



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	November 3, 2020
SUBJECT/REPORT NO:	Applications for Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 19 Dawson Avenue, Stoney Creek (PED20195) (Ward 5)
WARD(S) AFFECTED:	Ward 5
PREPARED BY:	Sean Stewart (905) 546-2424 Ext. 7163
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Amended Official Plan Amendment Application UHOPA-20-007 by DeFilippis Design, on Behalf of Marco Centofanti, Owner,** for a change in designation from “Institutional” to “Medium Density Residential 3” and to identify the subject lands as a Site Specific Policy Area in the Old Town Secondary Plan with respect to use, density and building height to permit the development of five, two and a half storey street townhouse dwellings, for lands located at 19 Dawson Avenue, as shown on Appendix “A” to Report PED20195, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED20195, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020).

- (b) That **Amended Zoning By-law Amendment Application ZAC-20-012 by DeFilippis Design, on Behalf of Marco Centofanti, Owner,** for a change in zoning from the Small Scale Institutional “IS” Zone to the Multiple Residential “RM2-46” Zone, Modified to permit five, two and a half storey street townhouse dwellings on lands located at 19 Dawson Ave, Stoney Creek, as shown on Appendix “A” to Report PED20195, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED20195, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
- (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) and will comply with the Urban Hamilton Official Plan upon finalization of Official Plan Amendment No. XX.

EXECUTIVE SUMMARY

The Owner has applied for an Official Plan Amendment and Zoning By-law Amendment to permit the development of five, three storey street townhouse dwellings on the lands located at 19 Dawson Avenue, Stoney Creek. The applicant had originally applied for six street townhouse dwellings but as a result of feedback on the proposal has reduced the proposal to five dwellings. To facilitate the amended application the following amendments have been requested by the applicant:

- An Official Plan Amendment to redesignate the subject lands from “Institutional” to “Medium Density Residential 3” on Map B.7.2-1 – Old Town Secondary Plan – Land Use Plan, and to identify the subject lands as a Site Specific Policy Area to permit the development of five, three storey street townhouse dwellings; and,
- A Zoning By-law Amendment to rezone the lands from the Small Scale Institutional “IS” Zone to a site specific Multiple Residential “RM2” Zone to permit five, three storey street townhouse dwellings.

The applicant has requested, and staff are recommending approval of, the following modifications to the “RM2” Zone:

- Reduced minimum front yard depth to the front porch;
- Reduced side yard setback;
- Reduced rear yard depth;
- Reduced frontage (corner unit);
- Reduced lot area; and,

**SUBJECT: Urban Hamilton Official Plan Amendment and Zoning By-law
Amendment for the lands located at 19 Dawson Ave, Stoney Creek
(PED20195) (Ward 5) - Page 3 of 25**

- Reduced setback to a daylight triangle.

The applicant has proposed a maximum building height of three storeys, and a minimum side yard setback for an end unit of 1.50 metres whereas 2.0 metres is required.

Staff are concerned that the proposed building height of three storeys and the reduced side yard setback is not consistent with the existing character of the neighbourhood, where the majority of the homes are one to one and a half storeys in height. The reduced end unit side yard setback will negatively impact the transition in height from the proposed street townhouse dwellings to the neighbouring one and a half storey single detached dwelling.

Therefore, staff are not recommending approval of the modification for the side yard setback to an end unit and the proposed building height has been limited to two and a half storeys. The applicant's proposed modification to the side yard setback to an end unit and three storey height, have not been included in the implementing Zoning By-law (see Appendix "C" to Report PED20195) as staff do not support the proposed building height and side yard setback to an end unit.

The applicant does not support the amendments proposed by staff.

The applications, as recommended by staff, are consistent with the Provincial Policy Statement (2020) (PPS) and conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (Growth Plan) and will comply with the Urban Hamilton Official Plan (UHOP) upon finalization of the Official Plan Amendment. The proposed development and implementing zoning By-law as recommended by staff, represents an appropriate development which will enhance the character of the neighbourhood by redeveloping a vacant site with residential uses, providing a new form of housing in the neighbourhood, contributing to the economic viability of Downtown Stoney Creek, and represents good planning.

