



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	April 20, 2021
SUBJECT/REPORT NO:	Application for a Zoning By-law Amendment for Lands Located at 18 Miles Road (Hamilton) (PED21072) (Ward 7)
WARD(S) AFFECTED:	Ward 7
PREPARED BY:	James Van Rooi (905) 546-2424 Ext. 4283
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Zoning By-law Amendment Application ZAR-19-026 by A.J. Clarke and Associates Ltd. on behalf of David Daniels, Owner**, for a change in zoning from the “AA” (Agricultural) District to the “C” (Urban Protected Residential, etc.) District (Block 1) and from the “B” (Suburban Agriculture and Residential, etc.) District to the “C” (Urban Protected Residential, etc.) District (Block 2), to permit the lands to be developed for four single detached dwellings on lands located at 18 Miles Road (Hamilton), as shown on Appendix “A” to Report PED21072 be **APPROVED**, on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED21072, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (PPS, 2020), and conforms to a Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended;

- (iii) That the proposed change in zoning complies with the Urban Hamilton Official Plan.

EXECUTIVE SUMMARY

The Owner has applied for an amendment to City of Hamilton Zoning By-law No. 6593 to permit the development of four single detached dwellings. The lands are currently zoned “AA” (Agricultural) District, “B” (Suburban Agriculture and Residential, etc.) and “C” (Urban Protected Residential, etc.) District. The northerly portion of the applicant’s lands are presently zoned “C” (Urban Protected Residential, etc.) District. The application proposes to consolidate the lands into one zone being the “C” (Urban Protected Residential, etc.) District. If the amendment is approved, the proposed development would comply with all regulations of the “C” (Urban Protected Residential, etc.) District. The required zoning mapping changes are shown as Blocks 1 and 2 on Schedule A on Appendix “B” to this Report PED21072. These lands will be subject to future Consent applications.

The application has merit and can be supported for the following reasons:

- It is consistent with the Provincial Policy Statement (PPS, 2020);
- It conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- It is compatible with and complementary to the existing surrounding neighbourhood; and,
- It represents good planning by, among other things, providing a compact and efficient urban form that is compatible with the area, enhances and continues the streetscape of the neighbourhood and provides additional housing opportunities.

Alternatives for Consideration – See Page 15

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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

HISTORICAL BACKGROUND

Report Fact Sheet

Application Details	
Applicant/Owner:	A.J. Clarke on behalf of David Daniels (owner)
File Number:	ZAR-19-026
Type of Application:	Zoning By-law Amendment
Proposal:	Four single detached dwellings each with 12 metre frontages and lot areas between 803.58 square metres and 985.48 square metres. Future Consent applications will be required to create the individual lots.
Property Details	
Municipal Address:	18 Miles Road
Lot Area:	0.34 ha
Lot Frontage:	48 m
Servicing:	Full Municipal Services.
Existing Use	Vacant land
Documents	
Provincial Policy Statement (PPS)	Proposal is consistent with the PPS (2020).
A Place to Grow:	Proposal conforms to A Place to Grow (2019, as amended).
Official Plan Existing:	Designated "Neighbourhoods" on Schedule E – Urban Structure and Schedule E-1 – Urban Land Use Designations.

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Official Plan Proposed:	No amendment proposed.
Broughton West Neighbourhood Plan	Single and Double Residential
Zoning Existing:	“AA” (Agricultural) District (Block 1); “B” (Suburban Agriculture and Residential, etc.) District (Block 2); and, “C” (Urban Protected Residential, etc.) District
Zoning Proposed:	“C” (Urban Protected Residential, etc.) District
Processing Details	
Received:	April 1, 2019
Deemed Complete:	April 18, 2019
Notice of Complete Application:	Sent to 42 property owners within 120 m of the subject property on May 8, 2019.
Public Notice Sign:	May 21, 2019 and updated on March 24, 2021.
Notice of Public Meeting:	Sent to 42 property owners within 120 m of the subject property on April 1, 2021.
Public Consultation:	None
Public Comments:	None
Processing Time:	734 days, 275 days from revised submission.

