



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	July 11, 2023
SUBJECT/REPORT NO:	Application for Zoning By-law Amendment for Lands Located at 329 Highland Road West, Stoney Creek (PED23120) (Ward 9)
WARD(S) AFFECTED:	Ward 9
PREPARED BY:	Aminu Bello (905) 546-2424 Ext. 5264
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Amended Zoning By-law Amendment Application ZAC-20-004 by WEBB Planning Consultants Inc., on behalf of Toscani Developments Ltd., Owner**, for a change in zoning from Single Residential Zone “R1” Zone to Low Density Residential (R1, 850) Zone, Modified, to permit eight single detached dwellings on a condominium road, for a portion of the lands located at 329 Highland Road West, as shown on Appendix “A” attached to Report PED23120, be **APPROVED** on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED23120, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the amending By-law attached as Appendix “B” attached to Report PED23120, be added to District Map No. 1550 of Zoning By-law No. 05-200 as R1, 850 Zone;
- (c) 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);

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- (d) That the proposed change in zoning comply with the Urban Hamilton Official Plan (UHOP).

EXECUTIVE SUMMARY

The Applicant, WEBB Planning Consultants on behalf of Toscani Developments has applied for a Zoning By-law Amendment to permit eight single detached residential dwellings on a condominium road. The subject lands municipally known as 329 Highland Road West is located west of Second Road West in the Heritage Green neighbourhood. A separate Draft Plan of Common Element Condominium application (File 25CDM-202003) has been submitted by the Applicant to establish tenure for the private road and visitor parking in favour of the eight single detached dwellings proposed on the subject lands.

The purpose of the Zoning By-law Amendment is to rezone a portion of the subject lands from Single Residential "R1" Zone to Low Density Residential (R1, 850) Zone, Modified, in Hamilton Zoning By-law 05-200 and the balance of the subject lands are to remain in the former Stoney Creek Zoning By-law No. 3992-92. The proposed development is not subject to Site Plan Control as a result of recent changes made to the *Planning Act* through Bill 23. A future Consent application will be required to establish eight individual freehold lots on a road common element condominium road accessed from Highland Road West.

On September 22, 2022, the Committee of Adjustment conditionally approved Consent application SC/B-19:118 to permit the conveyance of a 0.54 hectare vacant parcel of residential land and retain a 0.12 hectare land parcel containing an existing single family dwelling. Zoning By-law Amendment Application ZAC-20-004 does not propose a zone change for the northwest portion of the subject lands containing the existing single detached dwelling. City staff will create a separate municipal address for the 0.12 hectare lot once all conditions of Consent application SC/B-19:118 are satisfied. The balance of the subject property is proposed to be developed for eight single detached dwellings. The Applicant intends to submit a separate Consent application to create individual freehold lots for the eight single detached dwellings on the subject property.

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

- It is consistent with the Provincial Policy Statement (2020) (PPS);
- It conforms to A Place to Grow: Growth Plan or the Greater Golden Horseshoe (2019, as amended);
- It complies with the Urban Hamilton Official Plan (UHOP), the West Mountain Area (Heritage Green) Secondary Plan; and,

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- The proposal is compatible with the surrounding existing residential uses and represents good planning by, among other things, increasing the supply of housing unit and making efficient use of existing municipal servicing infrastructure.

Alternatives for Consideration – See Page 18

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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

HISTORICAL BACKGROUND

Application Details	
Owner:	Toscani Developments Ltd.
Applicant:	Webb Planning Consultants Inc.
File Number:	ZAC-20-004
Type of Application:	Zoning By-law Amendment.
Proposal:	To permit eight single detached dwellings on a condominium road.
Property Details	
Municipal Address:	329 Highland Road West, Stoney Creek.
Lot Area:	5,400 square metres (0.54 hectares).
Servicing:	Full municipal services.
Existing Use:	Single detached dwelling.
Documents	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS (2020).