Alternatives for Consideration – See Page 24

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

**SUBJECT: Urban Hamilton Official Plan Amendment and Zoning By-law
Amendment for the lands located at 19 Dawson Ave, Stoney Creek
(PED20195) (Ward 5) - Page 4 of 25**

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

HISTORICAL BACKGROUND

Application Details	Applicant/Owner:	Marco Centofanti
	Agent:	DeFilippis Designs (c/o Nick DeFillippis)
	File Number(s):	UHOPA-20-007 and ZAC-20-012
	Type of Application:	Urban Hamilton Official Plan Amendment and Zoning By-law Amendment
	Proposal:	To permit the development of five, three storey street townhouse dwellings (originally six units, then modified to five).
Property Details	Municipal Address:	19 Dawson Avenue
	Lot Area:	.069 ha (686.65 square metres)
	Servicing:	Existing full municipal services.
	Existing Use:	Institutional (Former Masonic Hall)
Documents	Provincial Policy Statement (PPS):	The proposed development is consistent with the PPS.
	A Place to Grow:	The proposed development conforms to the Growth Plan.
	Official Plan Existing:	UHOP: Neighbourhoods designation Old Town Secondary Plan: Institutional designation
	Official Plan Proposed:	Medium Density Residential 3 with a Site Specific Policy to permit street townhouse dwellings.

**SUBJECT: Urban Hamilton Official Plan Amendment and Zoning By-law
Amendment for the lands located at 19 Dawson Ave, Stoney Creek
(PED20195) (Ward 5) - Page 5 of 25**

	Zoning Existing:	Small Scale Institutional "IS" Zone
	Zoning Proposed:	Multiple Residential "RM2-46" Zone, Modified
	Modifications Proposed:	<p>Applicant Requested:</p> <ul style="list-style-type: none"> • Reduced minimum lot area from: <ul style="list-style-type: none"> ○ 180 square metres to 123 square metres (interior unit); ○ 240 square metres to 150 square metres (end unit); and, ○ 270 square metres to 158 square metres (corner unit). • Reduced minimum lot frontage from 9.0 metres to 8.9 metres (corner unit); • Three storey height; • Reduced minimum front yard setback from 6.0 metres to 3.0 metres (to front porch); • Reduced minimum rear yard setback from 7.5 metres to 5.33 metres; • Reduced minimum side yard setback from: <ul style="list-style-type: none"> ○ 2.0 metres to 1.50 metres (end unit); ○ 3.0 metres to 2.28 metres (corner unit); and, • Reduced required daylight triangle setback from 3.0 metres to 1.3 metres. <p>Staff proposed:</p> <ul style="list-style-type: none"> • Limit height to two and a half storeys; and, • Require side yard setback (end unit) to meet zone requirement (2.0m).
	Application Received:	December 24, 2019
Processing Details	Deemed Incomplete:	January 22, 2020
	Deemed Complete:	February 13, 2020
	Notice of Complete Application:	Sent to 26 property owners within 120 metres of the subject property on February 24, 2020.

**SUBJECT: Urban Hamilton Official Plan Amendment and Zoning By-law
Amendment for the lands located at 19 Dawson Ave, Stoney Creek
(PED20195) (Ward 5) - Page 6 of 25**

	Public Notice Sign:	Sign posted: February 28, 2020 Sign updated: October 7, 2020
	Notice of Public Meeting:	Sent to 53 property owners within 120 metres of the subject property on October 16, 2020.
	Public Consultation:	On March 20, 2020 the applicant hand delivered information letters to 26 properties within 120 metres of the subject lands.
	Public Comments:	One petition signed by 34 neighbours opposing the proposal received by City staff on March 19, 2020 (attached as Appendix "F" to Report PED20195).
	Processing Time:	315 days from initial application. 84 days from date of amended application.

Existing Land Use and Zoning:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Property:</u>	Institutional (former Masonic Hall)	Small Scale Institutional "IS" Zone

Surrounding Land Uses:

North	Single detached dwellings	Single Residential "R1" Zone
East	200 unit retirement home and accessory commercial uses	Major Institutional (I3) Zone
South	Single detached dwellings	Single Residential "R1" Zone
West	Single detached dwellings	Single Residential "R1" Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2020)

The Provincial Planning Policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS. The following policies, amongst others, apply to the applications.

Settlement Areas

“1.1.3.1 *Settlement areas* shall be the focus of growth and development.

1.1.3.2 Land use patterns within *settlement areas* shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;
- d) prepare for the impacts of a changing climate;
- e) support active transportation;
- f) are transit-supportive, where transit is planned, exists or may be developed; and,
- g) are freight supportive.”

The subject property is located within a settlement area as defined by the PPS. The proposal would contribute to the mix of land uses in the area, would efficiently use land and existing infrastructure, and represents a form of intensification.

Therefore, the proposal is consistent with the policies of the PPS.

A Place to Grow Plan: Growth Plan for the Greater Golden Horseshoe (2020)

The following policies, amongst others, apply to the proposal.