Existing Land Use and Zoning:

	Existing Land Use	Existing Zoning
Subject Property:	Vacant Residential	“C” (Urban Protected Residential, etc.) District, “AA” (Agricultural) District and “B” (Suburban Agriculture and Residential, etc.) District.

Surrounding Land Uses:

North	Single Detached Dwellings	“C” (Urban Protected Residential, etc.) District.
East	Single Detached Dwellings	“B” (Suburban Agriculture and Residential, etc.) District.
South	Single Detached Dwellings	“B” (Suburban Agriculture and Residential, etc.) District and “AA” (Agricultural) District.
West	Single Detached Dwellings	“C” (Urban Protected Residential, etc.) District and “AA” (Agricultural) District.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (PPS, 2020)

The Provincial Planning Policy Framework is established through the *Planning Act* (Section 3) and the PPS, 2020. The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS, 2020.

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Local Planning Appeal Tribunal (LPAT) approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of Provincial interest (i.e. efficiency of land use) are reviewed and discussed in the Official Plan analysis that follows.

Archaeology

Staff note the Archaeology policies have not been updated within the UHOP in accordance with the PPS. The following policy of the PPS also applies:

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

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

- 1) Within 250 metres of known archaeological sites;
- 2) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody; and,
- 3) Along historic transportation routes.

Accordingly, a Stage 1-2 Archaeological Assessment (report #P389-0399-2018) was conducted and has been submitted to the City and the Ministry of Heritage, Sport, Tourism and Culture Industries. While the Provincial interest has yet to be signed off by the Ministry, Staff concur with the recommendations made in the report and the archaeology condition for the subject application has been addressed to the City's satisfaction. The applicant will be required to demonstrate Provincial approval prior to the finalization of any future Consent applications.

In the opinion of staff, the proposed change in zoning is consistent with the policies of the PPS, 2020 and consistent with Section 3 of the *Planning Act*.

Urban Hamilton Official Plan (UHOP)

The subject lands are identified as "Neighbourhoods" on Schedule "E" – Urban Structure, designated "Neighbourhoods" on Schedule "E-1" – Urban Land Use Designations, and shown outside of the Built Boundary on Appendix "G" – Boundaries Map in the Urban Hamilton Official Plan (UHOP).

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

Neighbourhoods

- "E.3.2.1 Areas designated Neighbourhoods shall function as *complete communities*, including the full range of residential dwelling types and densities as well as supporting uses intended to serve the local residents.
- E.3.2.3 The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations:
- a) residential dwellings, including second dwelling units and *housing with supports*.

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- E.3.4.1 The preferred location for low density residential uses is within the interior of neighbourhoods.
- E.3.4.4 For low density residential areas the maximum net residential density shall be 60 units per hectare.
- E.3.4.5 For low density residential areas, the maximum height shall be three storeys.
- E.3.4.6 Development in areas dominated by low density residential uses shall be designed in accordance with the following criteria:
- a) Direct access from lots 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.

Residential Greenfield Design

- 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;
- 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.”

The proposed single detached dwellings are permitted uses in the Neighbourhoods designation and are located within the interior of the Broughton West neighbourhood. The proposal would result in a net residential density of 11.7 units per hectare and the proposed zoning only allows for a maximum height of two and a half storeys (11 metres).

With regards to design, the proposal provides direct access to a minor arterial road. Staff note that the direct access is consistent with the existing surrounding area and the development is not backlotting onto any streets. The planned single detached dwellings will complement the surrounding area that is made up of mainly single detached dwellings. The proposal respects the existing environment by providing for the retention of mature vegetation and by incorporating LID features such as rain gardens and infiltration trenches that will be implemented through the future Consent applications as part of the stormwater management review and approvals. The proposal will complement the existing massing patterns by providing development criteria similar to that of the surrounding lands. Lastly, the proposed low-profile built form will not have a discernible impact on shadowing to adjacent properties.

“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...”

The subject lands constitute a greenfield development as the lands are within the *urban boundary*, but outside of the *built-up area*. The proposed single detached dwellings do not create a significant change to the existing topography of the lands and preserves some of the existing trees and natural features.

