



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	April 25, 2022
<b>SUBJECT/REPORT NO:</b>	Application for a Zoning By-law Amendment for Lands Located at 866 West 5th Street, Hamilton (PED22090) (Ward 8)
<b>WARD(S) AFFECTED:</b>	Ward 8
<b>PREPARED BY:</b>	James Van Rooi (905) 546-2424 Ext. 4283
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That Amended **Zoning By-law Amendment Application ZAC-21-036 by UrbanSolutions Planning and Land Development Consultants Inc. c/o Matt Johnston on behalf of Angros Enterprises Ltd. c/o Victor Fontana, owner**, for a change in zoning from the "AA" (Agricultural) District and from the "C" (Urban Protected Residential, etc.) District to the "RT-30/S-1818" (Street - Townhouse) District, Modified, to permit the lands to be developed for nine street townhouses on lands located at 866 West 5<sup>th</sup> Street, as shown as Blocks 1 and 2 on Appendix "A" attached to Report PED22090, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix "B" attached to Report PED22090, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2020), conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) and comply with the Urban Hamilton Official Plan (UHOP);

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- (b) That upon finalization of the amending By-law, the subject lands be re-designated from “Single and Double” to “Attached Housing” in the Gourley Neighbourhood Plan.

**EXECUTIVE SUMMARY**

The subject property is municipally known as 866 West 5<sup>th</sup> Street and is located at the north west corner of West 5<sup>th</sup> Street and Rosehill Avenue. The owner has applied for an amendment to the City of Hamilton Zoning By-law No. 6593.

The purpose of the Zoning By-law Amendment is to rezone the lands from the "AA" (Agricultural) District and the "C" (Urban Protected Residential, etc.) District to the "RT-30/S-1818" (Street - Townhouse) District, Modified, to permit the lands to be developed for nine street townhouses.

The proposed Zoning By-law Amendment application has merit and can be supported for the following reasons:

- It is consistent with the Provincial Policy Statement (2020);
- It conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended); and,
- It complies with the Urban Hamilton Official Plan (UHOP).

**Alternatives for Consideration – See Page 17**

**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**

<b>Application Details</b>	
Owner:	Angros Enterprises Ltd. c/o Victor Fontana
Applicant:	UrbanSolutions Planning and Land Development Consultants Inc. c/o Matt Johnston
File Number:	ZAC-21-036
Type of Application:	Zoning By-law Amendment
Proposal:	The Zoning By-law Amendment is to rezone the lands from the "AA" (Agricultural) District to the "RT-30/S-1818" (Street - Townhouse) District, Modified (Block 1) and from the "C" (Urban Protected Residential, etc.) District to the "RT-30/S-1818" (Street - Townhouse) District, Modified (Block 2), to permit the lands to be developed for nine, two storey street townhouses with access from Rosehill Avenue.
<b>Property Details</b>	
Municipal Address:	866 West 5 <sup>th</sup> Street, Hamilton
Lot Area:	1,832 square metres (0.18 hectares)
Servicing:	Existing full municipal services.
Existing Use:	One storey single detached dwelling.
<b>Documents</b>	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS.
A Place to Grow:	The proposal conforms to the Growth Plan, as amended.
Official Plan Existing:	"Neighbourhoods" in the Urban Hamilton Official Plan.
Official Plan Proposed:	N/A
Zoning Existing:	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District
Zoning Proposed:	"RT-30/S-1818" (Street - Townhouse) District, Modified (Blocks 1 and 2)

<b>Documents</b>	
Modifications Proposed:	<p>The Applicant has applied the following modifications to the “RT-30” (Street - Townhouse) District:</p> <ul style="list-style-type: none"> <li>• To reduce the minimum front yard setback to the building face from 6 metres to 3 metres, and to include an exception for the distance from unenclosed porches and a building face to the hypotenuse of a daylight triangle;</li> <li>• To reduce the minimum rear yard setback from 7.5 metres to 6 metres;</li> <li>• To reduce the minimum side yard setback from 2 metres to 1.5 metres;</li> <li>• To reduce the minimum distance between buildings from 3.5 metres to 3.0 metres;</li> <li>• To reduce the minimum lot area per unit from 180 square metres to 165 square metres; and,</li> <li>• To exempt the manoeuvring space requirement for parking;</li> <li>• To exempt the requirement for an encroachment into a front yard less than 1.5 metres.</li> </ul> <p>Staff have included the following modification for clarification:</p> <ul style="list-style-type: none"> <li>• To require a minimum front yard setback of 6 metres to a garage.</li> </ul>
<b>Processing Details</b>	
Received:	July 9, 2021
Deemed complete:	August 8, 2021
Notice of Complete Application:	Sent to 103 property owners within 120 metres of the subject property on September 10, 2021.
Public Notice Sign:	Posted September 17, 2021 and updated with public meeting date on March 29, 2022.
Notice of Public Meeting:	Sent to 103 property owners within 120 metres of the subject property on April 7, 2022.

