



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	June 15, 2021
SUBJECT/REPORT NO:	Application for a Zoning By-law Amendment for Lands Located at 321 Hatt Street, Dundas (PED21112) (Ward 13)
WARD(S) AFFECTED:	Ward 13
PREPARED BY:	Elyse Meneray (905) 546-2424 Ext. 6360
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Amended Zoning By-law Amendment application ZAR-20-036, by Robert Russell Planning Consultants Inc. on behalf of Ronald Bamford (Owner)**, for a change in zoning from the Single - Detached Residential Zone (R2) to the Low Density Residential Zone (R4/S-140), Modified, in order to permit the development of a semi detached dwelling on the property for the lands located at 321 Hatt Street, as shown on Appendix "A" to Report PED21112, be **APPROVED**, on the following basis:

- (i) That the draft By-law, attached as Appendix "B" to Report PED21112, 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 (2020), conforms to the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019), as amended, and complies with the Urban Hamilton Official Plan.

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.

EXECUTIVE SUMMARY

The subject property is municipally known as 321 Hatt Street, Dundas. The owner, Ronald Bamford, has applied for a Zoning By-law Amendment to Dundas Zoning By-law No. 3581-86 to permit the development of a semi detached dwelling on the property.

The purpose of the Zoning By-law Amendment is to rezone the lands from the Single - Detached Residential Zone (R2) to the Low Density Residential Zone (R4/S-140), Modified. The existing dwelling will be demolished and replaced with a new semi detached dwelling. A future Consent to Sever application will be required to facilitate the development.

The proposed Zoning By-law Amendment 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 complies with the Urban Hamilton Official Plan; and,
- It is compatible with and complementary to the existing development in the immediate area.

Alternatives for Consideration – See Page 16

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 an amendment to the Zoning By-law.

HISTORICAL BACKGROUND

Report Fact Sheet:

Application Details	
Applicant/Owner:	Ronald Bamford
Agent:	Robert Russel

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File Number:	ZAR-20-036
Type of Application:	Zoning By-law Amendment application
Proposal:	To rezone the lands to permit a semi detached dwelling on the property. A future Consent application will be required to facilitate the proposal.
Property Details	
Municipal Address:	321 Hatt Street, Dundas.
Lot Area:	0.08 ha (800 m ²) approximately.
Servicing:	Full municipal services.
Existing Use:	Single detached dwelling.
Documents	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS (2020).
A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019	The proposal conforms with 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.
Official Plan Proposed:	No amendment proposed.
Zoning Existing:	Single - Detached Residential Zone (R2)
Zoning Proposed:	Low Density Residential Zone (R4/S-140), Modified
Modifications Proposed:	<p>Applicant Requested:</p> <ul style="list-style-type: none"> To permit a minimum lot frontage of 18.0 m, whereas a minimum lot frontage of 21.0 m is required.

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	<p>(Note: This modification is no longer required as Section 6.22 of the Dundas Zoning By-law No. 3581-86 supersedes the minimum lot frontage requirements for a semi detached dwelling zoned Low Density Residential Zone (R4).)</p> <p>Staff Requested:</p> <ul style="list-style-type: none"> To permit a minimum lot frontage of 9.0 metres for each lot, whereas a minimum lot frontage of 10.5 metres is required.
Processing Details	
Received:	August 25, 2020.
Deemed Complete:	September 24, 2020.
Notice of Complete Application:	Sent to 115 property owners within 120 m of the subject property on October 8, 2020.
Public Notice Sign:	October 14, 2020 and updated on May 19, 2021.
Notice of Public Meeting:	Sent to 115 property owners within 120 m of the subject property on May 28, 2021.
Public Consultation:	The owner canvassed 11 property owners and provided a copy of the concept plan and elevations. To date, staff and the owner have not received any adverse comments for the proposal as a result of the canvass.
Public Comments:	Two submissions were received for the application expressing concerns about tree removal on the property (attached as Appendix "E" to Report PED21112).
Processing Time:	294 days.

Existing Land Use and Zoning:

Subject Lands:	Existing Land Use	Existing Zoning
	Single detached dwelling	Single - Detached Residential Zone (R2)

Surrounding Lands:

North	Single detached dwellings and a semi detached dwelling	Single - Detached Residential Zone (R2) and Low Density Residential Zone (R4)
East	Single detached dwellings	Single - Detached Residential Zone (R2)
South	Single detached dwellings	Single - Detached Residential Zone (R2)
West	Place of Worship	Neighbourhood Institutional (I1) Zone

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 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 A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019.