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Documents	
A Place to Grow:	The proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).
Official Plan Existing:	Urban Hamilton Official Plan “Neighbourhoods” on Schedule E – Urban Structure and Schedule E-1 – Urban Land Use Designations.
Secondary Plan Existing:	“Low Density Residential 2b” in the West Mountain Area (Heritage Green) Secondary Plan.
Zoning Existing:	Single Residential “R1” Zone
Zoning Proposed:	Low Density Residential (R1, 850) Zone, Modified
Modifications Proposed:	<ul style="list-style-type: none"> • A condominium road shall be considered a street for zoning purposes; • To reduce the minimum side yard to 0.9 metres on the non-garage side of a Single Detached Dwelling; and, • To permit an inground waste system prior to the erection of the principal building or structure on the lot; and, • To prohibit Street Townhouses.
Processing Details	
Received:	December 21, 2020.
Deemed Complete:	January 16, 2020.
Notice of Complete Application:	Sent to 38 property owners within 120 metres of the subject property on January 29, 2020.
Public Notice Sign:	Posted January 31, 2020 and updated with public meeting date on June 21, 2023.
Notice of Public Meeting:	Sent to 74 property owners within 120 metres of the subject property on June 21, 2023.
Public Consultation:	N/A
Public Comments:	One email was received expressing concern with the proposed Zoning By-law Amendment application regarding potential impacts to existing trees on the adjacent property.
Processing Time:	933 days from date of receipt of initial Application. 250 days from receipt of the revised Concept Plan.

Existing Land Use and Zoning:

	Existing Land Use	Existing Zoning
Subject Lands:	Single detached dwellings	Single Residential “R1” Zone

Surrounding Land Uses:

North	Single detached dwelling and Glenhollow Park	Single Residential “R2-32”, Modified and Open Space “OS” Zone
South	Eramosa Karst Conservation Area.	Conservation/Hazard Lands (P5) Zone
East	Single detached dwelling	Single Residential “R1” Zone
West	Single detached dwelling	Neighbourhood Development “ND” Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2020)

The Provincial Planning Policy Framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS 2020), and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended. The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS (2020)

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal (formerly Local Planning Appeal Tribunal) approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest are reviewed and discussed in the UHOP analysis below.

As the application for a change in zoning complies with the Urban Hamilton Official Plan it is staff’s opinion that the application is:

- Consistent with Section 3 of the Planning Act;

- Consistent with the PPS; and,
- Conforms to A Place to Grow Plan: Growth Plan for the Greater Golden Horseshoe (2020, as amended).

Urban Hamilton Official Plan (UHOP)

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure, identified as “Built-up Area” on Schedule “G” and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the UHOP. The following policies, amongst others, apply to the proposal.

Neighbourhoods Designation

- “E.3.2.1 Areas designated Neighbourhoods shall function as complete communities, including the full range of residential dwelling types and densities as well as supporting uses intended to serve the local residents.
- E.3.2.3 The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 – Urban land Use Designations:
- a) Residential dwellings, including second dwelling units and housing with supports;
- E.3.2.4 The existing character of established Neighbourhoods designated areas shall be maintained. Residential intensification within these areas shall enhance and be compatible with the scale and character of the existing residential neighbourhood in accordance with Section B.2.4 – Residential Intensification and other applicable policies of this Plan.

Low Density Residential

- E.3.4.1 The preferred location for low density residential uses is within the interior of neighbourhoods.
- E. 3.4.2 Low density residential areas are characterized by lower profile, grade-oriented built forms that generally have direct access to each unit at grade.
- E. 3.4.3 Uses permitted in low density residential areas:
- a) shall include single-detached, semi-detached, duplex, triplex, fourplex, and street townhouse dwellings; and,

E.3.4.5 For low density residential areas, the maximum height shall be three storeys.

E.3.4.6 Development in areas dominated by low density residential uses shall be designed in accordance with the following criteria:

- a) Direct access from lots adjacent to major or minor arterial roads shall be discouraged;(OPA 142)
- b) Backlotting along public streets and in front of parks shall be discouraged. The City supports alternatives to backlotting, such as laneway housing and window streets, to promote improved streetscapes and public safety, where feasible;
- c) A mix of lot widths and sizes compatible with streetscape character; and a mix of dwelling unit types and sizes compatible in exterior design, including character, scale, appearance and design features; shall be encouraged. Development shall be subject to the Zoning By-law regulations for appropriate minimum lot widths and areas, yards, heights, and other zoning regulations to ensure compatibility; and,
- d) Development, including the creation of infill lots involving the creation of new public streets or extensions, shall generally proceed by way of plan of subdivision. Such plans shall achieve the logical and sequential extension of streets and municipal services and an efficient lotting pattern.

The subject lands are within the West Mountain Area (Heritage Green) and the surrounding area consists primarily of single detached dwellings. The proposed development contributes towards maintaining the established residential built form and expand the housing types and tenures within the neighbourhood in accordance to policies UHOP B.2.4.1.4. The size and scale of the proposed development is compatible with existing neighbourhood consisting primarily of low density forms within a physically stable area as per UHOP policies E.2.7.7 and E.3.4.6 (c). The proposal is for two storey single detached dwellings and does not exceed the UHOP's three storey maximum height requirement in accordance with UHOP policy E.3.4.5.