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<b>Processing Details</b>	
Public Consultation:	In addition to the <i>Planning Act</i> notification requirements the Applicant posted a sign detailing their contact information for members of the public to call or email for enquiries. The Applicant initially advised that in the event the Ward Councillor requests a neighbourhood information meeting, the applicant would attend and present the development proposal and answer questions of the public.
Public Comments:	23 emails were received expressing concern about the proposed Zoning By-law Amendment (attached as Appendix "E" to Report PED22090).
Processing Time:	290 days from date of receipt of initial Application.

**Existing Land Use and Zoning:**

	<b>Existing Land Use</b>	<b>Existing Zoning</b>
<b>Subject Property:</b>	Single detached dwelling	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District

**Surrounding Land Uses:**

<b>North</b>	Single detached dwelling	"C/S-1367" (Urban Protected Residential, etc.) District, Modified and "C" (Urban Protected Residential, etc.) District
<b>East</b>	Single detached dwelling	"C" (Urban Protected Residential, etc.) District
<b>South</b>	Single detached dwelling	"C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District
<b>West</b>	Single detached dwelling	"C/S-1524" (Urban Protected Residential, etc.) District, Modified



## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### **Provincial Planning Policy Framework**

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS, 2020). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS, 2020 and conform to A Place to Grow (2019, as amended).

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal (OLT) 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. Matters of provincial interest (e.g. efficiency of land use) are reviewed and discussed in the Official Plan analysis that follows.

### **Noise**

The PPS provides the following policy direction:

“1.2.6.1 Major facilities and sensitive land uses should be planned to ensure they are appropriately designed, buffered and / or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of major facilities.”

The subject lands are close to an existing noise source being West 5<sup>th</sup> Street, which is a “Minor Arterial” road in the UHOP. An Acoustical Study by dBA Acoustical Consultants Inc. dated June, 2021, has been submitted in support of the application.

The Noise Study identified the required mitigation measures and noise warning clauses that will need to be implemented in order for the development to comply with MECP guidelines. Required mitigation measures include:

- Installing an acoustical barrier facing West 5<sup>th</sup> Street at a minimum of 2.0 metres in height and with a minimum surface density of 20kg/m<sup>2</sup>;
- Warning clauses that will need to be included in offers of purchase and sale, and property and tenancy agreements for the two units closest to West 5<sup>th</sup> Street;
- Requirement for the two units closest to West 5<sup>th</sup> Street to be fitted with central air conditioning systems so that windows can be kept closed; and,
- Prior to issuance of a building permit, a qualified professional will review the plans to ensure compliance with the Noise Study provided by dBA Acoustical Consultants Inc.

The conditions related to noise mitigation measures will also need to be implemented at the Site Plan Control stage and the Consent stage for the street townhouse dwellings.

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); and,
- It complies with the UHOP.

### **Urban Hamilton Official Plan**

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the 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.3.4.3 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; and,
- 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;
  - b) Garages, parking areas, and driveways along the public street shall not be dominant. Surface parking between a building and a public street (excluding a public alley) shall be minimized; and,
  - 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 UHOP promotes the location of low density residential uses towards the interior of neighbourhoods. The subject lands are at the periphery of the Gourley neighbourhood with West 5<sup>th</sup> Street being the eastern most boundary. The proposal if approved, would facilitate the development of nine street townhouse dwellings on the lands at a density of 50 units per hectare, which complies with the UHOP density of a maximum of 60 units per hectare. The proposal is for two storey street townhouses and does not exceed the UHOP’s three storey maximum height requirement. Based on the proposed grading plan, there will be no adverse overlook or privacy issues with the proposed street townhouses.