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Local Planning Appeal Tribunal (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.

One exception to the local implementation of the Provincial planning policy framework is that the UHOP has not been updated with respect to cultural heritage policies of the PPS (2020). The following policies, amongst others, apply to the proposal.

- “2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.

- 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 the Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential:

- 1) Within 300 m of a primary watercourse or permanent waterbody, 200 m of a secondary watercourse or seasonal waterbody, or 300 m of a prehistoric watercourse or permanent waterbody;
- 2) In an area of sandy soil in areas of clay or stone; and,
- 3) Along historic transportation routes.

These criteria define the subject property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the Provincial Policy Statement apply to this application.

An acknowledgement note on the drawings will be required at the Consent to Sever stage advising the applicant of the City of Hamilton and Ministry of Heritage, Sport, Tourism and Cultural Industries requirements should deeply buried archaeological materials or human remains be encountered during construction / development activities.

Staff note that the subject property is adjacent to 323 Hatt Street, a property included in the City's Inventory of Buildings of Architectural and/or Historical Interest. The City recognizes there may be cultural heritage properties that are not yet identified or included in the Register of Property of Cultural Heritage Value or Interest nor designated under the *Ontario Heritage Act*, but still may be of cultural heritage interest. These may be properties that have yet to be surveyed, or otherwise identified, or their significance and cultural heritage value has not been comprehensively evaluated but are still worthy of conservation.

Staff have reviewed the application and are of the opinion that the heritage value of the adjacent property will be conserved.

Based on staff's review, the application is:

- consistent with Section 3 of the *Planning Act*,
- consistent with the Provincial Policy Statement (2020); and,
- conforms to A Place to Grow Plan: Growth Plan for the Greater Golden Horseshoe 2019, as amended.

Urban Hamilton Official Plan

The subject lands are designated as "Neighbourhoods" on Schedule "E-1" – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). The following policies, amongst others, apply to the proposal.

Neighbourhoods

- “E.3.4.1 The preferred location for low density residential uses is within the interior of neighbourhoods.
- E.3.4.2 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.
- E.3.4.4 For low density residential areas the maximum net residential density shall be 60 units per hectare.
- E.3.4.5 For low density residential areas, the maximum height shall be three storeys.
- E.3.4.6 Development in areas dominated by low density residential uses shall be designed in accordance with the following criteria:
- a) Direct access from lots to adjacent to major or minor arterial roads shall be discouraged.
 - c) A mix of lot widths and sizes compatible with streetscape character; and a mix of dwelling unit types and sizes compatible in exterior design, including character, scale, appearance and design features; shall be encouraged. Development shall be subject to the Zoning By-law regulations for appropriate minimum lot widths and areas, yards, heights, and other zoning regulations to ensure compatibility.”

The proposal is consistent with the surrounding low density residential land uses and is located within the interior of the neighbourhood. The proposed semi detached dwelling will have a height of 9.08 metres, which meets the maximum height requirements of the Low Density Residential Zone (R4) Zone (10.5 metres) and the Urban Hamilton Official Plan Neighbourhoods designation (3 storeys). The net density for the proposal is 25 units per hectare which complies with the UHOP.

The total lot area is 833.8 sq. m and the Low Density Residential Zone (R4) regulations require a minimum total lot area of 630 sq. m. Each lot will have an area of 418.1 sq. m and Section 6.22 of the Dundas Zoning By-law requires a minimum lot size of 315 sq. m for each lot. The proposal will maintain a streetscape that is compatible with the existing homes along Hatt Street with similar setbacks, height and form. Each lot will have a minimum lot frontage of 9.0 m, which is consistent with the lot frontages of the semi detached dwellings located adjacent to the subject property on James Street, along Hatt

Street and within the surrounding neighbourhood. Staff are satisfied that the reduced lot frontage will provide sufficient room to accommodate the proposed semi detached dwelling and that the existing streetscape along Hatt Street will be maintained.

Therefore, the proposal complies with the height, form and density criteria outlined in the Official Plan.

Residential Intensification

“B.2.4.1.4 Residential intensification developments 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 the 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;
- 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 including block lengths, setbacks and building separations;
- h) the ability to complement the existing functions of the neighbourhood;
- j) infrastructure and transportation capacity and impacts.”

