



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

|                           |   |
|---------------------------|---|
| <b>TO:</b>                | Chair and Members<br>Planning Committee   |
| <b>COMMITTEE DATE:</b>    | February 14, 2023   |
| <b>SUBJECT/REPORT NO:</b> | Application for a Zoning By-law Amendment for Lands<br>Located at 306 Parkside Drive, Flamborough (PED23032)<br>(Ward 15) |
| <b>WARD(S) AFFECTED:</b>  | Ward 15   |
| <b>PREPARED BY:</b>       | Devon Morton (905) 546-2424 Ext. 1384   |
| <b>SUBMITTED BY:</b>      | Steve Robichaud<br>Director, Planning and Chief Planner<br>Planning and Economic Development Department                   |
| <b>SIGNATURE:</b>         |   |

**RECOMMENDATION**

That **Zoning By-law Amendment Application ZAC-22-031, by MHBC Planning Urban Design & Landscape Architecture on behalf of St. James United Church (the United Church of Canada)**, for a change in zoning from Community Institutional (I2, 757) Zone to Community Institutional (I2, 825) Zone in the City of Hamilton Zoning By-law No. 05-200, to permit development of 44 purpose built rental dwelling units, for lands located at 306 Parkside Drive, Flamborough, as shown on Appendix "A" attached to Report PED23032, be **APPROVED**, on the following basis:

- (a) That the draft By-law, attached as Appendix "B" to Report PED23032, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) 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 the Niagara Escarpment Plan, 2017, and complies with the Urban Hamilton Official Plan.

## **EXECUTIVE SUMMARY**

The subject lands are municipally addressed as 306 Parkside Drive, Waterdown and are located east of Main Street North on the south side of Parkside Drive. The subject lands are a through lot with frontage onto Parkside Drive and a smaller portion fronting onto Kelly Street. The owner, St. James United Church (the United Church of Canada), has applied for an amendment to the City of Hamilton Zoning By-law No. 05-200 to permit development of 44 purpose built rental dwelling units. The existing place of worship will be retained, and a reconfigured community garden will be provided on site. Ninety-four vehicular parking spaces are proposed, of which, 44 will be dedicated to residential parking and 50 will be reserved for the existing place of worship. In addition, the proposal provides 10 bicycle parking spaces in publicly accessible areas. The proposed development is being funded under the Federal Governments Co-Investment Fund which will require 30% of the dwelling units to be affordable dwelling units as defined by the Canadian Mortgage and Housing Corporation (CMHC) in addition to increased energy efficiency and accessibility requirements.

The purpose of the Zoning By-law Amendment is to change the zoning from Community Institutional (I2, 757) Zone to Community Institutional (I2, 825) Zone in the City of Hamilton Zoning By-law No. 05-200, to add multiple dwellings as a permitted use with additional site specific modifications.

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

- It is consistent with the Provincial Policy Statement (2020);
- It conforms to the Niagara Escarpment Plan (2017);
- It conforms to the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- It complies with the general intent of the Urban Hamilton Official Plan (UHOP) and the Waterdown Community Node Secondary Plan; and,
- The proposal is compatible with and complementary to the existing and planned land uses in the immediate and surrounding area, and represents good planning by, among other things, creating a compact and efficient urban form, providing an alternative housing typology and tenure option, making efficient use of existing infrastructure within the urban boundary, managing and preserving built heritage assets, and providing affordable and barrier-free housing options to support the community and surrounding area.

## **Alternatives for Consideration – See Page 22**

## **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:                     | St. James United Church (the United Church of Canada)  |
| Applicant/Agent:           | MHBC Planning Urban Design & Landscape Architecture  |
| File Number:               | ZAC-22-031   |
| Type of Application:       | Zoning By-law Amendment  |
| <b>Application Details</b> |  |
| Proposal:                  | <p>To permit development of 44 purpose built rental dwelling units with a total of 94 vehicular parking spaces and 10 bicycle parking spaces. The built form will consist of two storey townhouses and three storey walk up multiple dwellings. The existing place of worship will be retained, and a reconfigured community garden will be provided on site. Vehicles will access the site via Parkside Drive and a pedestrian connection will be provided from Kelly Street.</p> <p>At the time of submission for rezoning, the Waterdown Community Node Secondary Plan, which allows the proposed development, had not been adopted by Council. As such, the applicant submitted an amendment to the Urban Hamilton Official Plan to establish a site-specific policy area that allowed a minimum net residential density of 35 units per hectare. The Waterdown Community Node Secondary Plan was then adopted by Council through By-laws No. 22-070, 22-071 and 22-072 on April 13, 2022. After the associated appeal periods had expired, the applicant withdrew their request for amendment to the Urban Hamilton Official Plan as this was no longer required.</p> |
| <b>Property Details</b>    |  |
| Municipal Address:         | 306 Parkside Drive, Flamborough (see Location Map attached as Appendix “A” to Report PED23032).  |
| Lot Area:                  | 1.21 ha.   |

