zoned “RT-30” (Street – Townhouse) District, “D/S-1395” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified, “C/S-1788” (Urban Protected Residential, etc.) District, Modified and “AA” (Agricultural) District within the City of Hamilton Zoning By-law No. 6593. These districts permit a mix of low profile grade-oriented housing forms including street townhouse, semi detached and single detached dwellings, to be developed in accordance with the existing draft approved subdivision framework.

This application proposes to update, consolidate and modify the previous planning approvals that currently guide development on the site. To provide a framework for the mix of housing types being sought, the application proposes to rezone the lands to the “D/S-1801” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified, “RT-30/S-1801” (Street – Townhouse) District, Modified, “RT-20/S-1801” (Townhouse – Maisonette) District, Modified, “C/S-1788” (Urban Protected Residential, etc.) District, Modified, and “C/S-1801”-‘H’ (Urban Protected Residential, etc.) District, Modified, Holding.

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A series of modifications to the standard development regulations are also proposed. These modifications are generally minor in nature and are intended to reflect site-specific contextual considerations. A detailed overview and evaluation of the following proposed modifications are included in Appendix "D" to Report PED20084.

**RELEVANT CONSULTATION**

<b>Departments and Agencies</b>		
<ul style="list-style-type: none"> <li>• Hydro One Networks Inc.;</li> <li>• Transit Planning and Infrastructure, Transit (HSR);</li> <li>• Parks and Cemeteries, Public Works Department;</li> <li>• Recreation, Healthy and Safe Communities Department; and,</li> <li>• Landscape Architectural Services, Public Works Department.</li> </ul>		No Comments
	<b>Comment</b>	<b>Staff Response</b>
Transportation Planning and Parking Division, Planning and Economic Development Department	<p>Transportation Planning supports the proposed Official Plan, Zoning By-law amendment and Draft Plan of Subdivision subject to the following conditions:</p> <ul style="list-style-type: none"> <li>• Submission of a Neighbourhood Traffic Calming Study (NTCS) and completion of any identified municipal infrastructure upgrades.</li> <li>• Completion of a revised Traffic Impact Study (brief/memo) with the recommendations of this revised brief being implemented in the detailed design of the</li> </ul>	The special conditions outlined in Appendix "F" to Report PED20084 (Condition Nos. 22-24) will ensure that these items are implemented through the detailed engineering process prior to site grading.

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	<p>proposed street network.</p> <ul style="list-style-type: none"> <li>• Further demonstration that driveway locations shall not conflict with required crosswalk areas.</li> </ul>	
<p>Healthy Environments Division Public Health Services, Healthy and Safe Communities Department</p>	<p>A pest control plan, focusing on rats and mice, should be developed and implemented for the construction/development phase of the project and continue until the project is complete.</p>	<p>The special condition outlined in Appendix "F" to Report PED20084 (Condition No. 10) will ensure that a pest control plan is prepared by the Owner prior to grading of the site. Further, Condition No. 11 will ensure the completion of a dust control and street cleaning plan to be implemented through the construction phase.</p>
<p>Forestry and Horticulture Section, Environmental Services Division, Public Works Department</p>	<p>There are no Municipal Tree assets on site. This was confirmed through the submission of the Tree Protection Plan 1 dated April 11, 2018. As a result, no Tree Permit is required.</p> <p>A Landscape Plan is required by the Forestry and Horticulture Section, depicting the street tree planting scheme for the proposed development.</p>	<p>As part of the standard subdivision agreement and the special conditions outlined in Appendix "F" to Report PED20084 (Condition No. 27), a Landscape Plan will be required to be submitted and approved prior to site servicing. The Landscape Plan shall be reviewed by and to the satisfaction of the Forestry and Horticulture Section, Public Works Department and the Planning Division, Planning and Economic Development Department.</p>

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<p>Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department</p> <p>-and-</p> <p>Water &amp; Wastewater Planning, Hamilton Water Division, Public Works Department</p>	<p><b><u>Storm Drainage</u></b></p> <p>Stormwater drainage from the site will outlet southeast to the existing 750 mm storm sewer system on Aquasanta Crescent.</p> <p>The major overland flow route for most of the proposed development is to be conveyed southeast through the municipal road network toward the existing DiCenzo Gardens Phase 10 and towards Tevere Place. The major overland flow route for a small portion of the DiCenzo Drive extension is to be conveyed north along the existing DiCenzo Drive road network.</p> <p>Blocks 1 and 2 should remain undeveloped until the hydraulic modelling for the storm sewers downstream is performed to demonstrate that an onsite stormwater quantity control is not required.</p> <p><b><u>Sanitary Sewer</u></b></p> <p>The proposed site except Lot 20 will be serviced by an existing 250mm sanitary sewer on Aquasanta Crescent in DiCenzo</p>	<p>The comments provided by Development Engineering will be addressed through the standard subdivision agreement and the Special Conditions outlined in Appendix "F" to Report PED20084 (Conditions No. 1-21). In general, these conditions will ensure the implementation of important infrastructure design details for items such corner daylight triangles, sidewalks, temporary turning circles and retaining walls.</p> <p>Condition No. 14 serves to prevent the development of Blocks 1 and 2 on the Draft Plan of Subdivision until such time as the necessary hydraulic modelling for the downstream storm sewers has been completed.</p> <p>The Concept Plan attached as Appendix "G" to Report PED20084 demonstrates the ability to meet the 40% on-street parking requirement. A final parking plan will be required and implemented as part of the engineering design submission that will occur prior to servicing of the subdivision (Condition No. 17).</p>
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	<p>Gardens Phase 10. Lot 20 will be serviced by the existing 250mm sanitary sewer on DiCenzo Drive.</p> <p><b><u>Water Servicing</u></b></p> <p>The existing municipal water distribution system consists of an existing 300mm watermain located west of the proposed development on DiCenzo Drive and Genoa Drive. An existing 300mm Dia. watermain is also located southeast of the proposed development on Aquasanta Crescent.</p> <p><b><u>Parking Plan</u></b></p> <p>For purposes of on-street parking requirements the proposed development includes 130 units and two future development lots (Block 35 and 36). Required parking spaces based on 40% of the units shall be 52 parking spaces. All the parking spaces must be accommodated within the proposed development limit as per the City's Development Guideline.</p>	<p>The Draft Plan of Subdivision and Concept Plan include a southward extension of DiCenzo Drive beyond the south limit of development. This extension follows the street alignment set out in the existing Sobie Draft Plan (25T-87032) which will allow for a logical transition to a permanent component of supporting street network for future development to the south. In the interim, a temporary turning circle will be provided at the southern terminus. Condition Nos. 2, 4 and 5 all provide guidance for implementation of the turning circle design and eventual removal.</p> <p>A reduced rear yard setback of 6.0 metres is proposed for all lots within Block Nos. 30 and 31 located at the northeast portion of the plan area. Block Nos. 30 and 31 represent a limited number of future lots (i.e. limited to approximately 7 lots). These lots are impacted by the irregular grading conditions whereby a retaining wall will be required to be installed in the rear yard. The reduced rear yard setback included in the proposed Zoning By-law Amendment will allow for flexibility in the detailed</p>
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	<p><b><u>City Share Cost/Best Efforts Recovery</u></b></p> <p>There is no City share for the proposed development. The Owner shall pay cost recovery for the construction of the existing DiCenzo Drive Road from the North limit of the property line of Lot 20 to the South limit of the intersection of Regina Drive and DiCenzo Drive.</p> <p><b><u>Retaining Wall</u></b></p> <p>As a result of the preliminary grading design for Blocks 30 and 31 on the Draft Plan of Subdivision, a retaining wall will be required in the rear yard to accommodate the difference in elevation with adjacent lots to the northeast. The proposed retaining wall will impact the available amenity space for these lots.</p>	<p>engineering of the grading design and, given the context, will not introduce privacy concerns with adjacent existing dwellings.</p> <p>Condition No. 18 of the Special Conditions will require that the retaining wall be located a minimum of 0.45 metres from the rear property line to ensure its construction has no impact on the grading of adjacent existing lots. Further, it requires that the engineering design of this retaining wall be peer reviewed at the Applicant's expense. Condition No. 21 will ensure that warning clauses are included in purchase and sales agreements to advise residents of the presence of the retaining wall, their responsibility to maintain portions of the feature and that their amenity space and ability to construct accessory structures (e.g. shed, deck, etc.) may be reduced. A reduced rear yard depth requirement of 6.0 metres for Blocks 30 and 31 on the Plan of Subdivision has been incorporated into the proposed Zoning By-law Amendment to reflect this requirement.</p>
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Corporate Real Estate Office, Planning and Economic Development Department	The Corporate Real Estate Office has acknowledged the request by the applicant to include City land adjacent to the Jamesmount Extension development, which land will ultimately be transferred to DiCenzo Developments, in their application for Draft Plan Approval. Accordingly, the Manager of the Corporate Real Estate Office has authorized the submission of the Draft Plan in advance of property transfer(s).	A portion of the street extension and temporary turning circle planned for the south extension of DiCenzo Drive is within a City-owned right of way. The Corporate Real Estate office has authorized this application to be submitted in advance of formal acquisition by DiCenzo Construction Company Ltd. Condition Nos. 6 and 7 outlined in Appendix "F" to Report PED20084 ensure that necessary agreements and land transfer occur prior to registration of the plan.
Growth Planning Section, Growth Management Division, Planning and Economic Development Department	<p>Existing Draft Plans of Subdivision that apply to the site including Jamesmount Gardens (25T-91007) and Sobie (25T-87032) are required to be closed and/or revised prior to registration of the proposed Draft Plan of Subdivision.</p> <p>Further, Growth Planning recommends the dedication of a 0.30 metre reserve on the east side of Dicenso Drive in order to restrict vehicular access on portions of the collector street network that would pose safety concerns due</p>	<p>In accordance with the special conditions provided in Appendix "F" to Report PED20084 (Conditions 32 &amp; 33), existing draft plans that apply to portions of the site will be required to be closed or revised prior to registration of blocks and lots in the proposed plan.</p> <p>In accordance with the Concept Plan provided in Appendix "G" to Report PED20084, vehicular access has been restricted on those blocks/lots that abut DiCenzo Drive. Condition No. 34 requires the dedication of a 0.30 m reserve by the Owner to the City of Hamilton prior</p>