The proposed development will maintain the character of the existing neighbourhood by proposing a compatible housing form observed in the surrounding area and by utilizing existing road networks. The proposal contributes toward providing a diverse range and mix of housing options and makes use of existing municipal services. The proposed Zoning By-law Amendment has the same setbacks and height requirements as the surrounding properties, which will compliment the existing building envelopes and streetscapes of Hatt Street and allow for the proposed semi detached dwellings to be an appropriate neighbourhood fit. The proposal will meet all of the zoning regulations of the Low Density Residential Zone (R4) Zone, except for the minimum lot frontage. The semi detached dwelling will follow a similar lot pattern and housing form to the semi detached dwelling located behind the proposal on James Street. The proposed low-profile built form will not have shadow, overlook or other nuisance effect impacts on adjacent properties.

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 Tree Protection Plan (TPP) and Landscape Plan were submitted with the Zoning By-law Amendment application. A total of two trees have been inventoried on the subject property and one tree on the adjacent property at 24 Wellington Street South. One tree will be removed from the subject lands, one tree will be retained, and the tree located at 24 Wellington Street South will require protective fencing during construction.

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Staff have reviewed the proposed TPP in conjunction with the Concept Plan (attached as Appendix “D” to Report PED21112) and note that the removal of one tree and the protection of the neighbouring tree is necessary to facilitate the development. Staff received a signed letter from the property owner of 24 Wellington Street South acknowledging that they were consulted, understand how the development impacts will be mitigated, and are satisfied with the measures being taken to preserve the tree on their property (attached as Appendix “F” to Report PED21112). One to one compensation for the removal of the trees will be addressed as a condition of the future Consent application.

Therefore, the proposal complies with the Urban Hamilton Official Plan.

Town of Dundas Zoning By-law No. 3581-86

The subject lands are currently zoned Single - Detached Residential Zone (R2). The Single - Detached Residential Zone (R2) permits single detached dwellings, a retirement home, bed and breakfast establishments, one accessory apartment, accessory buildings, urban farm and a community garden. The proposal is to rezone the Single - Detached Residential Zone (R2) to the Low Density Residential Zone (R4-S/-140), Modified, to permit the development of a semi detached dwelling.

A modification to permit a minimum lot frontage of 9.0 metres is required to implement the proposal and is discussed further in Appendix “C” to Report PED21112.

RELEVANT CONSULTATION

Departments and Agencies	
<ul style="list-style-type: none">• Special Projects, Growth Management Section, Planning and Economic Development Department;• Capital Budgets & Development, Corporate Services Department;• Healthy Environments Division, Public Health Services;• Strategic Planning, Public Works Department;• Transit Planning and Infrastructure, Public Works Department;• Recreation Division, Healthy and Safe Communities;• Hamilton Fire Department;	No Comment

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<ul style="list-style-type: none"> • Parks and Cemeteries; • Hamilton Conservation Authority; • MPAC; • Union Gas; • Bell Canada; • Canada Post; • Cogeco Cable; and, • Hydro One. 		
	Comment	Staff Response
Forestry & Horticulture Section, Public Works Department	Forestry staff advise that there are no municipal tree assets located on site and therefore a Tree Management Plan and Landscape Plan is not required.	Noted.
Growth Planning, Planning and Economic Development Department	Staff wish to confirm that the municipal address of 321 Hatt Street and 321A Hatt Street will be assigned to the subject development.	Municipal addressing will be completed as part of the Consent application.
Transportation Planning Section, Planning and Economic Development	<ul style="list-style-type: none"> • Transportation Planning staff are in support of the proposed Zoning By-law amendment. • If the municipal sidewalk is disturbed during construction, reinstatement is at the Applicant's expense and must conform to current City standards. 	The applicant has been advised of the sidewalk requirements provided by Transportation Planning.
Alectra Utilities	<ul style="list-style-type: none"> • For Residential/ Commercial electrical service requirements, the Developer needs to contact the Customer Connections Department. • Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. 	The applicant has been advised of the requirements indicated by Alectra Utilities.

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	<ul style="list-style-type: none"> • Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations and all related distribution equipment. 	
Development Engineering Approvals, Planning and Economic Development Department	<ul style="list-style-type: none"> • Development Engineering Approvals staff have no issues with the proposed Zoning By-law Amendment application from a water and wastewater servicing perspective. • Staff note that there is no municipal storm sewer within the existing right-of-way adjacent to the subject lands at this time. Therefore, the proponent will be required to demonstrate existence of a suitable drainage outlet for the site and no impact on adjacent properties due to the increased runoff from the proposed intensification at the time of re-development of the property. 	The provision of an appropriate storm sewer outlet will be addressed at the Consent and Building Permit stage.
Environmental Services Division, Public Works Department	<ul style="list-style-type: none"> • Environmental Services staff advise that the development is eligible for municipal waste collection and will be required to follow the requirements under the Waste Management System By-law 20-221. • Further, staff note that all household waste streams 	The applicant has been advised of the requirements for municipal waste collection.