In reviewing policy E.3.4.6 a), the proposal provides access for all lots to Rosehill Avenue which is a local road. In accordance with policy E.3.4.6 b), the design of the townhouses extends the porch feature into the front yard and thereby reduces the presence of garages along the street. Elevation drawings will be further reviewed through the Site Plan Control process to ensure appropriate design. The front yard setback is similar to the setback of the adjacent property at the northeast corner of Annabelle Street and Rosehill Avenue (municipally known as 107 Annabelle Street). The proposed development will create a streetscape that is consistent along the north side of Rosehill Avenue. The streetscape along West 5<sup>th</sup> Street would also be generally consistent as the proposed setback of 4.3 metres coupled with the right of way dedication would result in buildings that are setback farther from the street.

### **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 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 including block lengths, setbacks and building separations;
- h) The ability to complement the existing functions of the neighbourhood;
- i) The conservation of cultural heritage resources; and,
- j) Infrastructure and transportation capacity and impacts.”

The subject property is in an area with a low rise built form with building heights between one to two storeys. The proposal seeks to establish a development that is two

storeys in height in keeping with the surrounding area. The proposal provides setbacks for side yards, front yards and rear yards that are also reflective of the existing development found along Rosehill Avenue. The lots proposed are wider than a typical infill townhouse lot and coupled with the rear yard setback would allow for an appropriate private amenity space. With respect to Policy 2.4.2.2 e), the lots proposed are compatible with the existing lot fabric in the area. The proposed street townhouses, building setbacks and building massing maintain the pattern and built form to complement the existing neighbourhood. No overlook or shadow impacts are anticipated due to the two storey height proposed.

In accordance with B.2.4.1.4 f) and B.2.4.2.2 j), there are existing municipal services available to service the subject property and adequate transportation services available on the abutting municipal roads.

### 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 ten trees have been inventoried on the subject properties and adjacent properties. Six trees are proposed to be removed from the subject lands and 11 are proposed to be planted.

If approved, the Applicants will be required to provide adequate compensation (i.e. one to one) for the removal of the trees on the lands. The Tree Protection Plan and a Landscape Plan will be further reviewed through the Site Plan Control stage.

### Neighbourhood Plan

The following policy related to Neighbourhood Plans, amongst others, applies:

“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; and,

F.1.2.8 Any amendment to the Neighbourhood Plan must be evaluated using the provisions of Policies F.1.1.3 and F.1.1.4 and shall require a formal Council decision to enact the amendment.”

### **Gourley Neighbourhood Plan Policies**

The lands are identified as “Single and Double” in the Gourley Neighbourhood Plan. If approved, staff recommend the Neighbourhood Plan be amended so that the lands intended for street townhouses are identified as “Attached Housing”. The Gourley Neighbourhood Plan recommends the provision of a wide variety of dwelling types such as one and two family dwellings, attached dwellings and medium density multiple dwellings. This is intended to encourage a range of housing types in the neighbourhood. The Gourley Neighbourhood Plan also recommends that townhouses and maisonettes as well as low density apartments be directed to the arterials and collectors.

Staff have reviewed the Gourley Neighbourhood Plan and are satisfied that the proposed development meets the general intent of the plan by adding a mix of residential units in the form of street townhouses to the area. The proposal is compatible with the existing residential units within the interior of the neighbourhood and proposes intensification adjacent to West 5<sup>th</sup> Street, an arterial road.

Based on the forgoing, the proposal complies with the UHOP.

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

The subject property is currently zoned “AA” (Agricultural) District and “C” (Urban Protected Residential, etc.) District in Zoning By-law No. 6593. The “AA” (Agricultural) District permits single detached dwellings as well as agricultural uses, and the “C” (Urban Protected Residential, etc.) District permits single detached dwellings. As these zones do not permit street townhouses, an amendment to the Zoning By-law is required.

The proposed Zoning By-law Amendment is for a change in zoning from the "AA" (Agricultural) District and the “C” (Urban Protected Residential, etc.) District to the "RT-30/S-1818" (Street - Townhouse) District, Modified. The effect of this Zoning By-law Amendment will permit nine, two storey street townhouses. Modifications to the “RT-30” (Street - Townhouse) District are required to facilitate the development and are summarized in the report Fact Sheet above and further discussed in Appendix “C” attached to Report PED22090.