**SUBJECT: Urban Hamilton Official Plan Amendment and Zoning By-law
Amendment for the lands located at 19 Dawson Ave, Stoney Creek
(PED20195) (Ward 5) - Page 8 of 25**

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

- a. most of the growth will be directed to *settlement areas* that:
 - i. have a *delineated built boundary*;
 - ii. have existing or planned *municipal water and wastewater systems*; and,
 - iii. can support the achievement of *complete communities*;
- c. within *settlement areas*, growth will be focused in:
 - i. *delineated built-up areas*;
 - ii. *strategic growth areas*;
 - iii. locations with existing or planned transit, with a priority on *higher order transit* where it exists or is planned; and
 - iv. areas with existing or planned *public service facilities*;
- d. development will be directed to *settlement areas*, except where the policies of this Plan permit otherwise;

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

- a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and *public service facilities*;
- c) provide a diverse range and mix of housing options, including second units and *affordable* housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;
- e) provide for a more *compact built form* and a vibrant *public realm*, including public open spaces;

**SUBJECT: Urban Hamilton Official Plan Amendment and Zoning By-law
Amendment for the lands located at 19 Dawson Ave, Stoney Creek
(PED20195) (Ward 5) - Page 9 of 25**

- f) mitigate and adapt to climate change impacts, improve resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability;”

The subject property is located within the settlement area and is fully serviced by municipal water and wastewater infrastructure. The proposal will contribute to achieving a complete community by expanding housing options within the Old Town Secondary Plan area and adding a new form of housing to the neighbourhood. The proposed street townhouse dwellings have access to a range of transportation options, including transit, the use of which contributes to a reduction in greenhouse gas emissions.

Based on the foregoing, the proposal is consistent with the Growth Plan.

Urban Hamilton Official Plan

The subject property is identified as “Neighbourhoods” on Schedule “E” – Urban Structures and designated “Neighbourhoods” on Schedule “E-1” Urban Land Use Designations in the UHOP. The subject property is designated “Institutional”, on Map B.7.2-1 – Old Town Secondary Plan Land Use Plan.

The following policies, amongst others, apply to the proposal.

Neighbourhoods Designation

- “E.3.3.2 Development or redevelopment adjacent to areas of lower density shall ensure the height, massing, and arrangement of buildings and structures are compatible with existing and future uses in the surrounding area.

- 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.3.5.3 Notwithstanding Policy E.3.5.2, street townhouses shall be permitted:
 - c) by secondary plan designations and policies existing at the date of adoption of this Plan.

**SUBJECT: Urban Hamilton Official Plan Amendment and Zoning By-law
Amendment for the lands located at 19 Dawson Ave, Stoney Creek
(PED20195) (Ward 5) - Page 10 of 25**

- 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.3.5.7 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.
- 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.”

Policy E.3.5.2 does not permit street townhouses in medium density residential areas. Based on the Official Plan, the use is a low density residential use. Based on the existing lot size, the proposed density is approximately 73 units per net hectare. The medium density range as outlined in E.3.5.7 is 60 to 100 units per hectare. As the property is within the Old Town Secondary Plan, Policy 7.2.2.3 of the Old Town Secondary Plan, discussed later in this Report, sets the applicable density range for medium density between 30 and 99 units per net hectare. The Secondary Plan density policy prevails where there is a conflict with parent policies.

**SUBJECT: Urban Hamilton Official Plan Amendment and Zoning By-law
Amendment for the lands located at 19 Dawson Ave, Stoney Creek
(PED20195) (Ward 5) - Page 11 of 25**

At three storeys, the proposed development does not provide transition to the adjacent low density residential areas in the surrounding area comprised of one and one and a half storey single detached dwellings.

The amended staff recommendation for a two and a half storey height with no modification to the end unit setback, in addition to other design changes, will ensure that the final design is consistent with Policy E.3.3.2 as the units will have a lower profile and will provide a transition to adjacent uses. Further, the proposed staff amendments help to ensure that the proposal is consistent with Policy E.3.5.9 b) and c) which state that development shall be integrated with other lands in the Neighbourhoods designation with respect to density, design, and physical and functional considerations. The proposed amendments will help the development integrate into the surrounding neighbourhood by reducing the appearance of the building mass.

At the Site Plan Control stage, the proposed design will be further reviewed to ensure the corner unit is oriented towards Passmore Street to better address the streetscape along Passmore Street. The limited scale of the proposal is compatible with the neighbourhood.

The proposed development is consistent with Policy E.3.5.1 as it is within one block of King Street, which is a minor arterial road. The proposed development is within walking distance to public transit, an elementary school, and downtown Stoney Creek (Policy E.3.5.5).