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	will be collected curbside on Hatt Street.	
Municipal Acts Projects, Capital Budgets projects	<ul style="list-style-type: none"> Capital Budgets staff advise that the construction of Hatt Street is scheduled for 2023. The Applicant will need to schedule the proposal to avoid any conflict with Hatt Street construction. 	The applicant has been advised of the Hatt Street construction timelines and that they will need to schedule their construction to avoid any conflict with the Hatt Street construction.
Public Consultation:		
Concern	Comment	Staff Response
Tree Removal	One resident expressed concerns over the removal of trees on the property.	<ul style="list-style-type: none"> A Tree Protection Plan and Landscape Plan were required as part of a complete submission. A total of one tree will be removed to implement the proposal as it falls within the proposed footprint of the semi detached dwelling. Staff will require one to one tree compensation, which will be obtained through the Consent application process.
Tree Injury	One resident expressed concerns over the development on their tree, which could be injured by the development.	<ul style="list-style-type: none"> As noted above, a Tree Protection Plan and Landscape Plan were required as part of a complete submission. The Tree Protection Plan noted that tree #3, located in the backyard of the neighbouring property at 24 Wellington Street South will likely be injured by construction. The tree

		<p>drip line extends over the backyard of the subject lands and excavation will occur within 6% of the drip line at a minimum distance of 5.5 metres from the trunk of the tree. Tree Protection Fencing will be installed around the drip line to protect the roots from cutting and soil compaction during construction.</p> <ul style="list-style-type: none">• Staff required the applicant to obtain permission to injure the tree from the property owner of 24 Wellington Street South in order to proceed with the development. The signed letter is attached as Appendix “F” to Report PED21112.
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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 115 property owners within 120 m of the subject property on October 8, 2020 for the Zoning By-law Amendment application.

A Public Notice sign was posted on the property on October 14, 2020 and updated on or before May 19, 2021 with the Public Meeting date. The Notice of the Public Meeting was given on May 20, 2021 in accordance with the requirements of the *Planning Act*.

To date, two submissions have been received as a result of the circulation and are discussed in further detail in the chart above and attached in Appendix “E” to Report PED21112.

Public Consultation Strategy

Pursuant to the City's Public Consultation Strategy Guidelines, the applicant prepared a Public Consultation Strategy that included a plan to canvass the surrounding property owners and discuss the proposal with them. The owner canvassed 11 property owners and provided a copy of the concept plan and elevations. The owner did not receive any adverse comments for the proposal.

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

1. The Zoning By-law Amendment 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 the policies of the Urban Hamilton Official Plan; and,
 - (iii) The proposed development is compatible with existing land uses in the surrounding area and represents good planning by providing dwellings that are compatible with and complementary to the existing and planned development in the immediate area.
2. The subject lands zoned are Single - Detached Residential Zone (R2) in the former Town of Dundas Zoning By-law No. 3581-86. An amendment to the Zoning By-law is required to the Low Density Residential Zone (R4/S-140), Modified, to permit the development of a semi detached dwelling. 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.
3. A modification to the minimum lot frontage is required to implement the proposal, which is outlined in Appendix "C" to Report PED21112. The proposal meets all other zoning performance standards. The site specific zoning will create a development which is compatible with the existing neighbourhood patterns, complies with the UHOP and establishes a consistent zoning in terms of lot widths, setbacks and building height. Therefore, staff support the proposed Zoning By-law amendment.
4. A future Consent application will be required to facilitate the development.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Zoning By-law Amendment application be denied, the subject lands could be utilized in accordance with the existing Single - Detached Residential Zone (R2) within the Dundas Zoning By-law No. 3581-86. A semi detached dwelling is not permitted, but the applicant would be able to develop the property for a retirement home, bed and breakfast establishment, urban farm, community centre or add an accessory apartment to the single detached dwelling.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & 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.

Built Environment and Infrastructure

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

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" – Location Map

Appendix "B" – Amendment to Zoning By-law No. 3581-86

Appendix "C" – Modification Chart

Appendix "D" – Concept Plan

Appendix "E" – Public Comments

Appendix "F" – Owner Acknowledgement Letter