Trees

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

A total of 89 trees have been identified on the subject property. Staff have reviewed the submitted Tree Protection Plan prepared by MacKinnon & Associates dated September 3, 2020 and note that 28 trees on site are proposed to be removed. Staff note that the City requires 1 for 1 compensation for any tree that is proposed to be removed from private property. Tree compensation will be obtained through the Consent application process.

Based on the foregoing, staff are of the opinion that the proposal complies with the Urban Hamilton Official Plan.

Broughton West Neighbourhood Plan

“F.1.2.7 Neighbourhood plans are policies adopted by council resolution and do not form part of the Official Plan. Any proposal for development or redevelopment must conform to the designations, and policies in the Neighbourhood Plan.”

The Broughton West Neighbourhood Plan identifies the subject lands as “Single and Double” Residential which permits one and two family dwellings. The proposal is in conformity with and implements the neighbourhood plan.

City of Hamilton Zoning By-law No. 6593

The lands are currently zoned “AA” (Agricultural) District, “B” (Suburban Agriculture and Residential, etc.) District and “C” (Urban Protected Residential, etc) District. The proposal is to rezone the “AA” (Agricultural) District and “B” (Suburban Agriculture and Residential, etc.) District to the “C” (Urban Protected Residential, etc) District. The zones all permit single detached dwellings; however due to the zoning boundary configuration only one single detached dwelling is currently permitted as of right. The change in zoning is required to permit the development of four single detached dwellings. The proposal does not require any modifications and would apply the “C” (Urban Protected Residential, etc) District to the entire property. The required zoning mapping changes are shown as Blocks 1 and 2 on Schedule A on Appendix “B” to this Report PED21072.

RELEVANT CONSULTATION

Departments and Agencies		
<ul style="list-style-type: none"> • Transit Planning and Infrastructure, Public Works Department; • Landscape Architectural Services, Public Works Department; • Special Projects, Growth Management Division; • Union Gas; • Bell Canada; • Canada Post; • Rogers; • Horizon Utilities; and, • Hydro One Networks. 		No Comment
Agency	Comment	Staff Response
Hamilton Conservation Authority	HCA is satisfied with the proposed combined use of permeable pavers, infiltration trenches, and rain gardens to provide the required Enhanced (Level 1) quality control measures.	N/A
Forestry & Horticulture, Public Works Department	Forestry has no concerns as no construction or impacts to municipal tree assets is to take place at this time.	Planning staff note that applicable fees will be required for tree planting and replacement for street trees at the Consent stage.
Legislative Approvals, Growth Planning	<ul style="list-style-type: none"> • Have indicated that municipal addresses will be assigned when severance applications are submitted to the Committee of Adjustment. • It should be determined if the subject proposal has potential impacts to Miles 	<ul style="list-style-type: none"> • Addressing and unit numbering will be reviewed through the Consent process. • Staff are not aware of any potential impacts to Miles Estates or Miles Estates Addition (25T-200810).

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	Estates / Miles Estates Addition.	
Transportation Planning, Planning and Economic Development	Transportation Planning has reviewed the application and have no objections or concerns. Comments regarding design and buffering have been provided.	Staff have provided the proponent with Transportation Planning's comments and the applicant is aware of visibility requirements for driveway accesses, sidewalk requirements and securities.
Engineering Approvals	<ul style="list-style-type: none"> • Miles Road is considered to be a rural cross-section roadway. The owner will be required to pay their proportionate share for the future urbanization of this roadway along the frontage of the lands based on the City's "New Roads Servicing Rate" to the satisfaction of the Manager of Development Engineering. • It is understood that the required land dedication was provided across the frontage of these lands for road widening purposes. The existing width of this roadway is therefore sufficient. <p>Water Servicing:</p> <ul style="list-style-type: none"> • The water demand calculations are acceptable (3.86L/s). <p>Required Fire Flow:</p> <ul style="list-style-type: none"> • The worst-case scenario required fire flow (RFF) 	<ul style="list-style-type: none"> • The proponent will be required to pay their proportionate share for the future urbanization of Miles Road. • For each lot, infiltration trenches and raingardens will be registered on title through a future Consent Agreement.