**RELEVANT CONSULTATION**

<b>Departments and Agencies</b>		
<ul style="list-style-type: none"> <li>• French Public School Board;</li> <li>• Alectra;</li> <li>• Landscape Architectural Services, Strategic Planning Division, Public Works Department;</li> <li>• Transit Planning and Infrastructure, Transit Operations Division, Public Works Department;</li> <li>• Public Health Services, Healthy Environments Division, Healthy and Safe Communities Department;</li> <li>• Canada Post; and,</li> <li>• Hamilton Conservation Authority.</li> </ul>		No Comment.
	<b>Comment</b>	<b>Staff Response</b>
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department.	The Development Engineering Approvals Section can support this application. The proponent has adequately demonstrated that the sanitary flow generated by the development will have no significant impact on the capacity of the municipal system. The proponent has also verified that stormwater flow rates from the proposed stormwater outlets do not exceed the allowable discharge rate for the site. The proponent has further demonstrated that the existing municipal watermains are able to supply the required fire flow (RFF) and domestic flow to support the development.	Noted.
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department	Transportation Planning supports the proposed Zoning By-law Amendment as the proposed development will not generate significant vehicular traffic volume and can be accommodated by the surrounding road network.	Through Site Plan Control Application, the required right of way will be required to be dedicated to the City.

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	<b>Comment</b>	<b>Staff Response</b>
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department <b>(Continued)</b>	The existing right-of-way along West 5th Street at the subject property is approximately 20.0 metres. Approximately, 5.0 metres are to be dedicated to the right-of-way on West 5th Street as per the Council Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications. West 5th Street is to be 30.480 metres from Mohawk Road to 90 metres south of Stone Church Road. A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening(s).	
Growth Planning Section, Growth Management Division, Planning and Economic Development Department.	<p>It should be determined if there are any implications arising from the adjacent Registered Plans of Subdivision, 62M-1024 (25T-88016) and 62M-1102 (25T-88016), e.g. cost recoveries relating to the registered plans or any reserves to be lifted.</p> <p>It should be determined if rear yard and / or side yard easements are required for access and maintenance purposes.</p> <p>Should a Draft Plan of Subdivision be proposed, it should be determined if the future Draft Plan of Subdivision will be phased.</p> <p>The owner and agent should be made aware that the address for this proposal will be determined after conditional Site Plan approval is granted.</p>	<p>It has been confirmed that there are no cost recoveries identified nor are any reserves required to be lifted.</p> <p>Rear yard and / or side yard easements are required for access and maintenance purposes will be required through the Consent process.</p> <p>The proponent will be subdividing the land through the Consent process.</p> <p>Further review regarding the addressing of the proposal will occur through the Site Plan Control process.</p>

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	<b>Comment</b>	<b>Staff Response</b>
Waste	<p>This development is eligible for municipal waste collection and will be required to follow the requirements under the Waste Management System By-law No. 20-221.</p> <p>Waste Planning has no concerns regarding the Zoning By-law Amendment.</p> <p>Waste will be collected at curbside on Rosehill Avenue.</p> <p>The developer is responsible for all waste removal up until the time municipal collection service is initiated.</p>	Noted.
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	<p>Forestry does not have any concerns with the Zoning By-law Amendment for this proposed development. Forestry will require Street Tree Planting fees and Loss of Tree Canopy fees.</p>	Through Site Plan Control the street tree planting fee and loss of canopy fees will be provided to the City.
<b>Public Consultation</b>		
Traffic, parking, safety	<p>Proposed development will cause an increase in traffic on Rosehill Avenue.</p> <p>The area already has a high volume of traffic from the Springvalley Condominiums.</p> <p>Concerns that the traffic on West 5th will also be increasing as the condominium and the townhouses south of Stone Church Road West become occupied making access from Rosehill Avenue onto West 5th Street even more challenging.</p>	<p>Minimal vehicle traffic will be generated by this development and is unlikely to have a perceptible negative impact on the area road network.</p> <p>The proposal will provide parking in accordance with the Zoning By-law.</p>