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	to proximity to planned intersections.	to registration of the Plan of Subdivision.
Canada Post	Canada Post has advised that this Draft Plan of Subdivision will receive mail service to centralized mail facilities provided through their Community Mailbox program. Canada Post has requested the City of Hamilton to ensure that purchasers are advised of this and that the physical infrastructure to support the community mailboxes is provided by the Developer.	As part of the special conditions outlined in Appendix "F" to Report PED20084 (Conditions 28-30) the developer will be required to include statements on the future offers of purchase and sale and lease agreements advising purchasers of the form and location of mail delivery. The conditions also require that the owner address the physical requirements for the community mailbox system such as concrete pads, lock box assembly, etc.
Union Gas	Union Gas requests that the owner/developer provide the necessary easements and/or agreements for the provision of gas services for this project.	As part of the special conditions outlined in Appendix "F" to Report PED20084 (Condition No. 31) the developer is required to provide such easements and/or agreements which will be determined through the detailed engineering design of the subdivision prior to registration.

## **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 145 property owners within 120 m of the subject property on May 25, 2018 and a

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Public Notice sign was posted on the property on the same day. The Public Notice Sign was updated with the Public Meeting Date on July 15, 2020. Finally, notice of the Public Meeting was given on July 24, 2020 in accordance with the requirements of the *Planning Act*.

At the time of writing this report, no formal submissions have been received from members of the public.

**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 Webb Planning Consultants Inc. relied on a combination of *Planning Act* requirements carried out by the City and supplementary strategies (i.e. a neighbourhood information meeting) executed by the Applicant. *Planning Act* requirements include installation of a Public Notice Sign, circulation of the Notice of Application to all landowners within 120 metres of the site and the holding of a statutory public meeting before the City's Planning Committee. The applicants have indicated they will be present to answer questions at the statutory public meeting before Planning Committee.

The Applicants hosted a neighbourhood information meeting on September 30, 2019. Invitations were mailed to all households within 120 metres of the subject lands. Approximately 25 members of the public attended the meeting. Citizen feedback was not specifically documented and provided to the City for review, but staff did attend to observe the discussion. General themes of citizen interest related to density, neighbourhood traffic and subdivision design.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)**

1. The proposed Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision has merit and can be supported for the following reasons:
  - (i) The proposal is consistent with the Provincial Policy Statement (2020) 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 policies for Low Density Residential, the function and design policies for Medium Density Residential and the Greenfield Design policies for the Neighbourhoods designation; and,

- (iii) The proposed development represents good planning by, amongst other things, providing a street layout, block pattern and building forms that represent a logical extension of and complement existing development to the east, north and west and provide an overall wider range of housing options in the Jamesmount Gardens subdivision.

2. Official Plan Amendment

The proposed Draft Plan of Subdivision represents an overall gross density of 31 units per hectare. Individual housing blocks will be developed at an average net residential density of 44.6 units per hectare with street townhouse forms being developed at 50 units per hectare, block townhouses being developed at 40 units per hectare and semi detached forms being developed at 36.2 units per hectare. The proposed densities for street townhouses and semi detached dwellings are supported by the policies regarding the allowable intensity of development contemplated for Low Density Residential areas in Section E.3.4 of the Urban Hamilton Official Plan. Given the specific context of this site, there is a desire to maintain grade-oriented forms of medium density housing within Block 26. As such, the applicant has applied for an Official Plan Amendment to recognize a reduced density requirement of 40 units per hectare within the block. The block townhouse development satisfies the characteristics and intent of the medium density residential policies, save and except the prescribed residential density range. Overall, by providing opportunities for the development of townhouses, street townhouses, semi detached and single detached dwellings, the proposal will broaden the range of housing types available and provide for more compact forms of residential development. Notwithstanding the more compact form of development, the proposed housing types remain low-rise, grade-oriented, housing forms that fit with the scale and proportions of existing and planned residential uses surrounding the site. Therefore, staff support the proposed Official Plan Amendment.

- 3. The proposed Draft Plan of Subdivision (25T-201803) seeks to revise and consolidate undeveloped lands from two older plans of subdivision to complete the neighbourhood and street patterns in this portion of the Ryckmans Neighbourhood. In doing so, it will enable the development of 150 new dwelling units, the extension of three existing local streets and the creation of one new local street. In review of Sub-section 51(24) of the *Planning Act*, to assess the appropriateness of the proposed subdivision, staff advise that:

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- (a) It is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow Plan (2019) thereby satisfying the matters of provincial interest referred to in Section 2 of the *Planning Act*;
- (b) It represents a more comprehensive approach to the infilling of these lands than would be achieved by way of the existing subdivision approvals and is therefore in the public interest;
- (c) The street layout, block pattern and building forms represent a logical extension of and are complementary to adjacent plans of subdivision and existing development and the Draft Plan of Subdivision will comply with the UHOP upon finalization of the proposed Official Plan Amendment;
- (d) The subject lands are suitable for the intended residential uses and public streets for which they will be subdivided for, the Draft Plan of Subdivision will not negatively impact natural heritage features and flood control will be addressed through stormwater management plans required through the conditions of draft plan approval;
- (e) The number, width, location and grades of proposed roads are adequate to service the planned subdivision and represent a logical extension of the current existing streets in the vicinity;
- (f) The dimensions and shapes of the proposed blocks and lots are sufficient to accommodate the range of dwelling types proposed to be developed with modifications to existing zoning standards being implemented by way of the proposed Zoning By-law amendment (the nature and extent of which are described and rationalized in detail in Appendix "D" to Report PED20084);
- (g) Necessary restrictions and regulations for the development of the subdivision are included in the conditions of draft approval and subdivision agreement;
- (h) Adequate utilities and municipal services are available to service the proposed blocks and lots within the subdivision, the particulars of which will be determined through detailed design stages as part of the conditions of draft approval and the Subdivision Agreement; and,
- (i) The application will not have any negative impact on the City's finances.

---

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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.



4. Subdivision Design

The proposed Draft Plan of Subdivision includes 19 blocks for 38 semi detached dwellings (Blocks 1 – 19), 13 blocks for 91 street townhouse dwellings (Blocks 21 – 25, 27 – 31 and 32 – 34), one lot for a single detached dwelling (Lot 20), one block for 18 block townhouse dwellings (Block 26) and two future development blocks for single detached dwellings (Blocks 35 and 36). The Draft Plan includes extensions of DiCenzo Drive, Aquasanta Crescent and Genoa Drive and the creation of a new Street 'A' to serve the planned development and complete portions of the overall neighbourhood street network. Final approval of the proposed Draft Plan of Subdivision is subject to the owner entering into a Standard Form Subdivision Agreement, with Special Conditions as outlined in Appendix "F" to Report PED20084.

The proposed Draft Plan of Subdivision represents an "infill" situation in a developing greenfield area. The proposed development is contiguous with existing development to the east, north and west. As such, the design is influenced and constrained by these existing conditions. The plan seeks to provide for a logical completion, integration with and extension of existing development and infrastructure. It represents an assembly of four remnant blocks, some of which form parts of existing draft plans of subdivision. The proposal presents a more cohesive strategy for the infilling of this area than what would be achieved through existing zoning and subdivision approvals.