Residential Intensification Policies

- “B.2.4.1.4 Residential intensification development shall be evaluated based on the following criteria:
- a) A balanced evaluation of the criteria in b) through g), as follows;
 - b) The relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;
 - c) The development’s contribution to maintaining and achieving a range of dwelling types and tenures;
 - d) The compatible integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;

- e) The development's contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;
- f) Infrastructure and transportation capacity; and,
- g) The ability of the development to comply with all applicable policies.

B.2.4.2.2 When considering an application for a residential intensification development within the Neighbourhoods designation, the following matters shall be evaluated:

- a) The matters listed in Policy B.2.4.1.4;
- b) Compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
- c) The relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;
- d) The consideration of transitions in height and density to adjacent residential buildings;
- e) The relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;
- f) The provision of amenity space and the relationship to existing patterns of private and public amenity space;
- g) The ability to respect and maintain or enhance the streetscape patterns of private and public amenity space;
- h) The ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;
- i) The ability to complement the existing functions of the neighbourhood;
- k) Infrastructure and transportation capacity and impacts.

E.3.1.5 Promote and support residential intensification of appropriate scale and in appropriate locations throughout the neighbourhoods.

**SUBJECT: Urban Hamilton Official Plan Amendment and Zoning By-law
Amendment for the lands located at 19 Dawson Ave, Stoney Creek
(PED20195) (Ward 5) - Page 13 of 25**

E.3.2.4 The existing character of established Neighbourhoods designated areas shall be maintained. Residential intensification within these areas shall enhance and be compatible with the scale and character of the existing residential neighbourhood in accordance with Section B.2.4 – Residential Intensification and other applicable policies of this Plan.”

As outlined in Policy B.2.4.1.1, residential intensification is encouraged throughout the entire built-up area. As outlined in Policy E.3.1.5, residential intensification can be supported when it is of an appropriate scale and in an appropriate location. Further, Policy E.3.2.4 states that the existing character of established Neighbourhood designated areas shall be maintained.

The amended proposal is for five street townhouse dwellings. The existing neighbourhood is largely made up of single detached residential dwelling, however there are existing townhouse dwelling units directly across the street from the proposed dwelling. The proposed development contributes to the range of dwelling types in the area (Policy B.2.4.1.4 c)). The proposed development will not negatively impact transportation capacity or water and sewage infrastructure, and as such, the proposal is consistent with Policy B.2.4.1.4 f).

The applicant’s proposal for three storey street townhouse dwellings is not considered to be consistent with the existing character of the neighbourhood. Most of the surrounding single detached dwellings are one to one and a half storeys in height. The townhomes to the east (across Dawson Avenue) are two storeys in height. Staff are recommending that the proposed development be approved at a reduced height of two and a half storeys. The modified building height will help to ensure that the proposal is closer in height to the existing buildings. The proposed street townhouse dwellings, although closer to the street than the existing building, will be pulled back from the rear property line and will provide private amenity space for each unit. The parking will also meet the requirements of the Zoning By-law. The proposal will also introduce a residential use on the property, which is more consistent with the prevailing land use of the neighbourhood than the previous service club. Therefore, the proposed development is consistent with B.2.4.1.4 b).

The proposed reduction of the side yard setback for the end unit is not supported by staff as this will reduce the opportunity to provide a transition to the abutting single detached dwellings on Dawson Avenue. Staff are of the opinion that the proposed development, with no reduction in side yard setback (end unit) and a reduced building height, in addition to modest design changes to orient the corner unit entrance to Passmore Street, will ensure that it meets the intent of the UHOP with regard to how the proposal integrates with the surrounding area in terms of scale and character as outlined in Policy B.2.4.1.4 d) and B.2.4.2.2 b) and d).

The proposed street townhouse dwelling lots are smaller than the single detached dwelling lots in the neighbourhood, accounting for the form of residential development proposed. Like most of the other dwelling types in the neighbourhood, the proposed units will all face the street and have direct driveway access with garages. Like the existing residential dwellings in the neighbourhood, the proposed street townhouse dwellings will have a front yard and private rear yards (Policies B.2.4.2.2 e), f) and g)).

The proposed development will compliment the existing functions of the neighbourhood by removing a vacant building and providing new residential dwellings. The development will also provide street trees to buffer the interface between the public realm and built form. Although the front yard setback is less than the setback for the existing single detached dwellings, the setback is more than what is provided by the townhouses across the street. The rear yard setback will be increased from what currently exists which will benefit the neighbouring properties. Additionally, street tree plantings and landscaping along the frontage will help to soften the view from the street. Dawson Avenue is able to accommodate the minor increase in traffic, and Development Engineering Approvals has confirmed that the existing utility infrastructure can accommodate the proposal (Policies B.2.4.2.2 h), i) and k)).