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| <b>Property Details</b>            |  |
|------------------------------------|--|
| Servicing:                         | Existing full municipal services.  |
| Existing Use:                      | Institutional (place of worship).  |
| <b>Documents</b>                   |  |
| Provincial Policy Statement (PPS): | The proposal is consistent with the PPS (2020).  |
| Niagara Escarpment Plan            | The proposal conforms to the Niagara Escarpment Plan (2017).   |
| A Place to Grow:                   | The proposal conforms to the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).   |
| Official Plan Existing:            | "Neighbourhoods" on Schedule E – Urban Structure and "Neighbourhoods" on Schedule E-1 – Urban Land Use Designations.   |
| Official Plan Proposed:            | No amendment proposed.   |
| Secondary Plan Existing:           | "Institutional" on Land Use Plan Map B.4.4-1 of the Waterdown Community Node Secondary Plan.   |
| Secondary Plan Proposed:           | No amendment proposed.   |
| Zoning Existing:                   | Community Institutional (I2, 757) Zone.  |
| Zoning Proposed:                   | Community Institutional (I2, 825) Zone.  |
| Modifications Proposed:            | <p>The Applicant is requesting modifications to:</p> <ul style="list-style-type: none"> <li>• Allow the lands described as 306 &amp; 308 Parkside Drive to be considered as one lot for the purposes of zoning (removed by staff);</li> <li>• Deem Parkside Drive as the front lot line;</li> <li>• Allow multiple dwellings as a permitted use whereas the use is not permitted;</li> <li>• Permit a minimum lot area of 12,000 square metres whereas no regulation has been established for multiple dwellings (removed by staff);</li> <li>• Permit a minimum lot width of 30.00 metres whereas no regulation has been established for multiple dwellings (removed by staff); and,</li> <li>• Permit a minimum front yard of 3.00 metres whereas no regulation has been established for multiple dwellings (removed by staff).</li> </ul> |

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| <b>Documents</b>                            |   |
|---|---|
| Modifications Proposed<br><b>Continued:</b> | <ul style="list-style-type: none"> <li>• Permit a minimum side yard of 2.75 metres whereas no regulation has been established for multiple dwellings (removed by staff);</li> <li>• Permit a minimum flankage yard of 3.00 metres whereas no regulation has been established for multiple dwellings (removed by staff);</li> <li>• Permit a minimum rear yard of 7.00 metres whereas no regulation has been established for multiple dwellings (removed by staff).</li> <li>• Permit a maximum building height of 10.5 metres whereas no regulation has been established for multiple dwellings (removed by staff);</li> <li>• Permit a minimum landscaped area of 10% of the lot area (removed by staff);</li> <li>• Permit 75% of the front yard to be used for required parking whereas 50% of the front yard is permitted to be used for parking and access to such parking; and,</li> <li>• Permit 50 parking spaces for the permitted Institutional uses whereas 174 parking spaces are required for the Institutional uses.</li> </ul> <p>Staff are requesting modifications to:</p> <ul style="list-style-type: none"> <li>• Permit a minimum side yard of 7.0 metres whereas no regulation has been established for multiple dwellings; and,</li> <li>• Permit a minimum side yard of 2.75 metres from the south-westerly side lot lines measuring 18.62 metres, 17.74 metres and 20.42 metres whereas no regulation has been established for multiple dwellings.</li> </ul> |
| <b>Processing Details</b>                   |   |
| Received:                                   | April 7, 2022   |
| Deemed complete:                            | May 3, 2022   |
| Notice of Complete Application:             | Sent to 105 property owners within 120 metres of the subject lands on May 10, 2022.   |
| Public Notice Sign:                         | Posted May 12, 2022 and updated with public meeting date on January 18, 2023.   |
| Notice of Public Meeting:                   | Sent to 105 property owners within 120 metres of the subject lands on January 27, 2023.   |
| Public Comments:                            | A petition signed by 73 members of the public and eight comments were received expressing concern regarding the proposed Zoning By-law Amendment (attached as Appendix “E” to Report PED23032).   |

| Processing Details |   |
|--------------------|---|
| Processing Time:   | 287 days from date of receipt of initial application and 102 days from receipt of revised proposal. |

## EXISTING LAND USE AND ZONING

|                       | Existing Land Use                | Existing Zoning                        |
|-----------------------|----------------------------------|--|
| <b>Subject Lands:</b> | Institutional (place of worship) | Community Institutional (I2, 757) Zone |