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<b>Public Consultation</b>		
Traffic, parking, safety <b>(continued)</b>	There is concern that additional spill over parking will occur on Rosehill Avenue.  Comment that Rosehill Avenue sees various activities such as community mail box activity, and school bus pick up and drop off activity.	
Construction	Concern that there will be construction and road closures while the townhouses are under construction.	Through the Site Plan Control application, a Construction Management Plan may be requested as a condition of approval.
Privacy	Concern regarding a reduction in privacy for those that back on to the townhouses.	The limited height of the building along with the orientation and setback of the buildings, along with the provision of visual barriers will minimize privacy overlook impacts on the adjacent properties.
Decrease Property Values	Concern regarding a reduction in property value.	Staff are not aware of any empirical evidence to suggest property values will decrease.
Aesthetics	Concern that the townhouses are out of character with the rest of the neighbourhood.	The townhouses are proposed at two storeys in height and with setbacks that are similar to surrounding land uses to ensure compatibility.
Snow Removal	Concern that snow removal will worsen congestion along Rosehill Avenue.	The City of Hamilton's Snow and Ice By-law No. 03-296, requires residents to maintain and clear snow and provide an unobstructed travelled portion of highway.
Timelines for Construction	Comment requesting whether the developer can provide assured timelines for construction.	The timing of the construction for the proposed development is at the discretion of the developer.

**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 residents within 120 metres of the subject lands on September 10, 2021. A Public Notice sign was posted on the property on September 18, 2021 and updated with the Public Meeting date on March 29, 2022. A Notice of Public Meeting was sent to property owners within 120 metres of the site on April 7, 2022, in accordance with the requirements of the *Planning Act*.

### **Public Consultation Strategy**

In addition to the requirements of the *Planning Act*, and as part of the Planning Justification Report, the Applicant's offered to contact the members of the public to address any concerns related to the application if notified.

In response to the preliminary Public Notice, 23 public submissions in opposition to the proposal and one submission in support of the proposal have been received to date. These submissions are summarized in the chart above and included in Appendix "E" attached to Report PED22090.

### **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposal has merit and can be supported for the following reasons:
  - (i) It is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: 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 of nine street townhouses is supportable as the built form is compatible with the character of the area and the proposal represents good planning by, among other things, providing a compact and efficient urban form that will help to diversify the housing types in the neighbourhood.

2. Zoning By-law Amendment

The subject lands are zoned "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District in Zoning By-law No. 6593. The Zoning By-law Amendment application proposes to change the zoning to the "RT-30/S-1818" (Street - Townhouse) District, Modified with the following modifications:

- To reduce the minimum front yard setback to the building face from 6 metres to 3 metres and to include an exception for the distance from unenclosed porches and a building face to the hypotenuse of a daylight triangle;

- To reduce the minimum rear yard setback from 7.5 metres to 6 metres;
- To reduce the minimum side yard setback from 2 metres to 1.5 metres;
- To reduce the minimum distance between buildings from 3.5 metres to 3.0 metres;
- To reduce the minimum lot area per unit from 180 square metres to 165 square metres;
- To waive the manoeuvring space requirement for parking;
- To waive the requirement for an encroachment into a front yard less than 1.5 metres; and,
- To require a minimum front yard setback of 6 metres to a garage.

Staff are satisfied that the proposal meets the intent of the Low Density Residential “Neighbourhoods” policies and applicable intensification policies of the Urban Hamilton Official Plan. In addition, the proposed amendments meet the general intent of the Zoning By-law. An analysis of the requested modifications is provided in Appendix “C” attached to Report PED22090.

Therefore, staff support the proposed Zoning By-law Amendment.

3. The proposal is for street townhouses that are not within a Registered Plan of Subdivision and a Site Plan Control application will be required. This process is intended to further facilitate the overall design including landscaping, placement of buildings, grading and storm water management and parking. Future Consent applications will be required to create the individual lots.

## **ALTERNATIVES FOR CONSIDERATION**

Should the application be denied, the subject property can be used in accordance with the “AA” (Agricultural) District and the “C” (Urban Protected Residential, etc.) District in City of Hamilton Zoning By-law No. 6593.

## **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.

**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” to Report PED22090 – Location Map

Appendix “B” to Report PED22090 – Amendment to Zoning By-law No. 6593

Appendix “C” to Report PED22090 – Zoning Modification Table

Appendix “D” to Report PED22090 – Concept Plan

Appendix “E” to Report PED22090 – Public Comments

JVR:sd