Urban Design Policies

- “B.3.3.1.5 Ensure that new development is compatible with and enhances the character of the existing environment and locale;
- B.3.3.1.8 Promote intensification that makes appropriate and innovative use of buildings and sites and is compatible in form and function to the character of existing communities and neighbourhoods;
- B.3.3.2.2 The principles in Policies B.3.3.2.3 through B.3.3.2.10 inclusive, shall apply to all development and redevelopment, where applicable;
- B.3.3.2.3 Urban design should foster a sense of community pride and identity by:
- a) respecting existing character, development patterns, built form, and landscape;
 - b) promoting quality design consistent with the locale and surrounding environment;
- B.3.3.2.6 Where it has been determined through the policies of this Plan that compatibility with the surrounding areas is desirable, new development

and redevelopment should enhance the character of the existing environment by:

- a) complementing and animating existing surroundings through building design and placement as well as through placement of pedestrian amenities;
- b) respecting the existing cultural and natural heritage features of the existing environment by re-using, adapting, and incorporating existing characteristics;
- c) allowing built form to evolve over time through additions and alterations that are in harmony with existing architectural massing and style;
- d) complementing the existing massing patterns, rhythm, character, colour, and surrounding context; and,
- e) encouraging a harmonious and compatible approach to infilling by minimizing the impacts of shadowing and maximizing light to adjacent properties and the public realm.

B.3.3.3.2 New development shall be designed to minimize impact on neighbouring buildings and public spaces by:

- a) creating transitions in scale to neighbouring buildings;
- b) ensuring adequate privacy and sunlight to neighbouring properties; and,
- c) minimizing the impacts of shadows and wind conditions.”

Policies B.3.3.1.5 and B.3.3.1.8 promote appropriate and innovative infill development, which is compatible with and enhances the existing environment. The proposed development, as amended by staff, will help to enhance the character of the neighbourhood by removing a vacant institutional building and replacing it with a residential use which is more in keeping with the prevailing use of the neighbourhood. The reduction of a half storey and implementation of the required side yard setback will also ensure that the building makes appropriate use of the site to ensure transition to the adjacent uses.

**SUBJECT: Urban Hamilton Official Plan Amendment and Zoning By-law
Amendment for the lands located at 19 Dawson Ave, Stoney Creek
(PED20195) (Ward 5) - Page 16 of 25**

Policy B.3.3.3.2 states that new development shall be designed to minimize impact on neighbouring buildings by creating transitions in scale and ensuring adequate privacy to neighbouring properties. The proposed three storey height does not create a transition in scale to the neighbouring properties, which range between one and one and a half storeys in height. The large-scale institutional site across the street from the subject property provides an example of how a larger scale development can transition to low rise residential uses surrounding the site. This has partially been achieved by constructing two storey block townhouses between the five storey residential tower and the existing single detached dwellings to the west. The most recent elevations provided by the applicant have largely addressed previous overlook concerns by removing the rear second storey patios and reducing the number of proposed units from six to five. The elevation revisions also provide a transition in height on the end unit, however the corner unit does not transition, and the overall building height remains too tall. Along with the reduction in building height and adherence to the required side yard setbacks for an end unit, transition and adequate privacy are achieved.

This proposal will enhance the character of the existing environment by transitioning the current land use from a non-residential use to residential uses. The existing building is vacant with a blank exterior, and introducing residential uses, with windows and balconies facing the street, will enhance the sense of security in the neighbourhood by having eyes on the street. The reduction in height and the recommendation not to approve the requested reduction to the end unit side yard setback will help to ensure that the massing better reflects the existing neighbourhood context. Further design changes, such as orienting the corner unit towards Passmore Street, can be addressed at the Site Plan Control stage and will help the final building design blend in with the existing context (Policy B.3.3.2.6).

Old Town Secondary Plan

The subject property is designated “Institutional” on Map B.7.2-1 – Old Town Secondary Plan Land Use Plan. The proposal is to change the designation to the “Medium Density Residential 3” designation to permit the proposed development. The proposal also seeks to add a Site Specific Policy to permit Street Townhouses. The following policies apply:

- “7.2.1.1 All development within the Old Town shall protect and maintain the economic viability of Stoney Creek’s downtown and support its revitalization through conversion, infilling and redevelopment.

- 7.2.1.2 Site plan approval shall be required for all redevelopment. Site plans shall address matters such as but not limited to building form and appearance, building siting, landscaping and amenity areas, parking and loading,

cultural heritage, and the physical relationship of the proposal to local amenities such as shopping facilities, schools, parks, recreational facilities and public transit.