5. Zoning Modifications

A range of site-specific regulations have been proposed which provide specific controls on the intensity, scale and design of townhouse and semi detached dwellings within the specific context of this site. These zoning regulations generally are minor in nature and are needed to reflect irregularities in the portions of the block pattern recognizing the subdivision design is being influenced by existing surrounding street connections. The proposed Zoning By-law amendment and associated modifications will produce a built form that is complementary to the design and scale of adjacent residential development and complies with applicable UHOP policies guiding the scale and design of development within the Neighbourhoods designation. Further details of each modification and a supporting detailed planning evaluation is found in Appendix "D" to Report PED20084.

6. Neighbourhood Traffic

Specific concern regarding “cut-through traffic” was raised by area residents at the neighbourhood information meeting. In particular, concern surrounds an observed pattern of commercial vehicles accessing Stone Church Road West by way of Regina Drive and DiCenzo Drive. In accordance with Condition No. 22 of the Special Conditions outlined in Appendix “F” to Report PED20084, a Neighbourhood Traffic Calming Study (NTCS) will be required to be submitted and approved prior to preliminary grading of the site. The Neighbourhood Traffic Calming Study will be reviewed and any recommendations for physical design changes to planned infrastructure will be implemented in the detailed engineering design drawings, to the satisfaction of the Manager of Transportation Operations & Maintenance, Public Works Department.

Additional Transportation Analysis requirements to occur prior to preliminary grading of the site includes an assessment of the appropriate intersection control mechanism for the proposed 3-way intersection at DiCenzo Drive and Regina Drive. A 3-way stop at this location is a potential outcome. Currently there are no stop controls in place at this location.

## **ALTERNATIVES FOR CONSIDERATION**

Should the applications be denied, portions of the property could be developed in accordance with the existing “RT-30” (Street – Townhouse) District, “D/S-1395” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified, “C/S-1788” (Urban Protected Residential, etc.) District, Modified and “AA” (Agricultural) District Zoning and Draft Plans of Subdivision. The existing zoning allows for the development of a mix of street townhouses, semi detached and single detached dwellings.

## **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.

---

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

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

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

**SUBJECT: Applications to Amend the Urban Hamilton Official Plan and the City of Hamilton Zoning By-law No. 6593 and for a Draft Plan of Subdivision for Lands known as 1517, 1477 & 1443 Upper James Street and 221 Genoa Drive, Hamilton (PED20084) (Ward 8) - Page 35 of 35**

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**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" – Urban Hamilton Official Plan Amendment

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

Appendix "D" – Zoning By-law Modification Assessment

Appendix "E" – Jamesmount Extension Draft Plan of Subdivision (25T-201803)

Appendix "F" – Special Conditions

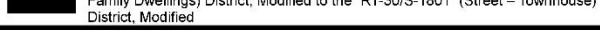
Appendix "G" – Concept Plan

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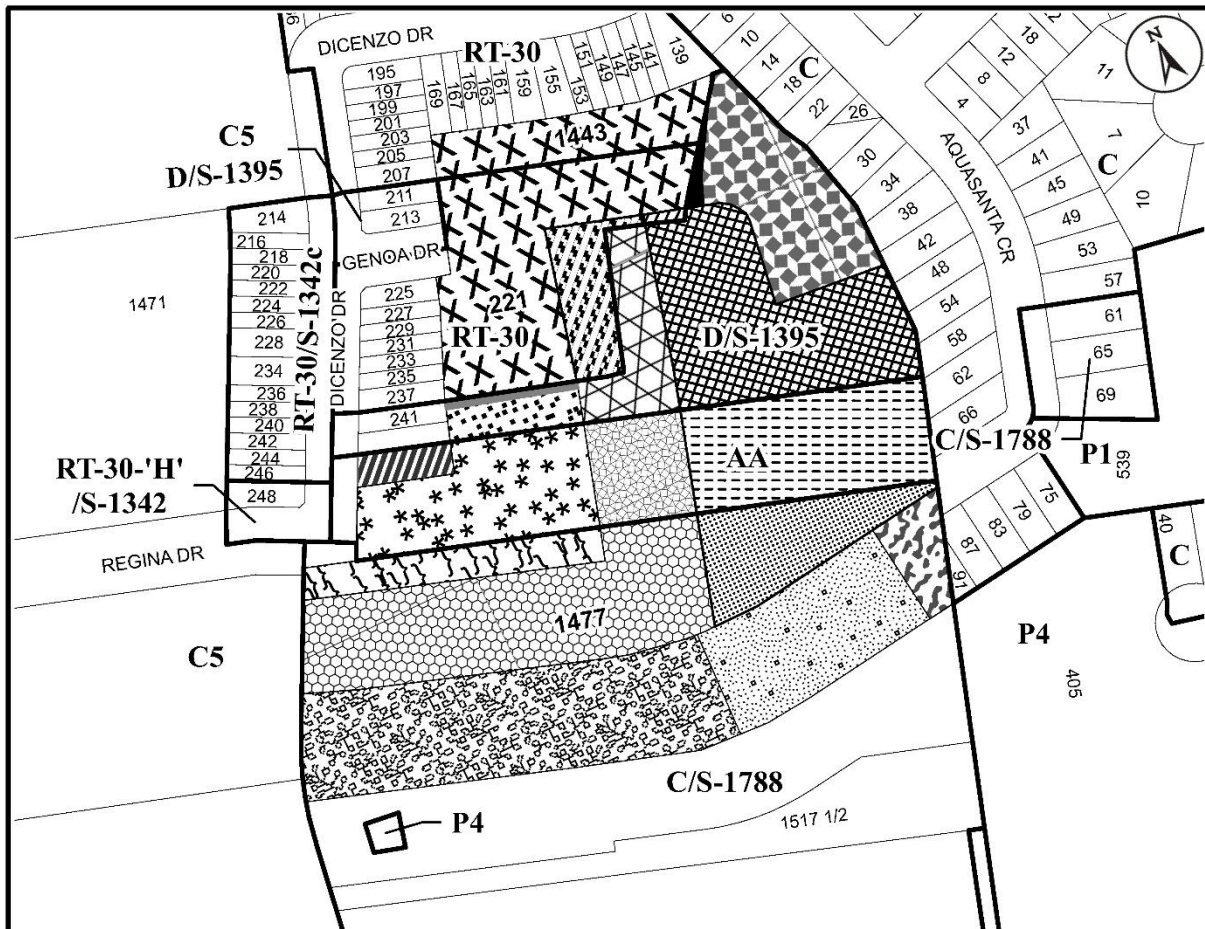
OUR Vision: To be the best place to raise a child and age successfully.

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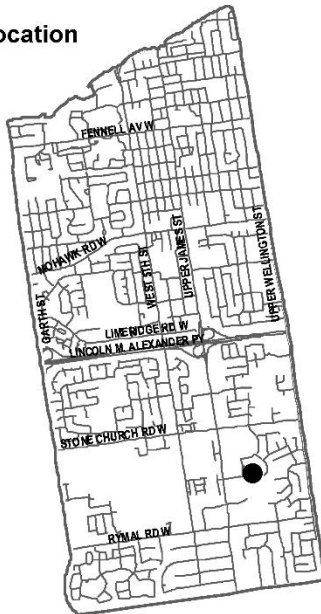
OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.







● Site Location



Key Map - Ward 8

## Location Map

Map 2 of 2



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:

ZAC-18-025/UHOPA-18-010/25T-201803

Date:

July 15, 2020

Appendix "A"

Scale:  
N.T.S

Planner/Technician:  
MD/NB

### Subject Property - 1443 and 1477 Upper James Street & 221 Genoa Drive

- Block 10: Change from "RT-30" (Street - Townhouse) District to the "RT-30/S-1801" (Street - Townhouse) District, Modified
- Block 11: Change from "D/S-1395" (Urban Protected Residential One and Two Family Dwellings) District, Modified to the "RT-30/S-1801" (Street - Townhouse) District, Modified
- Block 12: Change from "AA" (Agricultural) District to the "RT-30/S-1801" (Street - Townhouse) District, Modified
- Block 13: Change from "C/S-1788" (Urban Protected Residential) District, Modified to the "RT-30/S-1801" (Street - Townhouse) District, Modified
- Block 14: Change from "D/S-1395" (Urban Protected Residential One and Two Family Dwellings) District, Modified to the "RT-30/S-1801" (Street - Townhouse) District, Modified
- Block 15: Change from "D/S-1395" (Urban Protected Residential One and Two Family Dwellings) District, Modified to the "RT-20/S-1801" (Townhouse - Maisonette) District, Modified
- Block 16: Change from "AA" (Agricultural) District to the "RT-20/S-1801" (Townhouse - Maisonette) District, Modified
- Block 17: Change from "C/S-1788" (Urban Protected Residential) District, Modified to the "RT-20/S-1801" (Townhouse - Maisonette) District, Modified
- Block 18: Change from "AA" (Agricultural) District to the "C/S-1788" (Urban Protected Residential) District, Modified
- Block 19: Change from "C/S-1788" (Urban Protected Residential) District, Modified to the "C/S-1801"-H (Urban Protected Residential - 'Holding') District, Modified

**Schedule “1”**

## **DRAFT Urban Hamilton Official Plan Amendment No. XX**

The following text, together with Appendix “A” – Volume 3: Map 2 – Urban Site Specific Key Map, attached hereto, constitutes Official Plan Amendment No. XX to the Urban Hamilton Official Plan.

