



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	November 29, 2022
SUBJECT/REPORT NO:	Application for a Zoning By-law Amendment for Lands Located at 11 Springside Drive, Hamilton (PED22198) (Ward 8)
WARD(S) AFFECTED:	Ward 8
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 **Revised Zoning By-law Amendment Application ZAC-19-056 by GSP Group Inc. c/o Brenda Khes on behalf of 2634334 Ontario Inc.** for a change in zoning from the "B" (Suburban Agriculture and Residential, Etc.) District to the "RT-30/H" (Street - Townhouse) District, Holding, to permit seven street townhouses on the subject lands located at 11 Springside Drive as shown on Appendix "A" attached to Report PED22198, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix "B" to Report PED22198, 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 A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) and complies with the Urban Hamilton Official Plan (UHOP);
 - (iii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding

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'H' as a suffix to the proposed zoning for 11 Springside Drive as shown on Schedule "A" of Appendix "B" attached to Report PED22198;

The Holding Provision "RT-30/H" (Street - Townhouse) District, Holding be removed conditional upon:

- (1) The submission and approval of a Noise Feasibility Study which provides recommendations for appropriate noise mitigation measures in accordance with Ministry of the Environment, Conservation and Parks (MECP) standards and to the satisfaction of the Director of Planning and Chief Planner;

EXECUTIVE SUMMARY

The subject property is municipally known as 11 Springside Drive and is located on the south side of Rymal Road East, between Upper James Street to the west and Upper Wellington Street to the east. 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 "B" (Suburban Agriculture and Residential, Etc) District to the "RT-30/H" (Street - Townhouse) District, Holding, to permit the lands to be developed for seven street townhouses.

A Holding Provision is required, as the lands require further evaluation of the road noise impacts from Rymal Road prior to lifting the Holding Provision.

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 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 an amendment to the Zoning By-law.

HISTORICAL BACKGROUND

Report Fact Sheet

Application Details	
Owner:	2634334 Ontario Inc
Applicant:	GSP Group Inc. c/o Brenda Khes
File Number:	ZAC-19-056
Type of Application:	Zoning By-law Amendment
Proposal:	<p>The original application was for the development of a two storey mixed use building with 536 square metres of ground floor commercial area and seven residential units with 19 parking spaces. On July 23, 2021, the applicants submitted a revised application for the development of eight, two storey townhouse dwellings.</p> <p>Following a virtual open house hosted by the applicants in October 2021, a third submission was received on March 30, 2022. The proposal was revised a third time by reducing the townhouse dwellings to a total of seven units.</p> <p>The Zoning By-law Amendment application is to rezone the lands from the "B" (Suburban Agriculture and Residential, Etc.) District to the "RT-30/H" (Street - Townhouse) District, Holding, to permit the lands to be developed for seven, two storey street townhouses.</p>
Property Details	
Municipal Address:	11 Springside Drive, Hamilton
Lot Area:	1,756 square metres (0.17 hectares)

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Property Details	
Servicing:	Existing full municipal services.
Existing Use:	One storey single detached dwelling.
Documents	
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:	Schedule "E-1" - Land Use Designation: Neighbourhoods
Official Plan Proposed:	N/A
Zoning Existing:	"B" (Suburban Agriculture and Residential, Etc.) District
Zoning Proposed:	"RT-30/H" (Street - Townhouse) District, Holding
Modifications Proposed:	N/A
Processing Details	
Received:	November 12, 2019
Deemed complete:	December 6, 2019
Notice of Complete Application:	Sent to 101 property owners within 120 metres of the subject property on December 13, 2019.
Public Notice Sign:	Posted December 19, 2019, updated in October 2021, and updated with the public meeting date on November 2, 2022.
Notice of Public Meeting:	Sent to 100 property owners within 120 metres of the subject property on November 10, 2022.
Public Consultation:	In addition to the <i>Planning Act</i> notification requirements the Applicant hosted a virtual information open house on October 21, 2021. On November 5, 2021 the Ward Councillor's office also hosted a virtual meeting.
Public Comments:	26 emails and one letter were received expressing concern about the proposed Zoning By-law Amendment for street townhouse dwellings (attached as Appendix "D" to Report PED22198).
Processing Time:	1114 days from date of receipt of initial application. 244 days from the date of the revised submission.