7.2.1.3 The following architectural and landscaping elements shall be encouraged:

- a) landscaped front yards;
- b) prevention of front yard parking;
- c) underground parking, screening; and,
- d) buffering of conflicting uses through overall building and landscaping articulation, roof-lines, building materials, detailing, window and entrance features.

7.2.2.2 Low Density Residential 2a Designation

In addition to Section E.3.4 – Low Density Residential of Volume 1, the following policies shall apply to the lands designated Low Density Residential 2a on Map B.7.2-1 – Old Town – Land Use Plan:

- a) Notwithstanding Policy E.3.4.4 of Volume 1 the density range shall be from 1 to 29 units per net residential hectare.
- b) In addition to Policy E.3.4.3 of Volume 1, a wide range of “house-form” dwelling types, housing for specialized purposes such as housing with supports and lodging houses, and other small scale non-residential uses shall be permitted.

7.2.2.3 Medium Density Residential 3 Designation

In addition to Section E.3.5 – Medium Density Residential of Volume 1, the following policies shall apply to the lands designated Medium Density Residential 3 on Map B.7.2-1 – Old Town – Land Use Plan:

- a) Notwithstanding Policy E.3.5.7 of Volume 1, the density range for development shall be from 30 to 99 units per net residential hectare.
- b) Notwithstanding Policies E.3.5.2 and E.3.5.3 of Volume 1, permitted uses shall include a wide range of multiple dwelling structures.

**SUBJECT: Urban Hamilton Official Plan Amendment and Zoning By-law
Amendment for the lands located at 19 Dawson Ave, Stoney Creek
(PED20195) (Ward 5) - Page 18 of 25**

7.2.6.1 The policies of Sections B.3.5 – Community Facilities/Services Policies, E.3.10- Community Facilities/Services and E.6.0 - Institutional Designation shall apply to the lands designated Institutional on Map B.7.2-1 – Old Town – Land Use Plan.”

The subject property is approximately 450 metres from the Stoney Creek Downtown commercial district. Redevelopment of the site for residential uses would help to enhance the economic viability of Stoney Creek’s downtown (Policy B.7.2.1.1).

The proposed development, as amended with a lower height, and with some architectural enhancements and the requirement for landscaping during the Site Plan Control process, will ensure that the development is buffered from adjacent land uses. The applicant has revised the proposal to include the balconies at the front of the building, rather than the rear, which will address overlook issues (Policies B.7.2.1.2, and B.7.2.1.3).

The applicant is proposing to change the designation of the subject property from “Institutional” to “Medium Density 3” to permit the proposed development. A Site-Specific Policy is also proposed to permit street townhouse dwellings, which are not permitted in the Medium Density Residential 3 designation. Street townhouse dwellings are permitted in the Low Density Residential 2a designation in the Old Town Secondary Plan as outlined in Policies 7.2.2.2 and E.3.4.3. The density range for the Low Density Residential 2a designation is 1 to 29 units per hectare. Due to the number of units proposed and the lot size, the proposed density is approximately 73 units per net residential hectare and is within the permitted range of densities in the Medium Density Residential 3 designation as outlined in Policy 7.2.2.3. Staff are recommending that the permitted density for this property be a maximum of 73 units per net residential hectare and that the building height be a maximum of two and a half storeys. This will ensure that the development is an appropriate scale. The amendment is discussed in greater detail in the Analysis and Rationale for Recommendation section of this report.

The Old Town Secondary Plan encourages infill development, to help enhance the economic viability of Stoney Creek’s downtown. The proposal, as amended by staff, will provide a form of intensification and provide a housing opportunity in the community. Further design enhancements will be considered at the Site Plan Control stage which will help to ensure that the development respects the existing character of the neighbourhood.

City of Stoney Creek Zoning By-law No. 3692-92

The subject property is currently zoned Small Scale Institutional “IS” Zone. The proposed street townhouse dwellings are not permitted in the “IS” Zone. The applicant

**SUBJECT: Urban Hamilton Official Plan Amendment and Zoning By-law
Amendment for the lands located at 19 Dawson Ave, Stoney Creek
(PED20195) (Ward 5) - Page 19 of 25**

is proposing a change in zoning to a site specific Multiple Residential “RM2” Zone. The proposed development requires further relief from the requirements of the RM2 Zone, as it does not conform with requirements such as minimum lot area, and minimum front, rear, and side yard setbacks. The modifications are identified in the Report Fact Sheet found on page 5 and are discussed in detail in Appendix “D” to Report PED20195.