### Surrounding Land Uses:

|       |   |   |
|-------|---|---|
| North | Residential (single detached dwellings) | Urban Residential (Single Detached) "R1-3" Zone   |
| East  | Residential (single detached dwellings) | Urban Residential (Single Detached) "R1-74b" Zone |
| West  | Residential (single detached dwellings) | Urban Residential (Single Detached) "R1-74b" Zone |
| South | Residential (single detached dwellings) | Urban Residential (Single Detached) "R1-74b" Zone |

## POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

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 the Growth Plan for the Greater Golden Horseshoe (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 approval by the Ontario Land Tribunal, the City of Hamilton has established the UHOP which contains local policies for the implementation of the Provincial planning policy framework. As such, matters of provincial interest (i.e. efficiency of land use) are discussed in the Official Plan analysis that follows.

As the application for Zoning By-law Amendment complies with the UHOP, it is staff's opinion that the application is:

- Consistent with Section 3 of the *Planning Act*;
- Consistent with the PPS (2020);
- Conforms to the Niagara Escarpment Plan, 2017; and,
- Conforms to A Place to Grow: Growth Plan for the Greater Holden Horseshoe, 2019, as amended.

### **Urban Hamilton Official Plan**

The subject lands are identified as "Neighbourhoods" on Schedule "D" – Urban Structure, designated "Neighbourhoods" on Schedule "E-1" – Urban Land Use Designations and further designated "Institutional" in the Waterdown Community Node Secondary Plan. The application was received and deemed complete prior to Ministerial approval of Official Plan Amendment No. 167 and prior to the adoption of the Waterdown Community Node Secondary Plan. The applicant has confirmed that this application is to be reviewed under the UHOP policies currently in effect, as amended by OPA No. 167 and the policies of the Waterdown Community Node Secondary Plan.

The following policies, amongst others, apply to the subject application.

#### **Cultural Heritage**

"B.3.4.2.1 The City of Hamilton, shall in partnership with others where appropriate:

- a) Protect and conserve the tangible *cultural heritage resources* of the City, including *archaeological resources*, *built heritage resources*, and *cultural heritage landscapes* for present and future generations."

The existing place of worship is included in the City's Register of Property of Cultural Heritage Value or Interest as a non-designated property. In addition, it is located within the Village of Waterdown Cultural Heritage Landscape and is part of the Places of Worship Inventory. The applicant proposes to retain the existing place of worship (B.3.4.2.1).

A Cultural Heritage Impact Assessment (CHIA) for the subject lands was completed by ERA Architects Inc. on March 30, 2022. The report assessed the impact of the introduction of 44 new purpose-built rental dwelling units with a central outdoor amenity space and determined there are no impacts to the non-designated property.

The CHIA was forwarded to the Policy and Design Working Group (P&DWG) of the Hamilton Municipal Heritage Committee for review and comment at their meeting on June 20, 2022. The feedback provided from the P&DWG required modest revisions to the CHIA and a resubmission to the satisfaction and approval of the City. The applicant submitted a revised CHIA dated September 30, 2022, which has been reviewed and approved.

#### Archaeological Resources

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) In an area of sandy soil in areas of clay or stone;
- 2) In areas of pioneer EuroCanadian settlement; and,
- 3) Along historic transportation routes.

These criteria define the property as having archaeological potential. Staff require that a written caution be added to any future site plan respecting the archaeological potential of the property.

Based on the above, staff are of the opinion that the municipal interest in the archaeology of this portion of the site has been satisfied.

#### The Niagara Escarpment Plan

“C.1.1.1 Any development within the Niagara Escarpment Plan area, as shown on Schedule A – Provincial Plans, shall meet the requirements of this Plan and the Niagara Escarpment Plan and Section 3.3 of the Greenbelt Plan. Where there is discrepancy between this Plan and the Niagara Escarpment Plan, the most restrictive policies will prevail.

C.1.1.6 To minimize the impact and further encroachments in the Escarpment environment, for those lands located within the Niagara Escarpment Plan area identified on Schedule A - Provincial Plans, the following policies shall apply:

- a) The design of the development shall be compatible with the visual and natural environment; and,
- b) Setbacks and screening adequate to minimize the visual impact of development on the Escarpment landscape shall be required.



- C.1.1.10 On lands located within Urban Hamilton and identified as Niagara Escarpment Plan Urban Area on Schedule A - Provincial Plans, the following policies shall apply:
- a) Where lands are designated Neighbourhoods on Schedule E-1 - Urban Land Use Designations, the policies contained in Section E.3.0 - Neighbourhoods Designation shall apply.”