### **1.0 Purpose and Effect:**

The purpose and effect of this Amendment is to establish an Urban Site Specific Policy Area to permit a minimum net residential density of 40 units per hectare within a medium density residential area of the Neighbourhoods Designation.

### **2.0 Location:**

The lands affected by this Amendment are known municipally as 1477 Upper James Street and 221 Genoa Drive, in the former City of Hamilton.

### **3.0 Basis:**

The basis for permitting this Amendment is:

- The proposal satisfies all characteristics and requirements of the medium density residential policies, save and except the permitted use policies;
- The proposed Amendment is compatible with the existing and planned development in the immediate area; and,
- The proposed Amendment is consistent with the Provincial Policy Statement, 2020 and conforms to A Place to Grow Plan, 2019.

### **4.0 Actual Changes:**

#### **4.1 Volume 3 – Special Policy Areas, Area Specific Policies, and Site Specific Policies**

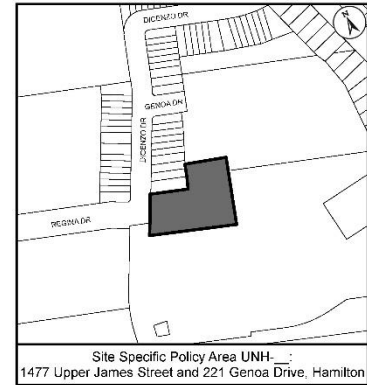
##### ***Text***

##### **4.1.1 Chapter C – Urban Site Specific Policies**

- a. That Volume 3, Chapter C – Urban Site Specific Policies be amended by adding a new Site Specific Policy, as follows:

**"UHN-XX Lands Known As 1477 Upper James Street and 221 Genoa Drive, former City of Hamilton**

- 1.0 Notwithstanding Policy E.3.5.7 of Volume 1, for lands known as 1477 Upper James Street and 221 Genoa Drive, the net residential density for medium density residential uses shall be greater than 40 units per hectare and not greater than 100 units per hectare."



**Maps and Appendices**

4.1.2 Maps

- a. That Volume 3: Map 2 – Urban Site Specific Key Map be amended by identifying the subject lands as UHN-XX, as shown on Appendix "A", attached to this Amendment.

**5.0 Implementation:**

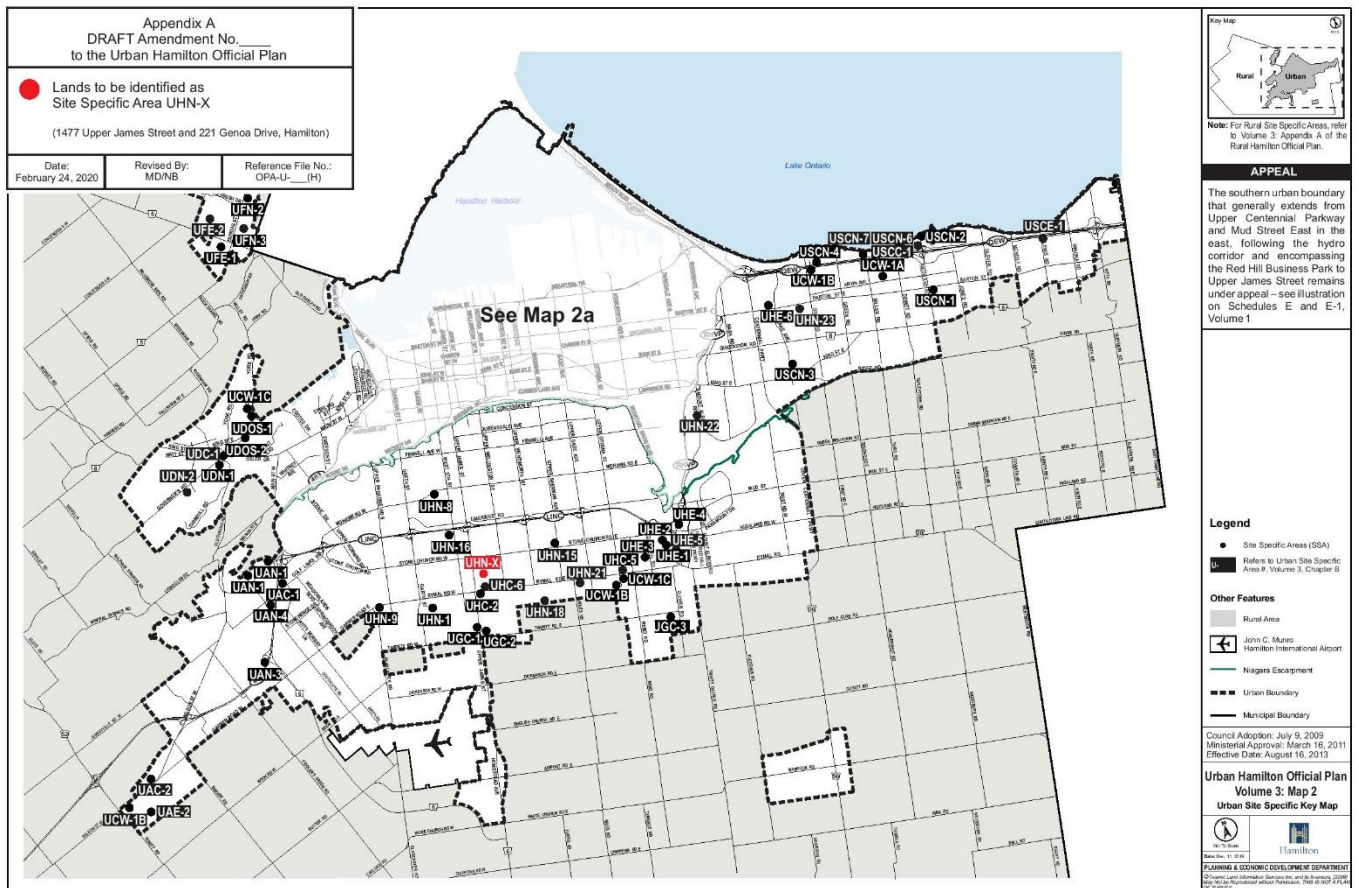
An implementing Zoning By-Law Amendment and Site Plan will give effect to the intended uses on the subject lands.

This is Schedule "1" to By-law No. \_\_\_\_ passed on the \_\_\_\_<sup>th</sup> day of \_\_\_, 2020.