	<p>has been calculated as 133 L/s for the most northerly building (lot 1), which will be wood frame construction. The RFF calculation was based on wood frame construction (C=1.5) for two buildings (lots 1 and 3), and ordinary construction materials (i.e. C=1.0) for the remaining two buildings (lots 2 and 4). This is to ensure that all buildings are considered separate from a fire flow perspective, despite their proximity. In addition, the calculation indicates that the walls between the four buildings will be constructed as firewalls. The calculation assumes exposure charges of 30% for Lot 1, limited combustible contents (15% reduction) and no sprinkler system.</p> <ul style="list-style-type: none">• On November 27, 2019 Council Passed the City of Hamilton Watermain Fire Flow Requirement Design Guidelines Policy, which allows for an Available Fire Flow of 75L/s for single detached dwellings.• The City's hydrant testing at the closest municipal hydrant (HD34H001) resulted in a theoretical available flow of 111L/s.	
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	<p>Sanitary Servicing:</p> <p>There is an existing 250 mm Ø Sanitary Sewer.</p> <p>Stormwater Management:</p> <ul style="list-style-type: none">• It is noted that the proposed infiltration trenches at the rear of each lot will retain the 100-year runoff volume from rear areas and mitigate the impact of increased runoff volume to the municipal ditch along Miles Road. However, drainage from the four houses are proposed to flow uncontrolled towards Miles Road, which will be hazardous when the road is urbanized due to frequent flows over the sidewalk. Therefore, a raingarden should be provided at the front of each lot which will collect drainage from the side yard swales. Overflows from the raingardens can be connected to the storm lateral to be used for the sump pump outlets.• The infiltration rates (for sizing the LIDs) should be derived from in-situ infiltration testing as per the LID guidelines.	
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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 42 property owners within 120 metres of the subject property on May 8, 2019 for the application. A Public Notice sign was posted on the property on May 21, 2019 and updated on March 24, 2021 with the Public Meeting date. Finally, Notice of the Public Meeting was given on April 1, 2021 in accordance with the requirements of the *Planning Act*.

Public Consultation Strategy

Pursuant to the City's Public Consultation Strategy Guidelines, the applicant prepared a Public Consultation Strategy which included the option for an information letter to be sent out to residents within 120 metres. As the initial public notice and public notice sign provided by the City did not generate any public comments or feedback, no further public consultation was required. No letters of concern or public submissions have been received to date.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The Zoning By-law Amendment has merit and can be supported for the following reasons:
 - (i) The application is consistent with the PPS, 2020 and conforms to A Place to Grow Plan: Growth Plan for the Greater Golden Horseshoe, 2019, as amended;
 - (ii) It complies with general intent and purpose of the Urban Hamilton Official Plan; and,
 - (iii) The proposed development is considered to be compatible with existing land uses in the surrounding area and represents good planning by, among other things, providing additional housing opportunities and making efficient use of existing infrastructure within the urban boundary.
2. The subject lands are zoned "AA" (Agricultural) District, "B" (Suburban Agriculture and Residential, etc.) District, and "C" (Urban Protected Residential, etc.) District in the former City of Hamilton Zoning By-law No. 6593. The provisions and standards applied to the "AA" (Agricultural) District and "B" (Suburban Agriculture and Residential, etc.) District typically require much larger lots to accommodate single detached dwellings. An amendment to the Zoning By-law is required to the "C" (Urban Protected Residential, etc.) District to permit

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the development of four single detached dwellings. The required zoning mapping changes are shown as Blocks 1 and 2 on Schedule A on Appendix “B” to this Report PED21072. No further modifications to performance standards are required. The proposed built form contributes to a complete community, is compatible with existing and proposed uses, adds additional housing opportunities to the area, while allowing for efficient use of land and complies with the Urban Hamilton Official Plan. Therefore, staff support the proposed Zoning By-law amendment.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Zoning By-law Amendment application be denied, the subject land will continue to be utilized in accordance with the existing “AA” (Agricultural) District, “B” (Suburban Agriculture and Residential, etc.) District and “C” (Urban Protected Residential, etc.) District within the City of Hamilton Zoning By-law No. 6593 which permits 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.

Healthy and Safe Communities

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

Our People and Performance

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” – Location Map

Appendix “B” – Draft Zoning By-law Amendment

Appendix “C” – Concept Plan