Existing Land Use and Zoning:

	Existing Land Use	Existing Zoning
Subject Property:	Single detached dwelling	"B" (Suburban Agriculture and Residential, Etc.) District

Surrounding Land Uses:

North	Townhouse dwellings	"RT-20" (Townhouse - Maisonette) District
East	Single detached dwelling	"B" (Suburban Agriculture and Residential, Etc.) District
South	Single detached dwelling	"B" (Suburban Agriculture and Residential, Etc.) District
West	Single detached dwelling	"B" (Suburban Agriculture and Residential, Etc.) District

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 adjacent to an existing noise source being Rymal Road East, which is a “Major Arterial” road in the UHOP. A noise feasibility study will be required prior to the lifting of the Holding Provision and at the Site Plan Control 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 Allison neighbourhood with Rymal Road East being the northern most boundary. The proposal if approved, would facilitate the development of seven street townhouse dwellings on the lands at a density of 41 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.

In reviewing Policy E.3.4.6 a), the proposal provides access for all lots to Springside Drive which is a collector and local road. In accordance with Policy E.3.4.6 b), the design of the townhouses aligns the porch and second storey with the garage doors, thereby reducing their presence along the street. Elevation drawings will be further reviewed through the Site Plan Control process to ensure appropriate design.

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 Springside Drive. The front yard setback is similar to the setback of the single detached dwellings to the south along Springside Drive. Therefore

the proposed development will create a streetscape that is consistent along the east side of Springside Drive. The streetscape along Rymal Road East will maintain many of the existing trees and has a setback of 8.95 metres from the building to the street. The 8.95 metre setback coupled with the existing vegetation provides a compatible streetscape. The lots proposed are deeper than a typical townhouse lot and the smallest width of a townhouse lot is 6.0 metres. This and the lot depth 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 Policies 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 38 trees have been inventoried on the subject properties and adjacent properties. Of these, 18 trees are proposed to be removed from the subject lands.

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.

Allison Neighbourhood Plan

The Allison Neighbourhood Plan was adopted by Council on August 27, 1991 and predates the UHOP. The lands are identified as “Single and Double” in the Allison Neighbourhood Plan.

The following UHOP policy, as per OPA No. 167, related to Neighbourhood Plans applies:

“F.1.2.7 Neighbourhood plans were policies adopted by council resolution and do not form part of the Official Plan, and no longer reflect either municipal or provincial policy.”

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As the Neighbourhood Plan does not form part of the Official Plan, an amendment is not required.

City of Hamilton Zoning By-law No. 6593

The subject property is currently zoned "B" (Suburban Agriculture and Residential, Etc.) District in Zoning By-law No. 6593 which permits single detached dwellings. As this zone does 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 "B" (Suburban Agriculture and Residential, Etc.) District to the "RT-30/H" (Street - Townhouse) District, Holding. The effect of this Zoning By-law Amendment will permit seven, two storey street townhouses.

RELEVANT CONSULTATION

Departments and Agencies		
<ul style="list-style-type: none"> • French Public School Board; • Landscape Architectural Services, Strategic Planning Division, Public Works Department; • Asset Management, Strategic Planning, Public Works Department; • Transit Planning and Infrastructure, Transit Operations Division, Public Works Department; • Canada Post; and, • Hamilton Conservation Authority. 		No Comment.
	Comment	Staff Response
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	The Development Engineering Approvals Section can support this application. The applicant has demonstrated that post-development storm discharge will not significantly exceed the existing pre-development discharge. In addition, sanitary flows generated by the development are considered very low and will have no significant impact on the municipal system.	Noted.

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	Comment	Staff Response
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department Continued	The proponent has adequately demonstrated that there is sufficient pressure in the municipal water network to service the domestic and RFF from the proposed development.	
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department	<p>Transportation Planning supports the proposed Zoning By-law Amendment. The subject development can be supported from a traffic volume perspective due to the limited number of trips generated that will have a negligible effect on the transportation network.</p> <p>The existing right-of-way along Rymal Road East is approximately 33.0 metres. Approximately, 3.0 metres are to be dedicated to the right-of-way on Rymal Road East as per the Council Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications. Rymal Road East is to be 36.576 metres. 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).</p>	Through the Consent process, the required right of way will be dedicated to the City.
Growth Planning Section, Growth Management Division, Planning and Economic Development Department.	<p>It should be determined if rear yard and / or side yard easements are required for access and maintenance purposes.</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>	Rear yard and / or side yard easements are required for access and maintenance purposes will be established through the Consent process.