The subject lands are designated “Urban Area” in the Niagara Escarpment Plan, 2017 (NEP) but fall outside the area of Development Control. As such, a Niagara Escarpment Commission (NEC) Development Permit is not required to implement the proposal. The NEC has confirmed the use is permitted in the Urban Area designation of the NEP and that the proposal is consistent with Part 2.10 (Cultural Heritage) of the NEP.

The proposed built form is limited to three storeys in height and the subject lands are surrounded by existing single detached homes, as such, the proposal demonstrates compatibility with the visual and natural environment and no visual impact to the Escarpment is anticipated.

Based on the above, the proposal conforms the Niagara Escarpment Plan policies of the UHOP.

#### Tree Management

- “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, prepared by Janet Rosenberg & Studio, was reviewed with respect to the proposed application for Zoning By-law Amendment. A total of 74 trees have been inventoried, of which, seven privately-owned trees are proposed for removal to facilitate the proposal. The tree identified on the public right-of-way is shown to be retained. The Tree Protection Plan submitted is sufficient to demonstrate that the proposed Zoning By-law Amendment complies with the policies of the UHOP. To mitigate impacts to the existing tree canopy, compensation plantings are required for any private tree, 10 cm in DBH or greater, that is removed from the subject lands. Thirty-eight compensation plantings are shown on the proposed Landscape Plan, of which, all are of an acceptable species and size per the City of Hamilton Tree Protection Guidelines (C.2.11). The compensation plantings exceed the City’s minimum requirement. Staff note that additional revisions to the Tree Protection Plan will be reviewed through Site Plan Control and the Applicant will be required to demonstrate to the City that they have obtained permissions from adjacent landowners regarding any trees that may be injured that border neighbouring properties.

**Waterdown Community Node Secondary Plan**

- “B.4.4.3.1 The Waterdown Community Node Secondary Plan shall guide development and land use change within the Secondary Plan area. The following policies apply to the Secondary Plan area:
- b) The Waterdown Community Node Secondary Plan area shall include a range of housing forms and tenures and a mix of commercial, institutional and open space uses;
  - e) The development of affordable housing is encouraged within the Secondary Plan area to provide a full range of housing and meet the City’s affordable housing targets outlined in Policy B.3.2.2 of Volume 1; and,
  - f) To achieve affordable housing targets and meet affordable housing needs in the community, partnerships with non-profit organizations and any other available tools or resources may be considered.”

The proposal contemplates two storey townhouses and three storey walk up multiple dwellings totalling 44 purpose built rental dwelling units including affordable rental dwelling units (B.4.4.3.1 (b)). The proposed built form adds to the available range of housing typologies and provides affordable dwelling units to help the City achieve its affordable housing targets while addressing the needs of the community (B.4.4.3.1 (e) and B.4.4.3.1 (f)).

- “B.4.4.8.1 In addition to Sections B.3.5 – Community Facilities/Services and E.3.0 - Neighbourhoods Designation of Volume 1, the following policies shall apply to lands designated Institutional on Map B.4.4-1 – Waterdown Community Node Secondary Plan - Land Use Plan:
- c) In addition to community facilities/services uses, residential uses may also be permitted on all or a portion of a property designated Institutional without an amendment to this Plan;
  - e) In addition to Policy E.3.4.3 of Volume 1, the following uses shall also be permitted:
    - i. Low rise multiple dwellings such as but not limited to block townhouses, back to back townhouses and stacked townhouses; and,

- f) Multiple dwelling uses permitted by Policy 4.4.8.1 e) i) shall require approval of a Zoning By-law Amendment to establish standards specific to a proposed development which:
  - i. Maintain compatibility with adjacent land uses;
  - ii. Avoid negative impacts to cultural heritage resources; and,
  - iii. Provide sufficient dwelling unit and visitor parking for the proposed uses.
- g) Notwithstanding the design policies for Low Density Residential uses in Policy E.3.4.6 of Volume 1, any proposed multiple dwelling uses shall comply with the design policies for medium density residential uses in Policy E.3.5.9 of Volume 1;
- h) Notwithstanding Policy E.3.4.5 of Volume 1, the maximum height for residential uses shall be two storeys to ensure a compatible scale of development which respects the character of the area. The maximum height for residential uses may be increased to three storeys without amendment to this Plan subject to the following requirements:
  - i. Approval of a Zoning By-law Amendment or Minor Variance application;
  - ii. Demonstration that the cultural heritage value of existing cultural heritage resources (built heritage resources and cultural heritage landscapes) on the site and on adjacent lands will not be negatively impacted; and,
  - iii. provision of an appropriate transition between three storey residential uses and adjacent existing low density residential uses, which may include but is not limited to:
    - 1. An enhanced setback between the three storey buildings and adjacent existing uses;
    - 2. a treed landscape buffer;
    - 3. fencing or other equivalent screening;
    - 4. building design measures that reduce overlook to adjacent properties;
    - 5. building design measures that reduce the appearance of increased height;
    - 6. the separation of three storey uses from adjacent existing low density residential uses through the provision of an intervening one to two storey residential use; or,

7. a combination of the above.”