**The  
City of Hamilton**

\_\_\_\_\_  
F. Eisenberger  
MAYOR

\_\_\_\_\_  
A. Holland  
CITY CLERK





**Authority:** Item  
Report (PED)  
CM:  
Ward: 8

**Bill No.**

## **CITY OF HAMILTON**

### **BY-LAW NO.**

#### **To Amend Zoning By-law No. 6593 Respecting Lands Known as 1477 & 1443 Upper James Street and 221 Genoa Drive, Hamilton**

**WHEREAS** the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap. 14, Schedule C. did incorporate, as of January 1, 2001, the municipality "City of Hamilton";

**AND WHEREAS** the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the "The Corporation of the City of Hamilton" and is the successor to the former regional municipality, namely, "The Regional Municipality of Hamilton-Wentworth";

**AND WHEREAS** the *City of Hamilton Act, 1999* provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in full force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

**AND WHEREAS** the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951 (File No. P.F.C. 3821);

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item \_\_\_\_ of Report 20-\_\_\_\_ of the Planning Committee, at its meeting held on the 11<sup>th</sup> day of August 2020, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided; and,

**AND WHEREAS** this By-law is in conformity with the Urban Hamilton Official Plan of the City of Hamilton upon finalization of OPA No. XX;

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. That Sheet No. E9d of the District Maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton), as amended, is further amended as follows:

- a. By changing the zoning from the "RT-30" (Street – Townhouse) District to the "D/S-1801" (Urban Protected Residential – One and Two Family Dwellings) District, Modified (Block 1);
- b. By changing the zoning from the "D/S-1395" (Urban Protected Residential – One and Two Family Dwellings) District, Modified to the "D/S-1801" (Urban Protected Residential – One and Two Family Dwellings) District, Modified (Block 2);
- c. By changing the zoning from the "AA" (Agricultural) District to the "D/S-1801" (Urban Protected Residential – One and Two Family Dwellings) District, Modified (Block 3);
- d. By changing the zoning from the "C/S-1788" (Urban Protected Residential) District, Modified to the "D/S-1801" (Urban Protected Residential – One and Two Family Dwellings) District, Modified (Block 4);
- e. By changing the zoning from the "C/S-1788" (Urban Protected Residential) District, Modified to the "D/S-1801" (Urban Protected Residential – One and Two Family Dwellings) District, Modified (Block 5);
- f. By changing the zoning from the "C/S-1788" (Urban Protected Residential) District, Modified to the "RT-30/S-1801" (Street – Townhouse) District, Modified (Block 6);
- g. By changing the zoning from the "D/S-1395" (Urban Protected Residential – One and Two Family Dwellings) District, Modified to the "RT-30/S-1801" (Street – Townhouse) District, Modified (Block 7);
- h. By changing the zoning from the "RT-30" (Street – Townhouse) District to the "RT-30/S-1801" (Street – Townhouse) District, Modified (Block 8);
- i. By changing the zoning from the "D/S-1395" (Urban Protected Residential – One and Two Family Dwellings) District, Modified to the "RT-30/S-1801" (Street – Townhouse) District, Modified (Block 9);
- j. By changing the zoning from the "RT-30" (Street – Townhouse) District to the "RT-30/S-1801" (Street – Townhouse) District, Modified (Block 10);
- k. By changing the zoning from the "D/S-1395" (Urban Protected Residential – One and Two Family Dwellings) District, Modified to the "RT-30/S-1801" (Street – Townhouse) District, Modified (Block 11);
- l. By changing the zoning from the "AA" (Agricultural) District to the "RT-30/S-1801" (Street – Townhouse) District, Modified (Block 12);
- m. By changing the zoning from the "C/S-1788" (Urban Protected Residential) District, Modified to the "RT-30/S-1801" (Street – Townhouse) District, Modified (Block 13);

- n. By changing the zoning from the "D/S-1395" (Urban Protected Residential – One and Two Family Dwellings) District, Modified to the "RT-30/S-1801" (Street – Townhouse) District, Modified (Block 14);
- o. By changing the zoning from the "D/S-1395" (Urban Protected Residential – One and Two Family Dwellings) District, Modified to the "RT-20/S-1801" (Townhouse – Maisonette) District, Modified (Block 15);
- p. By changing the zoning from the "AA" (Agricultural) District to the "RT-20/S-1801" (Townhouse – Maisonette) District, Modified (Block 16);
- q. By changing the zoning from the "C/S-1788" (Urban Protected Residential) District, Modified to the "RT-20/S-1801" (Townhouse – Maisonette) District, Modified (Block 17);
- r. By changing the zoning from the "AA" (Agricultural) District to the "C/S-1788" (Urban Protected Residential) District, Modified (Block 18); and,
- s. By changing the zoning from the "C/S-1788" (Urban Protected Residential) District, Modified to the "C/S-1801"-'H' (Urban Protected Residential) District, Modified, Holding (Block 19);

on the land the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A" and forming part of this By-law.

- 2. That the "D" (Urban Protected Residential – One and Two Family Dwellings) District regulations, as contained in Section 10 of Zoning By-law No. 6593, applicable to the land comprised in Blocks 1-5, be modified to include the following special requirements:
  - a. That notwithstanding Section 10(4)(ii), for a two family dwelling a width of at least 16.0 metres.
  - b. That notwithstanding Section 10(4)(ii), for lands identified as Blocks 1-4, for a two family dwelling an area of at least 515.0 square metres.
  - c. That notwithstanding Section 10(4)(ii), for lands identified as Block 5, for a two family dwelling an area of at least 480.0 square metres.
- 3. That the "RT-20" (Townhouse – Maisonette) District regulations, as contained in Section 10E of Zoning By-law No. 6593, applicable to the land comprised in Blocks 15-17, be modified to include the following special requirements:
  - a. That notwithstanding Section 10E(4)(a), where a yard abuts a street, a depth of not less than 6.0 metres from the street line except for the easterly yard, where the yard abuts a street, a depth of not less than 2.0 metres.

- b. That notwithstanding Section 10E(4)(b), a depth of not less than 3.3 metres between the exterior side wall of a building and the lot line of an abutting residential district.
  - c. That notwithstanding Section 10E(5)(b) and (c), a distance not less than 3.5 metres between the side exterior wall of a building and the side exterior wall of another building on the same parcel, a distance not less than 7.5 metres between the rear or front facing exterior wall of a building and the side exterior wall of a building on the same parcel and a distance not less than 15.0 metres between the rear or front facing exterior wall of a building and the rear or front facing exterior wall of another building on the same parcel.
  - d. That notwithstanding Section 18A(11)(a) for Blocks 15-17, not less than 1.3 metres from the adjoining residential district boundary and shall include a landscaped area with a planting strip of not less than 1.2 metres.
4. That the "RT-30" (Street – Townhouse) District regulations, as contained in Section 10F of Zoning By-law No. 6593, applicable to the land comprised in Blocks 6-14, be modified to include the following special requirements:
- a. That notwithstanding Section 10F(4)(b), for lands identified as Block 14, a rear yard of a depth not less than 6.0 metres.
  - b. That notwithstanding Section 10F(6)(i), for lands identified as Blocks 6-9, a lot area not less than 170.0 square metres for each single family dwelling unit.
  - c. That notwithstanding Section 10F(6)(i), for lands identified as Blocks 10-13, a lot area not less than 160.0 square metres for each single family dwelling unit.
  - d. That notwithstanding Section 10F(6)(i), for lands identified as Block 14, a lot area not less than 150.0 square metres for each single family dwelling unit.
  - e. That notwithstanding Section 10F(6)(ii), a width of not less than 5.75 metres for each dwelling unit.
5. The 'H' symbol applicable to the lands referred to in Section 1 of this By-law shall be removed conditional upon:
- a) The holding provision "C/S-1801"- 'H' (Urban Protected Residential, etc.) District, Modified, Holding applicable to Block 19 be removed conditional upon:
    - i) That the lands identified as Block 19 in Schedule "A" of the amending By-law shall be consolidated with remnant parcels in the abutting Registered Plan 62M-1209, known as 87 and 91 Aquasanta Crescent to the satisfaction of the Senior Director, Growth Management.
6. That By-law No. 6593 Hamilton is amended by adding this By-law to Section 19B as Schedule S-1801.

7. That Sheet No. E9d of the District Maps is amended by marking the lands referred to in Section 1 of this By-law as S-1801.
8. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

**PASSED** this \_\_\_\_\_, 2020

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Fred Eisenberger  
Mayor

---

Andrea Holland  
City Clerk



This is Schedule "A" to By-law No. 20-

Passed the ..... day of ....., 2020

Mayor

Clerk










## Schedule "A"

Map 1 of 2

Map forming Part of  
By-law No. 20-\_\_\_\_\_

to Amend By-law No. 6593

**Subject Property - 1443 and 1477 Upper James Street & 221 Genoa Drive**

-  Block 1: Change from "RT-30" (Street - Townhouse) District to the "D/S-1801" (Urban Protected Residential - One and Two Family Dwellings) District, Modified
-  Block 2: Change from "D/S-1395" (Urban Protected Residential One and Two Family Dwellings) District, Modified to the "D/S-1801" (Urban Protected Residential - One and Two Family Dwellings) District, Modified
-  Block 3: Change from "AA" (Agricultural) District to the "D/S-1801" (Urban Protected Residential - One and Two Family Dwellings) District, Modified
-  Block 4: Change from "C/S-1788" (Urban Protected Residential) District, Modified to the "D/S-1801" (Urban Protected Residential - One and Two Family Dwellings) District, Modified
-  Block 5: Change from "C/S-1788" (Urban Protected Residential) District, Modified to the "D/S-1801" (Urban Protected Residential - One and Two Family Dwellings) District, Modified
-  Block 6: Change from "C/S-1788" (Urban Protected Residential) District, Modified to the "RT-30/S-1801" (Street - Townhouse) District, Modified
-  Block 7: Change from "D/S-1395" (Urban Protected Residential One and Two Family Dwellings) District, Modified to the "RT-30/S-1801" (Street - Townhouse) District, Modified
-  Block 8: Change from "RT-30" (Street - Townhouse) District to the "RT-30/S-1801" (Street - Townhouse) District, Modified
-  Block 9: Change from "D/S-1395" (Urban Protected Residential One and Two Family Dwellings) District, Modified to the "RT-30/S-1801" (Street - Townhouse) District, Modified

Scale:

N.T.S.