Staff do not support, and have omitted from the amending Zoning By-law, the requested modification to the side yard setback (end unit) and have specified that the maximum building height shall be two and a half storeys as it relates to street townhouse dwellings. The applicant does not support the modifications proposed by staff.

RELEVANT CONSULTATION

Departments and Agencies		
Department	Comment	Staff Response
Growth Management	<ul style="list-style-type: none"> Clarification sought on side yard access requirements for maintenance, rear yard easements and LID warning clause inclusions. 	<ul style="list-style-type: none"> Should this application be approved, these matters will be addressed at Site Plan Control stage.
Forestry	<ul style="list-style-type: none"> No municipal tree assets onsite and therefore no Tree Management Plan required. A Landscape Plan will be required at future planning applications. 	<ul style="list-style-type: none"> Should this application be approved, this matter will be dealt with at Site Plan Control stage.
Transportation Planning	<ul style="list-style-type: none"> A 4.57 metre by 4.57 metre daylight triangle is required at the corner of Passmore Street and Dawson Avenue. 1.5 metre clear width sidewalk to be provided along the full length of the property adjacent to the public right-of-way. The surrounding road network can accommodate the proposed development without concerns. 	<ul style="list-style-type: none"> Should this application be approved, these matters will be dealt with at the Site Plan Control stage. The daylight triangle has been incorporated into the concept plan.

**SUBJECT: Urban Hamilton Official Plan Amendment and Zoning By-law
Amendment for the lands located at 19 Dawson Ave, Stoney Creek
(PED20195) (Ward 5) - Page 20 of 25**

Development Engineering	<ul style="list-style-type: none"> • Applicant to dedicate a 4.57 metre by 4.57 metre daylight triangle to the City of Hamilton at the intersection of Passmore Street and Dawson Avenue. • Grading Plan, stormwater management, and required fire flow calculations to be provided at future applications. • No concerns from a water servicing perspective or sewage perspective. 	<ul style="list-style-type: none"> • Should the application be approved, these items will be address at Site Plan Control stage. • The daylight triangle has been incorporated into the concept plan.
Waste	<ul style="list-style-type: none"> • Eligible for municipal pick-up 	<ul style="list-style-type: none"> • Noted
Public Consultation		
Issue	Comment	Staff Response
Compatibility	Residents are concerned that the proposed development does not align with the character of the neighbourhood. Specifically, residents are concerned that the proposed building is too tall and has no relationship with the predominant one and two storey homes in the area. Further concerns were expressed about privacy and overlook issues.	<p>The comments were based on the original six units proposal, which has since been reduced to five units.</p> <p>Staff have proposed reducing the building height from three storeys to two and a half storeys to more closely reflect the neighbourhood context.</p> <p>The applicant has addressed concerns regarding privacy and overlook by relocating the proposed balconies to the front of the building from the rear.</p>
Parking Issues	Residents are concerned about potential negative impacts on street parking due to the proposed project as well as impacts to vehicle sightlines at the corner of Dawson Avenue and Passmore Street.	The proposed development meets the zoning requirements for on-site parking. There may be additional street parking impacts, however there are

**SUBJECT: Urban Hamilton Official Plan Amendment and Zoning By-law
Amendment for the lands located at 19 Dawson Ave, Stoney Creek
(PED20195) (Ward 5) - Page 21 of 25**

		no parking restrictions on the street. Transportation Planning has reviewed the proposal and does not have a concern from a traffic perspective. A daylight triangle will be provided at the corner of Passmore Street and Dawson Ave to address sightline concerns.
Water Pressure	Residents have a concern that the proposed development will cause negative impacts on water pressure and storm and sanitary system.	Development Engineering Approvals has reviewed the proposal and no concerns from a water and sewage perspective have been identified.
Park	A resident expressed concern that the property was not turned into a park.	The property was not designated as parks or open space in the Secondary Plan and was not intended for park purposes.

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 26 property owners within 120 metres of the subject property on February 24, 2020. A Public Notice sign was posted on the property on February 24, 2020, and updated on October 7, 2020, and a Notice of Public Meeting was sent to 53 property owners on October 16, 2020, in accordance with the requirements of the *Planning Act*.

Public Consultation Strategy

In accordance with their submitted Public Consultation Strategy, the applicant provided mail correspondence to 26 property owners within 120 metres of the subject lands on March 20, 2020.