The proposed residential use is permitted by the Secondary Plan policies (B.4.4.8.1 (c) and B.4.4.8.1 (e)). Additionally, the proposal provides direct access to a minor arterial road, on-site parking and amenity features including a reconfigured community garden (B.4.4.8.1 (g)).

The applicant has submitted an application for Zoning By-law Amendment to permit low rise multiple dwellings and through the submission of a Cultural Heritage Impact Assessment, impacts to the existing Cultural Heritage asset have been assessed and are being mitigated through the design and layout of the proposed multiple dwelling units (B.4.4.8.1(f)). In accordance with City of Hamilton Zoning By-law No. 05-200, residential parking spaces are provided at a rate of 1.0 parking space per unit. Zoning By-law No. 05-200 does not require the provision of visitor parking. As such, the proposed parking arrangement meets the requirements of the Zoning By-law (B.4.4.8.1 (f)). The existing place of worship will provide vehicular parking spaces at a reduced rate of 0.28 spaces per 10 square metres of gross floor area (totalling 50 vehicular parking spaces). Based on the parking study prepared by BA Group which estimates a peak parking demand of 42 spaces, staff are satisfied the number of vehicular parking spaces provided on site is sufficient. Additionally, a 7 metre rear yard (transition space) is provided in conjunction with a treed landscape buffer and design measures including varying roof lines and alternating building heights that reduce overlook to adjacent properties (B.4.4.8.1 (h)). Staff further note that many of the dwelling units proposed are limited to two storeys in height.

Based on the above and as the maximum height proposed is limited to three storeys, an amendment to the Waterdown Community Node Secondary Plan is not required (B.4.4.8.1 (h)).

#### “B.4.4.10.1 General Urban Design Policies

In addition to Section B.3.3 – Urban Design Policies of Volume 1, the following policies shall apply to lands within the Waterdown Community Node Secondary Plan area:

- e) Climate change impacts shall be considered in site and building design for development. The incorporation of design approaches that foster climate change resilience are encouraged; and,

#### B.4.4.10.3 Residential Design Policies

In addition to Section B.3.3 – Urban Design Policies of Volume 1, the following policies shall apply to lands outside of the Community Node:

- b) Residential development shall utilize high quality, sustainable façade materials which are compatible with existing residential buildings in the neighbourhood;
- c) Development shall demonstrate effort to maintain and expand the existing mature tree canopy; and,
- d) The retention of existing vegetation is encouraged as part of development.”

The proposal includes sustainable features to address climate change and resilience by proposing additional dwelling units within the urban area and incorporating green building standards, timber construction, high quality materials and passive ventilation (B.4.4.10.1 and B.4.4.10.3). Furthermore, the proposal will add to the existing tree canopy by retaining the majority of trees on site and by providing compensation plantings that exceed the City’s requirement (B.4.4.10.3).

**“B.4.4.11.1 General Cultural Heritage Policies**

In addition to Section B.3.4 – Cultural Heritage Resource Policies of Volume 1, the following policies shall also apply to cultural heritage resources within the Waterdown Community Node Secondary Plan:

- e) In accordance with Policy B.3.4.5.2 of Volume 1, a priority shall be placed on the retention and conservation of significant built heritage resources in their original locations. The relocation or demolition of significant built heritage resources is strongly discouraged.”

The proposal retains the existing heritage asset in its current location and no demolition or relocation is contemplated through this proposal (B.4.4.11.1)

**“B.4.4.14.1 Municipal services, such as sewers, water, stormwater systems and public/private utilities shall be provided, maintained and upgraded, as may be required, to accommodate the needs of existing and future development in the Waterdown Community Node Secondary Plan area. In addition to Section C.5.0 – Infrastructure of Volume 1, the following policies shall also apply:**

- c) To increase energy efficiency and reduce the environmental impact of buildings, all commercial, institutional, mixed use and multiple dwelling buildings will be encouraged to:

- i. Build to higher energy efficient standards than outlined in the *Ontario Building Code*;
  - ii. Have green roofs or cool roofing materials;
  - iii. Provide solar capture equipment;
  - iv. Provide for a portion of the building's total energy requirements through alternative energy sources, including photovoltaic, geothermal, or other alternatives;
  - v. Utilize grey water recycling;
  - vi. Utilize low demand or low flow fixtures; and,
  - vii. Plant trees and other vegetation to provide shade, increase tree canopy cover and provide other environmental benefits.
- d) Low Impact Development (LID) is a design technique which contributes to aquatic habitat protection, can help regulate water runoff, improve water quality and reduce the flooding risks associated with extreme weather events. Development, including the redevelopment or creation of parking lots, shall utilize Low Impact Development (LID) measures in site design where feasible to reduce water runoff and improve water quality; and,
- g) Proposed development shall consider how energy efficiency measures, LID measures, innovative servicing technologies or other sustainable measures can be incorporated into site and building design."