File Name/Number:

ZAC-18-025/UHOPA-18-010/25T-201803

Date:

July 15, 2020

Planner/Technician:

MD/NB



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT





This is Schedule "A" to By-law No. 20-

Passed the ..... day of ....., 2020

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Mayor

-----  
Clerk

## Schedule "A"

Map 2 of 2

Map forming Part of  
By-law No. 20-\_\_\_\_\_

to Amend By-law No. 6593

Scale:  
N.T.S

File Name/Number:  
ZAC-18-025/UHOPA-18-010/25T-201803

Date:  
July 15, 2020

Planner/Technician:  
MD/NB



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

**Subject Property** - 1443 and 1477 Upper James Street & 221 Genoa Drive

Block 10: Change from "RT-30" (Street – Townhouse) District to the "RT-30/S-1801" (Street – Townhouse) District, Modified

Block 11: Change from "D/S-1395" (Urban Protected Residential One and Two Family Dwellings) District, Modified to the "RT-30/S-1801" (Street – Townhouse) District, Modified

Block 12: Change from "AA" (Agricultural) District to the "RT-30/S-1801" (Street – Townhouse) District, Modified

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Block 15: Change from "D/S-1395" (Urban Protected Residential One and Two Family Dwellings) District, Modified to the "RT-20/S-1801" (Townhouse – Maisonette) District, Modified

Block 16: Change from "AA" (Agricultural) District to the "RT-20/S-1801" (Townhouse – Maisonette) District, Modified

Block 17: Change from "C/S-1788" (Urban Protected Residential) District, Modified to the "RT-20/S-1801" (Townhouse – Maisonette) District, Modified

Block 18: Change from "AA" (Agricultural) District to the "C/S-1788" (Urban Protected Residential) District, Modified

Block 19: Change from "C/S-1788" (Urban Protected Residential) District, Modified to the "C/S-1801"-H (Urban Protected Residential – 'Holding') District, Modified

## **City of Hamilton Zoning By-law No. 6593**

### **Modifications to the “D” (Urban Protected Residential – One and Two Family Dwelling) District (Applicable to Semi-Detached Dwellings in Blocks 1-5)**

<b>Regulation</b>	<b>Required</b>	<b>Modification</b>	<b>Analysis</b>
10(4)(ii) Lot Width (min.)	18.0 metres	16.0 metres	The reduced frontage requirement will allow for an appropriate balance between soft landscaping and paved driveway in the front yards. The proposed reduction is compatible with what is existing in the neighbourhood. Therefore, staff support the modification.
10(4)(ii) Lot Area (min.)	540.0 square metres	515.0 square metres (for Blocks 1-4)  480.0 square metres (for Block 5)	The minimum lot area requirement serves to regulate the overall density of various housing types and ensure, in conjunction with other site development standards, a consistent balance between built form and amenity area in neighbourhoods. The reduced lot area requirements will help to enable a more compact building form while still allowing for an appropriate balance of development and amenity. Therefore, staff support the proposed modification.

### **Modifications to the “RT-30” (Street – Townhouse) District (Applicable to Street Townhouses in Blocks 6-14)**

<b>Regulation</b>	<b>Required</b>	<b>Modification</b>	<b>Analysis</b>
10F(4)(b) Rear Yard Depth (min.)	7.5 metres	6.0 metres (for Block 14)	The rear yard setback requirement serves to provide a building standard that ensures appropriate amenity and protection of privacy, especially where residential rear yards back onto each other and create a condition where windows to habitable rooms are facing. A reduced rear yard setback of 6.0 metres is proposed for all lots within Block 14 located at the northeast portion of the plan area. Block 14 represents a limited number of future lots (i.e. limited to approximately 7 lots). These lots are impacted by the irregular grading conditions whereby a



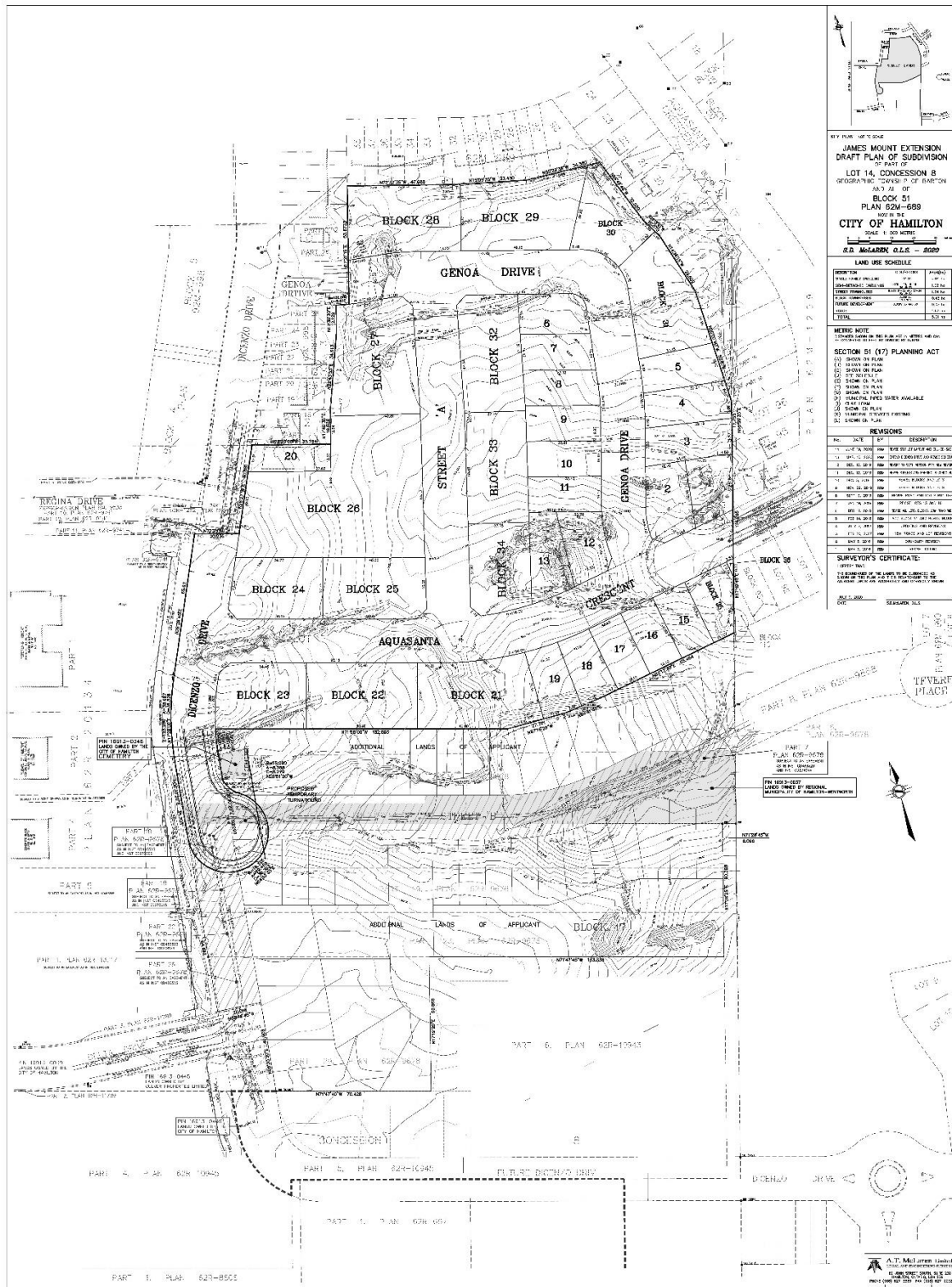
			retaining wall will be required to be installed in the rear yard. The reduced rear yard setback will allow for flexibility in the detailed engineering of the grading design and, given the context, will not introduce privacy concerns with adjacent existing dwellings. As such, staff support the proposed modification.
10F(6)(i) Lot Area (min.)	180.0 square metres	<p>170.0 square metres (for Blocks 6-9)</p> <p>160.0 square metres (for Blocks 10-13)</p> <p>150.0 square metres (for Block 14)</p>	The minimum lot area requirement serves to regulate the overall density of various housing types. The reduced lot area requirements will enable a more compact building form while still allowing for an appropriate balance of development and amenity. The average lot size within this block contemplated by the draft plan of subdivision remains over 170.0 square metres. The further reduced lot area requirement for development in Block 14 is needed in order to address the block-specific impacts of rear yard grading and the engineering design of the adjacent roadway curve radius. These elements create a minor “pinch-point” in the plan of subdivision and associated lot depth. The proposed modifications are appropriate given the limited area and site constraints. Therefore, staff support the proposed modification.
10F(6)(ii) Lot Width (min.)	6.0 metres	5.75 metres	The reduced frontage requirement will enable a more compact building form while still allowing for an appropriate balance between soft landscaping and paved driveway in the front yards. The proposed reduction is compatible with townhouse lot widths in the neighbourhood. Therefore, staff support the modification.