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	Comment	Staff Response
Waste	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. Waste will be collected at curbside on Springside Drive.	Noted.
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	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.	Through the Consent process the street tree planting fee and loss of canopy fees will be provided to the City.
Public Consultation		
Traffic, parking, safety	Proposed development will cause an increase in traffic at Springside Drive and Rymal Road E. Concerns that additional spill over parking will occur on Springside Drive. Concern that there are no visibility triangles.	Minimal vehicle traffic will be generated by this development and is unlikely to have a perceptible negative impact on the area road network. The parking requirements in the "RT-30" (Street - Townhouse) District is a minimum of one space per dwelling. The proposal meets this requirement and does not require modifications. Through the Consent process visibility triangles will be required.
Character	Concerns that the unique character of this area would change and that the proposed townhouses are not in keeping with the surrounding area.	The townhouses are proposed at two storeys in height and with setbacks that are similar to surrounding land uses to ensure compatibility.
Drainage	Concerns that the loss of green space would lead to heavier run-off into the open ditches of the area.	As part of the Building Permit process a Grading Plan will be required to ensure quality and quantity of run-off water adheres to the City's standards.

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Public Consultation		
Setting Precedent	Concerns that the application will set a precedent for future developments in the area.	Staff note that each application is evaluated on its own merits.
Previous OMB Decisions	Comments indicating that previous applications proposing infill development in this area and previously on the subject lands were denied by the Ontario Land Tribunal.	Staff note that each application is evaluated on its own merits.
Lack of amenities	Concerns that there are no sidewalks and that the area is serviced by ditches and swales.	The roadway is within the Urban Area Boundary as defined by the Official Plan. The City will collect a cash payment to urbanize rural roadways.
Tree Removal	Concern that a large number of trees will be removed.	Many of the mature trees at the northern end of the site are intended to remain. There will also be opportunity as part of the Site Plan application process to provide compensation for loss of tree canopy.
Snow Removal	Concern about where the snow removal will go.	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.
Noise	Concern that with the increased density noise will become an issue.	Staff note, that future residents/owners of the proposed development would have to adhere to the City's Noise By-law No. 11-285.
Virtual Meeting Process	Concern with the format of the October 21, 2021 virtual open house process.	A meeting was hosted by the Ward Councillor's office to provide residents an additional opportunity for consultation.

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 December 13, 2019. A

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Public Notice sign was posted on the property on December 19, 2019 and updated with the Public Meeting date on November 2, 2022. A Notice of Public Meeting was sent to property owners within 120 metres of the site on November 10, 2022, in accordance with the requirements of the *Planning Act*.

Public Consultation Strategy

In addition to the requirements of the *Planning Act*, the Applicant's hosted a virtual community open house on October 21, 2021.

In response to the revised submission Public Notice, 26 public submissions in opposition to the proposal have been received to date. These submissions are summarized in the chart above and included in Appendix "D" attached to Report PED22198.

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 seven 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 "B" (Suburban Agriculture and Residential, Etc.) District in Zoning By-law No. 6593. The Zoning By-law Amendment application proposes to change the zoning to the "RT-30/H" (Street - Townhouse) District, Holding.

Holding Provision

A Holding Provision will be placed on the subject lands for appropriate noise mitigation measures in accordance with Ministry of the Environment, Conservation

and Parks (MECP) standards and to the satisfaction of the Director of Planning and Chief Planner.

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.

3. Future Consent applications will be required to create the individual lots and easements. On October 25, 2022, Bill 23, the proposed Provincial More Homes Built Faster act was introduced and is currently moving through the legislative process, the Bill aims to increase housing supply and housing affordability through major changes to planning and conservation legislation. One such change is that the definition of development does not include the construction, erection or placing of a building or structure for residential purposes on a parcel of land if that parcel of land will contain no more than 10 residential units, if passed, the City will no longer require site plan for applications for developments that are less than 10 residential units.

ALTERNATIVES FOR CONSIDERATION

Should the application be denied, the subject property can be used in accordance with the “B” (Suburban Agriculture and 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

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.

Our People and Performance

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

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED22198 – Location Map

Appendix "B" to Report PED22198 – Amendment to Zoning By-law No. 6593

Appendix "C" to Report PED22198 – Concept Plan

Appendix "D" to Report PED22198 – Public Comments

JVR:sd