The applicant has demonstrated through the Functional Servicing Report and Stormwater Management Report that the proposal can be serviced. The environment and sustainability have been considered in the proposed development as is demonstrated through the applicant's commitment to re-establish the tree canopy on site and to incorporate timber construction, high-quality materials and passive ventilation (B.4.4.14.1). Passive House Certification and Zero On-Site Carbon will be pursued throughout the development process including the use of geothermal (B.4.4.14.1).

Therefore, the proposal complies with the UHOP and the Waterdown Community Node Secondary Plan.

### **City of Hamilton Zoning By-law No. 05-200**

The subject lands are currently zoned Community Institutional (I2, 757) Zone in the City of Hamilton Zoning By-law No. 05-200. The Community Institutional (I2, 757) Zone permits a range of institutional and residential uses. Exception 757 permits a multiple dwelling within any existing building designated under the *Ontario Heritage Act* and

establishes a range of zoning standards related to the use. The applicant has requested Exception 757 not be carried forward as the proposal does not contemplate designation of the existing place of worship under the *Ontario Heritage Act* or contemplate establishing a multiple dwelling within the existing place of worship. To implement the proposed development, a rezoning to the Community Institutional (I2, 825) Zone is required. The site-specific modifications to accommodate the proposal are outlined in the Report Fact Sheet and discussed in further detail in Appendix “F” attached to Report PED23032.

## RELEVANT CONSULTATION

| Departments and Agencies  |   |  |
|---|---|--|
| <ul style="list-style-type: none"> <li>Planning and Economic Development Department, Economic Development Division, Commercial District and Small Business Section and Corporate Real Estate Office Section; and,</li> <li>Public Works Department, Environmental Services Division, Parks and Cemeteries Section.</li> </ul> |   | No comment   |
|   | Comment   | Staff Response   |
| Development Engineering Approvals Section and Growth Planning Section, Growth Management Division, Planning and Economic Development Department   | <p>Development Engineering is able to support this application.</p> <p>The proponent has demonstrated through the Functional Servicing Report (FSR) and Stormwater Management (SWM) Report that the proposed development can be serviced without adverse impacts to the existing City infrastructure.</p> <p>The proponent shall address all City staff comments prior to submitting the site plan engineering drawings. Further, a detailed review of the Site Servicing, Grading Plans, site access and Stormwater Management strategy will be conducted at the Site Plan/Building Permit application stage to confirm compliance with City Standards.</p> <p>An external works agreement will be required for the proposed extension of the 300 mm storm sewer along Kelly Street to service the site.</p> | <p>Should the application be approved, matters related to site servicing, grading, site access, external works agreement and stormwater management will be addressed at the Site Plan Control stage.</p> <p>The proponent has to submit a revised FSR, SWM report and Water Assessment during the Site Plan Control stage.</p> |

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|   | <b>Comment</b>   | <b>Staff Response</b>   |
|---|--|---|
| Development Engineering Approvals Section and Growth Planning Section, Growth Management Division, Planning and Economic Development Department<br><b>Continued</b> | <p>It is noted that the subject lands are within Registered Plan 62M-174. According to information provided with the application, the intent for tenure is rental.</p> <p>It should be determined if there are any implications arising from the adjacent Registered Plan of Subdivision, 62M-174.</p> <p>As noted in FC-21-127, 308 Parkside Drive is not a valid address and the correct current address for the subject lands is 306 Parkside Drive.</p> <p>The owner and agent should be made aware that the addresses for this proposal will be determined after Conditional Site Plan Approval is granted.</p> |   |
| Source Protection Planning, Public Works Department,  | Source Protection Planning has reviewed the applicant's revised Hydrogeology Assessment (Pinchin Ltd., November 2, 2022). The applicant has fulfilled the additional requirements and demonstrated that the seasonal high groundwater levels are below the lowest basement elevations. We have no further comments.  | Noted.  |
| Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department   | <p>Transportation Planning generally supports the proposed Zoning By-Law Amendment as the subject development can be accommodated by the surrounding road network without significant concerns provided that the following requirements are provided:</p> <ul style="list-style-type: none"> <li>Approximately, 3.0 metres are to be dedicated to the right-of-way on Parkside Drive.</li> </ul> <p>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>   | The required right-of-way dedication has been identified on the concept plan. Should the application be approved, any required dedications and bicycle parking spaces will be addressed at the Site Plan Control stage. |