**Modifications to the “RT-20” (Townhouse – Maisonette) District (Applicable to Blocks 15-17)**

<b>Regulation</b>	<b>Required</b>	<b>Modification</b>	<b>Analysis</b>
10E(4)(a) Yard Setback Abutting a Street (min.)	6.0 metres	2.0 metres for the easterly side yard abutting a street.	This reduced setback requirement of 2.0 metres along Street ‘A’ will ensure that development abutting Street ‘A’ in Blocks 15-17 maintains a consistent street wall with the adjacent street townhouse product planned for Blocks 6-13. The proposed 2.0 metre setback is consistent with exterior yard setback requirements in adjacent “RT-30” street townhouse blocks. Therefore, staff support the modification.
10E(4)(b) Yard Setback Abutting a Residential District (min.)	7.5 metres	3.3 metres between an exterior side wall and an abutting residential district.	This yard setback requirement serves to provide a building standard that ensures appropriate protection of privacy and access to sunlight, especially where habitable building space with windows is located adjacent to another residential property. In this case, the proposed development within Blocks 15-17 results in a side-facing window facing the rear yard of Block 18. The side facing building openings and windows are more predominantly devoted to non-active interior building spaces such as stairwells and corridors. These conditions do not introduce the same concern with overlook and privacy issues. Therefore, staff support the modification.
10E(5)(b) and (c) Distance Between Buildings (min.)	(b) 9.0 metres between two exterior walls, one of which contains at least one window to a habitable room;  (c) 15.0 metres between two exterior walls each	3.5 metres between the side exterior wall of a building and the side exterior wall of another building on the same parcel.	The “RT-20” District contains spacing requirements between groups of buildings in order to ensure for protection of privacy and access to sunlight in interior portions of the site. The modified spacing provides more flexibility to allow for windows along the sides of buildings, into stairwells and other habitable space that doesn’t introduce privacy concerns through proximity. Therefore, staff support the modification.

	of which contains at least one window to a habitable room.		
18A(11)(a) Setback Between a Parking Area and a Residential District (min.)	1.5 metres	1.3 metres with a minimum 1.2 metre landscape strip.	This regulation is intended to provide for separation to enable landscaping and buffering between a surface parking area and an adjacent residential district. The recommend zoning by-law includes a reduced setback requirement of 1.3 metres. The proposed modification is minor in nature. Further, the Applicants have voluntarily added a requirement for a 1.2 metre landscape strip which serves to clarify and reinforce the purpose of this setback area. This will ensure an appropriate treatment in the setback area. Therefore, staff support the proposed modification.

## Draft Plan of Subdivision (25T-201803)



**Special Conditions for Draft Plan of Subdivision Approval for 25T-201803  
"Jamesmount Extension"**

That this approval for the Draft Plan of Subdivision, 25T-201803, prepared by A.J. Clarke and Associates Ltd. and certified by S.D. McLaren, O.L.S., dated June 19, 2020, consisting of 19 blocks for 38 semi detached dwellings (Blocks 1 – 19), 13 blocks for 91 street townhouse dwellings (Blocks 21 – 25, 27 – 31 and 32 – 34), one lot for a single detached dwelling (Lot 20), one block for 18 block townhouse dwellings (Block 26), two future development blocks for single detached dwellings (Blocks 35 and 36) and 4 municipal roads (Extension of DiCenzo Drive, Extension of Aquasanta Crescent, Extension of Genoa Drive, Street 'A') be received and endorsed by City Council with the following special conditions:

**Development Engineering**

1. That, **prior to the registration of the plan of subdivision**, 4.5 m all of 4.5 m daylight triangles be established on the final plan of subdivision at the following locations:

- a. Genoa Drive and Street "A";
- b. Street "A" and Aquasanta Crescent;
- c. Genoa Drive and Aquasanta Crescent; and,
- d. Aquasanta Crescent and DiCenzo Drive

All to the satisfaction of the Senior Director, Growth Management.

2. That, **prior to the registration of the plan of subdivision**, the Owner shall include in the engineering design and cost estimate schedules provision for installation of a 1.5m concrete sidewalk on both sides of all proposed roads including a 1.5m asphalt sidewalk around the temporary turning circle at the south limit of DiCenzo Drive, all to the satisfaction of the Senior Director, Growth Management.
3. That, **prior to the registration of the plan of subdivision**, the Owner shall demonstrate that a 13.0m pavement radius along the inside curb line at the 90-degree bends of Genoa Drive and a minimum of 15.0m pavement radius along the center line of the road as per City Standards, to the satisfaction of the Senior Director, Growth Management.
4. That, **prior to the registration of the plan of subdivision**, the Owner agrees, at their expense to construct a temporary turning circle with minimum asphalt radius  $R=13.0\text{m}$  and minimum outside radius  $R=18.0\text{m}$ , at the south limit of DiCenzo Drive, to the satisfaction of the Senior Director, Growth Management.
5. That, **prior to the registration of the plan of subdivision**, the Owner agrees to include in the engineering design and cost estimates, the future removal of

the temporary turning circle at the south limit of DiCenzo Drive, at the Owner's expense, to the satisfaction of the Senior Director, Growth Management.

6. That, **prior to registration of the plan of subdivision**, the Owner agrees to register a reference plan establishing the parcel to be acquired, identified as a portion of 1517 Upper James Street forming part of DiCenzo Drive on the Draft Plan, from the City of Hamilton to the satisfaction of the Senior Director, Growth Management.
7. That, **prior to registration of the plan of subdivision**, the owner shall acquire the necessary portions of 1517 Upper James Street to accommodate the extension of DiCenzo Drive identified on the plan from the City of Hamilton for the nominal consideration of \$1.00 to the satisfaction of the Senior Director, Growth Management.
8. That, **prior to the registration of the plan of subdivision**, the Owner shall indicate all driveway locations on the engineering drawings for all lots and blocks and that no driveway shall be located within a daylight triangle, to the satisfaction of the Senior Director, Growth Management.
9. That, **prior to the registration of the plan of subdivision**, the Owner shall pay for the cost recovery for the construction of the existing DiCenzo Drive from the North limit of the property line of Lot #20 to the South limit of the intersection of Regina Drive and DiCenzo Drive, to the satisfaction of the Senior Director, Growth Management.
10. That, **prior to preliminary grading**, the Owner agrees at their sole cost to prepare a pest control plan, focusing on rats and mice, which shall be developed and implemented for any demolition, and for the construction / development phase of the project and continue until the project is complete. The plan must outline steps involved in the potential control of vermin during all development / construction and must employ integrated pest management practices. The plan must be formulated by a professional exterminator licensed by the MECP and shall include monitoring, removing potential food and water sources, and eliminating or preventing areas for harborage. The plan can include trapping and / or baiting but special consideration should be aimed at ensuring any / all bait stations are tamper resistant and deceased rats are removed to prevent secondary poisoning of other animals. The plan is to be implemented when work activity at the site begins including but not limited to demolition, bush clearing, grading etc. This requirement is made under Section 26 of the Hamilton Property Standards By-law, No. 10-221 and to the satisfaction of the Medical Officer of Health.
11. That, **prior to preliminary grading**, the Owner agrees to provide a plan or procedure for dealing with issues concerning dust control and street cleaning (external roads included) throughout construction within the subdivision, including homes. This document will also include, first point of contact, a schedule for regular cleaning of streets that is specific to the methods to be

used, the source of water, and the contractor or agent to be used to undertake the works as well as the contractor/agent contact information so that the City can direct works be completed as necessary, to the satisfaction of the Senior Director, Growth Management.