**SUBJECT: Urban Hamilton Official Plan Amendment and Zoning By-law
Amendment for the lands located at 19 Dawson Ave, Stoney Creek
(PED20195) (Ward 5) - Page 22 of 25**

To date, one public submission, signed by 34 residents, expressing concerns has been received (see Appendix “F” to Report PED20195) and a summary of the comments received are on page 20 and 21 of Report PED20195.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the PPS (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020);
 - (ii) It complies with the general intent and purpose of the Urban Hamilton Official Plan; and,
 - (iii) That the proposed development will enhance the character of the neighbourhood by redeveloping a vacant site with residential uses, providing a new form of housing in the neighbourhood, helping to support the economic viability of Downtown Stoney Creek, and represents good planning.
2. Official Plan Amendment

The subject property is designated “Institutional” on Map B.7.2-1 – Old Town Secondary Plan Land Use Plan. The proposal is to change the designation to Medium Density Residential 3 to permit the proposed development. The proposal also seeks to add a Site Specific Policy to permit Street Townhouses. The amendment is required as the proposed number of units and the existing lot size results in a density that is above the maximum residential density permitted in the “Low Density” designation. The Old Town Secondary Plan encourages infilling to enhance the economic viability of Downtown Stoney Creek. The proposed development will help to achieve this goal and also enhance the character of the neighbourhood by introducing residential uses on a former institutional site with a vacant building. There is appropriate traffic and servicing infrastructure in place, the design includes appropriate transition, is compatible with the neighbourhood and overlook has been addressed.

Staff are requesting further amendments to the proposed Site Specific Policy Area to limit the permitted density to 73 units per net residential hectare and limit the height to two and a half storeys. This is to ensure that the development is a scale and design that respects the existing character of the neighbourhood.

Based on the foregoing, staff are satisfied that the intent of the UHOP has been met and the proposed Official Plan Amendment can be supported.

3. Zoning By-law Amendment

To permit the proposed five street townhouse dwellings a change in zoning from the Small Scale Institutional “IS” Zone to a site specific Multiple Residential “RM2” Zone is required.

The existing zone does not permit street townhouses at the density proposed. Street Townhouses are permitted in the Multiple Residential “RM2” Zone, and the zone provisions are designed for freehold properties on public roadways.

The requested modifications to the “RM2” zone are for lot area, frontage and setbacks. The rear yard setback will provide a larger setback than the existing building provides and will allow for privacy space consistent with the zoning regulations. The front yard setback is consistent with the block townhouses across the street and street landscaping will help provide screening between the building and roadway. While the per unit lot area is less than the required (e.g. 123 m² versus the required 180 m² for an interior unit), private amenity space is provided in the rear yard and balconies are proposed on the front façade. Staff are satisfied that the proposed modifications for the rear yard setback, frontage and lot area can be supported and are recommending approval of these modifications. The Modification Chart (attached as Appendix “D” to Report PED20195) provides an analysis and merits for the proposed modifications.

Staff are not supportive of the requested side yard setback for an end unit as it will not provide appropriate transition from the abutting single detached dwelling. The requested modification has not been included in the amending By-law (attached as Appendix “C” to Report PED20195). Additionally, the maximum building height has been amended by staff to limit the proposed development to two and a half storeys. The additional modification has been added to ensure that the proposed five unit street townhouse dwelling provides adequate transition and reflects the character of the adjacent lands. As previously indicated, the applicant is not in support of the staff proposed modifications.

4. Site Plan Approval

Street townhouse dwellings are subject to Site Plan Control, unless they are in a recently approved Plan of Subdivision in accordance with recent City standards. Accordingly, the proposal is subject to Site Plan Control. This process will allow for a detailed review of the development including matters such as conformity to the approved zoning, grading, stormwater management, landscaping and building design.

**SUBJECT: Urban Hamilton Official Plan Amendment and Zoning By-law
Amendment for the lands located at 19 Dawson Ave, Stoney Creek
(PED20195) (Ward 5) - Page 24 of 25**

Following Site Plan Approval, the applicant will be required to apply to the Committee of Adjustment for Consent applications to allow for the creation of the individual street townhouse lots.

ALTERNATIVES FOR CONSIDERATION

Should the applications be denied, the subject property would remain in the Small Scale Institutional "IS" Zone and the Institutional designation in the UHOP.

The applicant has applied for permission to build three storey townhouse units. Council could amend the implementing Official Plan Amendment and Zoning By-law Amendment to permit a reduced interior side yard setback and a three storey building height.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

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

Economic Prosperity and Growth

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

Healthy and Safe Communities

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

Clean and Green

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

Built Environment and Infrastructure

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

Culture and Diversity

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

Our People and Performance

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

APPENDICES AND SCHEDULES ATTACHED

- Appendix "A" – Location Map
- Appendix "B" – Official Plan Amendment
- Appendix "C" – Zoning By-law Amendment
- Appendix "D" – Zoning Modification Table
- Appendix "E" – Concept Plan and Elevations
- Appendix "F" – Public Submissions