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|   | <b>Comment</b>  | <b>Staff Response</b>   |
|---|---|---|
| Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department<br><b>Continued</b> | <p>Without setting precedent, the subject application does not necessitate the submission of a Transportation Impact Study due to the limited number of residential dwelling units proposed and the projected low vehicular impact to the surrounding road network.</p> <p>Provide short-term bicycle parking within the property limits as per the City of Hamilton Zoning By-Law No. 05-200 for the proposed land use type.</p> |   |
| Landscape Architectural Services, Environmental Services Division, Public Works Department  | We request cash in lieu of parkland dedication, if applicable. Outdoor landscaping/amenity space shall not count toward parkland dedication.  | Should the application be approved, these matters will be addressed at the Building Permit stage.                   |
| Waste Management Operations Section, Environmental Services Division, Public Works Department   | <p>The multi-residential buildings will require front-end bin service for collection of garbage and cart collection for recycling and organic waste. The townhouse blocks require collection in front of each dwelling unit.</p> <p>The applicant is working towards satisfying Waste Management requirements to be eligible for municipal waste collection.</p>  | Should the application be approved, Waste Management requirements will be addressed at the Site Plan Control stage. |
| Forestry and Horticulture Section, Environmental Services Division, Public Works Department   | <p>Forestry conditionally approves the tree management plan revision 2, dated 2022-10-11, based on the existing property lines, if there is a right of way widening, resubmission of updated data would be required.</p> <p>Street trees shall be shown within the public right of way. Existing trees on Parkside Drive are shown on private property.</p>   | Should the application be approved, the Landscape Plan will be addressed at the Site Plan Control stage.            |

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 306 Parkside Drive, Flamborough (PED23032) (Ward 15) - Page 18 of 23**

|   | <b>Comment</b>  | <b>Staff Response</b>   |
|---|---|---|
| Forestry and Horticulture Section, Environmental Services Division, Public Works Department<br><b>Continued</b> | Dependent on primary hydro offsets, small hydro friendly trees may be required if shown within 3m of the pole line. Spacing of 4 to 8m, following a preference of 6 to 7m spacing is required for small species.  |   |
| Niagara Escarpment Commission   | <p>The site is designated Urban Area in the Niagara Escarpment Plan (NEP) but it is outside the area of development control therefore a development permit is not required from the NEC. However, NEP policies continue to apply to the site.</p> <p>The proposal is generally permitted in the Urban Area. The NEC is satisfied that the proposal is consistent with Part 2.10 (Cultural Heritage) of the NEP and that potential impacts could be mitigated as per the submitted CHIA. The NEC requested that consideration be given to Part 1.7.5.2 of the NEP which encourages the implementation of LID/green infrastructure on the site.</p> <p>As proposed, NEC staff have no objections to the proposal.</p> | Noted, NEC staff will be circulated the future Site Plan Control application. |
| Alectra Utilities   | <p>Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense.</p> <p>Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment. Developers to acquire an easement, if required.</p>   | Noted.  |

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 306 Parkside Drive, Flamborough (PED23032) (Ward 15) - Page 19 of 23**

|                             | <b>Comment</b>  | <b>Staff Response</b>   |
|-----------------------------|---|---|
| Enbridge                    | The existing church on this site is currently serviced with gas. The redevelopment of the site may have impacts to the service, and if the new buildings wish to be serviced with natural gas, a gas main extension will be required within the site. Note: It is recommended that submissions for gas servicing be applied for a minimum of 10 months in advance of the gas need date. | Noted.  |
| <b>Public Consultation</b>  |   |   |
| <b>Issue</b>                | <b>Comment</b>  | <b>Staff Response</b>   |
| Amendment to Secondary Plan | Concern that the Secondary Plan would be amended to facilitate the proposal.  | The proposal complies with the Waterdown Community Node Secondary Plan.   |
| Tree Retention              | Concern that the existing trees on site will be removed.  | Of the 74 trees inventoried, seven privately-owned trees are proposed for removal. 38 compensation plantings are shown on the proposed Landscape Plan which exceeds the City's guidelines.                            |
| Traffic                     | Concern that the proposed development will create negative traffic impacts.   | A Traffic Impact Study (TIS) was not required in support of the application due to the limited number of residential dwelling units proposed and the projected low vehicular impact to the surrounding neighbourhood. |

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 306 Parkside Drive, Flamborough (PED23032) (Ward 15) - Page 20 of 23**