12. That, **prior to preliminary grading**, the owner agrees to include in the design and cost estimates removal of the existing temporary turning circles at the west end of the existing Aquasanta Crescent including restoration of road surface and grading if required, entirely at the owner's expense to the satisfaction of Senior Director, Growth Management.
13. That, **prior to preliminary grading**, the Owner shall submit a detailed stormwater management (SWM) report prepared by a qualified professional engineer that demonstrates how storm water quality and quantity control will be handled in accordance with City of Hamilton Drainage Policy and Current Comprehensive Development Guideline addressing the following, to the satisfaction of the Senior Director, Growth Management:
  - a. The hydraulic performances for the existing minor and major system downstream must be evaluated in accordance with the West Central Mountain Drainage Study model (PCSWMM) prepared by AMEC -WOOD to demonstrate no negative impact due to an uncontrolled post development flow proposed from the subject site. Further, the owner shall consider an appropriate flood control storage system on Block 26 in accordance with the above hydraulic performance assessment report;
  - b. Demonstrating an appropriate minor and major system outlet for all external drainages along the entire perimeters of the subject development; and,
  - c. Demonstrating that the hydraulic grade line (HGL) for the post development 100-Year storm event is minimum of 0.3 m below the top of grate elevation at all inlet locations.

All to the satisfaction of the Senior Director, Growth Management.

14. That, **prior to preliminary grading**, the owner acknowledges that Block Nos. 1 & 2 will not be developable until the hydraulic performance evaluation for the existing minor and major systems downstream have been completed in accordance with the West Central Mountain Drainage Study model to demonstrate that an onsite stormwater quantity control is not required for the subject site, to the satisfaction of the Senior Director, Growth Management.
15. That, **prior to preliminary grading**, the owner shall prepare and provide a Construction Management plan addressing the following:
  - a. prohibit access to and from the existing development to the east through Aquasanta Crescent throughout all phases of construction until such time

as the City assumes municipal waste pick-up and snow clearing responsibilities;

- b. to minimize impacts to the surrounding residential neighbourhood, appropriate signage shall be installed and maintained throughout all phases of construction directing construction vehicles to access the site from Upper James Street only; and,
- c. The soil stock-pile shall be placed in a location away from existing residential development and covers may be used or vegetation will be established on stockpiles to reduce exposure to wind and water erosion and establishment of invasive plants.

All to the satisfaction of the Senior Director, Growth Management

16. That, **prior to preliminary grading**, the owner shall prepare and provide the following:
- a. a pre-construction survey of surrounding roads that are outside the subject lands; and,
  - b. an adequate security for costs to repair and reconstruction to any of these roads that are damaged due to construction.

All to the satisfaction of the Senior Director, Growth Management.

17. That, **prior to servicing**, the Owner shall prepare and submit an on-street parking plan showing:
- a. the location of driveways based on the premise of achieving on-street parking for 40% of the total dwelling units;
  - b. the driveway aprons and curb openings for all lots;
  - c. the pairing of driveways;
  - d. where lots in the subdivision abut a park entrance or a public walkway, as the case may be; and,
  - e. the location of transit pads, community mailbox pads and fire hydrants, where the location has been determined by the appropriate authorities.

All to the satisfaction of the Senior Director, Growth Management.

18. That, **prior to servicing**, the Owner shall agree that the proposed retaining wall within Block 30 and Block 31 shall be located a minimum of 0.45m from the property line and shall be designed as a free-standing structure. The design of



the retaining wall shall be peer reviewed at the Owner's sole expense, to the satisfaction of the Senior Director, Growth Management.

19. That, **prior to servicing**, the Owner be required to relocate, as required, any affected utility poles, hydrants, pedestals, hydro vaults, etc. on Aquasanta Crescent, Genoa Drive, and DiCenzo Drive at the Owner's sole expense, to the satisfaction of the Senior Director, Growth Management.
20. That, **prior to servicing**, the Owner agrees to prepare a geotechnical report and agrees to implement the report's recommendations, to the satisfaction of the Senior Director, Growth Management.
21. That, the following special condition shall be inserted in Part 1 of the Subdivision Agreement:

"The Owner shall agree to include the following warning clauses in all purchase and sales agreements:

- a. All Residents/Purchasers for units within Block 30 and Block 31 shall be advised that a retaining wall will be constructed within the rear yard and the maintenance of this retaining wall shall be entirely the Residents/Purchasers responsibility.
- b. All Residents/Purchaser for units within Block 30 and Block 31 shall be advised that their amenity area may be reduced due to grading requirements. Residents/Purchasers will be required to sign off on the approved plot plan in accordance with the approved grading plan and shall be registered on title.
- c. All residents/purchasers of units within Block 30 and Block 31 shall be advised that the rear yard of their unit is susceptible to flooding due to a reduced rear yard setback and therefore there will be limited opportunity to install a deck, patio or outdoor structure (i.e. shed)."

### **Transportation Planning**

22. That, **prior to preliminary grading**, Transportation Planning requires a Neighbourhood Traffic Calming Study (NTCS) be submitted and the recommendations be implemented to the satisfaction and approval of the Manager of Transportation Operations & Maintenance, Public Works. This study and any modifications to the related municipal infrastructure will be fully at the expense of the Applicant.
23. That, **prior to preliminary grading**, Transportation Planning requires a revised Traffic Impact Study (brief/memo) subject to the approval and satisfaction of the Manager of Transportation Planning. The recommendations of this revised study shall be implemented in the design of the proposed street network.

24. That, **prior to the registration of the plan of subdivision**, the Owner shall indicate all driveway locations on the engineering drawings for all lots and blocks and that no driveway shall conflict with required crosswalk areas to the satisfaction of the Manager of Transportation Planning.

### **Development Planning**

25. That, **prior to preliminary grading**, the Owner shall prepare a revised Tree Preservation / Enhancement Plan, showing the location of drip lines, edges and existing plantings, the location of all existing trees and the method to be employed in retaining trees required to be protected; and to implement all approved tree savings measures. The implementation of the Plan shall include a Verification of Tree Protection Letter, prepared by a qualified professional, all to the satisfaction of the Director of Planning and Chief Planner.
26. That, **prior to preliminary grading**, the Owner shall carry out a complete Stage 2 archaeological assessment of the entire property (and further stages as recommended by a licensed archaeologist) and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found to the satisfaction of the Director of Planning and Chief Planner and the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI). No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning and Chief Planner and the MHSTCI confirming that all archaeological resource concerns have met licensing and conservation requirements. All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the MHSTCI.

### **Forestry and Horticulture Section, Public Works Department**

27. That, **prior to the registration of the plan of subdivision**, the Owner shall provide a Landscape Plan prepared by a certified Landscape Architect to the satisfaction of the Forestry and Horticulture Section, Public Works Department and the Director of Planning and Chief Planner. The Landscape Plan is to show the placement of compensation trees required for any tree removals completed in accordance with the approved Tree Protection Plan. The minimum size of trees required for compensation are to be in accordance with the City's Tree Protection Guidelines (revised October 2010). In the event that the owner cannot provide for all trees on site, the owner shall provide cash-in-lieu for the remaining trees.

### **Canada Post**

28. That, **prior to the registration of the plan of subdivision**, the Owner shall include in all offers of purchase and sale or lease agreement, a statement that advises the prospective purchaser:

- a. That the home / business mail delivery will be from a designated Centralized Mail Box.
  - b. That the developers / owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
29. That, **prior to the registration of the plan of subdivision**, the Owner agrees to:
- a. work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.
  - b. install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes.
  - c. identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
  - d. determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans.
  - e. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
30. Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (Lock Box Assembly) at their own expense (less than 100 units will require a front loading Lock Box Assembly & more than 100 units will require a rear loading Lock Box Assembly which will require a mail room) will be in affect for buildings and complexes with a common lobby, common indoor or sheltered space.

### **Union Gas**

31. That, **prior to the registration of the plan of subdivision**, the owner / developer provides to Enbridge Gas Inc.'s operating as Union Gas, ("Union") the necessary easements and / or agreements required by Union for the provision of gas services for this project, in a form satisfactory to Union.

**Growth Planning**

32. That, **prior to the registration of the plan of subdivision**, Draft Plan 25T-91007 (Jamesmount Gardens) shall be closed to the satisfaction of the Senior Director, Growth Management.
33. That, **prior to the registration of the plan of subdivision**, Draft Plan 25T-87032 (Sobie) shall be revised to remove the portion that is part of this application to the satisfaction of the Senior Director, Growth Management.
34. That, **prior to the registration of the plan of subdivision**, the Owner shall dedicate a 0.30 metre reserve along the east side of DiCenzo Drive to the satisfaction of the Senior Director, Growth Management.

**NOTES TO DRAFT APPROVAL**

1. Pursuant to Section 51 (32) of the *Planning Act*, draft approval shall lapse if the plan is not given final approval within 3 years. However, extensions will be considered if a written request is received two months before the draft approval lapses.