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| Issue          | Comment   | Staff Response   |
|----------------|---|--|
| Privacy        | Concerns that the proposal will lead to a loss of privacy.                    | A 7 metre rear yard will be incorporated throughout the site. Increased tree planting is proposed and existing mature trees along the perimeter of the site will help mitigate privacy concerns.                           |
| Noise          | Concerns that the proposal will lead to increase levels of noise.             | The proposal contemplates other sensitive land uses. No increase in noise is anticipated beyond the normal noise levels of sensitive land uses.  |
| Lighting       | Concerns that the proposal will lead to light trespass onto adjacent lands.   | The City of Hamilton Site Lighting Guidelines protect adjacent properties from light trespass by limiting the allowable maximum light level at the edge of the site. A Lighting Plan is a condition of Site Plan approval. |
| Plans Provided | Concern that the plans circulated to the public are not large enough to read. | The public may request plans in a larger or alternative format at any time by contacting City staff.   |

## **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 May 10, 2022. The Public Notice sign was posted on the lands May 12, 2022 and updated with the Public Meeting date on January 18, 2023. A Notice of Public Meeting was sent to property owners within 120 metres of the subject lands on January 27, 2023, in accordance with the requirements of the *Planning Act*.

To date, one petition signed by 73 members of the public and eight comments were received expressing concern regarding the proposed Zoning By-law Amendment. The submissions are summarized above and included in Appendix “E” attached to Report PED23032.

### **Public Consultation Strategy**

The Applicant held a virtual Neighbourhood Meeting on September 27, 2022. Twenty-four members of the public were in attendance in addition to the applicant’s project team, local Ward Councillor and City of Hamilton Planning staff. The concerns expressed by members of the public are summarized by the Applicant and are included as Appendix “E-1” attached to Report PED23032.

### **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 and conforms to the Niagara Escarpment Plan (2017) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
  - (ii) The proposed development complies with the Urban Hamilton Official Plan; and,
  - (iii) The proposal is compatible with and complementary to the existing and planned land uses in the immediate and surrounding area, represents good planning by, among other things, creating a compact and efficient urban form, providing an alternative housing typology and tenure option, making efficient use of existing infrastructure within the urban boundary, managing and preserving built heritage assets, encouraging active transportation, developing a complete community and providing affordable and barrier-free housing options to support the community and surrounding area.
2. Zoning By-law Amendment

The application for Zoning By-law Amendment is for a change in zoning from the site-specific, Community Institutional (I2, 757) Zone to the site-specific, Community Institutional (I2, 825) Zone in the City of Hamilton Zoning By-law No. 05-200, to permit development of 44 purpose built rental dwelling units. The modifications are identified on Pages 4 and 5 of Report PED23032 and discussed in detail in Appendix “F” attached to Report PED23032.

The principle of land use was negotiated and established through development of the Waterdown Community Node Secondary Plan. The proposed use implements what was agreed to during that process. As such, the proposed use is a built form encouraged and envisioned by the UHOP and the Waterdown Community Node Secondary Plan. The proposal does include a reduction in required parking for the place of worship however the parking study submitted with the application estimates a peak parking demand of 42 spaces and the proposal retains and preserves the existing heritage asset, provides affordable housing units, includes sustainability features such as timber construction and enhancing the existing tree cover, and capitalises on existing municipal infrastructure and services, therefore, staff support the proposed amendment to the Zoning By-law.

3. Site Plan

A Site Plan Control application shall be required to implement the proposal as 44 residential dwelling units are proposed on site. Furthermore, the parking lot and drive aisle construction and increased intensification of the use are also subject to a Site Plan Control application. An exemption to the Site Plan Control process shall not be granted to implement this proposal.

## **ALTERNATIVES FOR CONSIDERATION**

Should the Zoning By-law Amendment application be denied, the subject lands could be utilized in accordance with the existing Community Institutional (I2, 716) Zone within the City of Hamilton Zoning By-law No. 05-200. This zone permits a range of institutional and residential uses including, but not limited to, a community garden, day nursery, duplex dwelling, place of worship, semi and single detached dwellings and street townhouse 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.

### **Clean and Green**

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

**Culture and Diversity**

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

**Our People and Performance**

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

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report PED23032 - Location Map

Appendix "B" to Report PED23032 - Amendment to Zoning By-law 05-200

Appendix "C" to Report PED23032 - Revised Concept Plan

Appendix "D" to Report PED23032 - Concept Elevations and Renderings

Appendix "E" to Report PED23032 - Public Submission

Appendix "E-1" to Report PED23032 – Applicant's Responses to Public Comments  
Received

Appendix "F" to Report PED23032 - Zoning By-law Site Specific Modification Chart

DM:sd