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 l), as follows;

- b) The relationship of the proposed development to existing neighbourhood character so that it builds upon desirable established patterns and built form;
- c) The contribution of the proposed development to maintaining and achieving a range of dwelling types and tenures;
- d) The compatible integration of the proposed 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 contribution of the proposed development to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;
- f) Existing and planned water, wastewater and stormwater capacity;
- g) The incorporation and utilization of green infrastructure and sustainable design elements in the proposed development;
- h) The contribution of the proposed development to supporting and facilitating active transportation modes;
- i) The contribution of the development to be transit-supportive and supporting the use of existing and planned local and regional transit services;
- j) The availability and location of existing and proposed public community facilities/services;
- k) The ability of the development to retain and/or enhance the natural attributes of the site and surrounding community including, but not limited to native vegetation and trees; and,
- l) Compliance of the proposed development with all other applicable policies”

The proposal represents a form of residential intensification which respects the established neighbourhood character, streetscape patterns and setbacks of the surrounding area. The proposal strikes a balance of the residential intensification criteria outlined in UHOP policy B.2.4.1.4 through its compatible integration of a more

compact built form and pedestrian connections to the existing sidewalk on Highland Road West. The proposal includes a shared vehicular and pedestrian access proposed along the condominium road and along the frontage of the northerly single detached dwellings within the development identified as Lots 1-4 on Appendix "C" attached to Report PED23120.

The proposal maintains the established pattern of dwelling types, tenures, builds on the existing built form and character of the neighbourhood. The proposal is an appropriate form of residential intensification that utilizes the existing municipal servicing with a compact built form. The proposed two storey building heights are in keeping with the surrounding area and is a compatible integration of scale and form relative to the existing single detached dwellings along Highland Road West. The Concept Plan submitted by the Applicant does not indicate any pole lighting along the proposed condominium road. There are existing municipal services available to accommodate the residential intensification and adequate transportation capacity on the abutting municipal roads as per policies B.2.4.1.4 f) and B.2.4.2.2 e). The proposal conforms to the Residential Intensification policies of the UHOP.

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."

Natural Heritage

"C. 2.5.5 New development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in Section C.2.5.2 to C.2.5.4 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there shall be no negative impacts on the natural features or on their ecological functions.

C. 2.5.8 New development or site alteration subject to Policies C.2.5.3 to C.2.5.7 requires, prior to approval, the submission and approval of an Environmental Impact Statement which demonstrates to the satisfaction of the City and the relevant Conservation Authority that:

- a) There shall be no negative impacts on the Core Area's natural features or their ecological functions;

- b) Connectivity between Core Areas shall be maintained, or where possible, enhanced for the movement of surface and ground water, plants and wildlife across the landscape; and,
- c) The removal of other natural features shall be avoided or minimized by the planning and design of the proposed use or site alteration wherever possible.”

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.”

The mapping within the UHOP Volume 1, Schedule “B” - Natural Heritage System and Volume 2, Map B.7.6-1 - West Mountain Area (Heritage Green) Secondary Plan and Volume 3: Map 1, Area Specific Policies Key Map), a Core Area is adjacent to the subject lands. Core Areas are the most important components of the Natural Heritage System in terms of biodiversity, productivity and ecological and hydrological functions.

The adjacent Core Area is identified as “Area Specific Policy USC-2 in Volume 3” in Schedule B – Natural Heritage System of the UHOP, and further characterized as the Eramosa Karst Area of Natural and Scientific Interest (ANSI). Karst is a landscape commonly developed on limestone, characterized by sink holes, sinking streams, closed depressions, subterranean drainage and caves. Further policy analysis is described in the Stoney Creek Area Specific Policies section of this Report.

A Vegetation Management Plan (VMP) and Landscape Plan were submitted in support of the Zoning By-law Amendment application. A total of 46 trees have been inventoried on the subject lands and adjacent properties and 31 trees are proposed to be removed to facilitate the proposed development. The trees that are proposed to be removed have been confirmed by staff as immature and low quality tree species.

The Applicant will be required to provide compensation for the removal of the trees on the subject lands. Staff have requested the Applicant consider tree planting in rear yards or along property boundaries to increase the long-term canopy cover on site. A Vegetation Management Plan and Landscape Plan have been identified as conditions of the Draft Plan of Common Element Condominium Application (File 25CDM-202003) and/or future Consent application for the creation of the individual freehold lots.

West Mountain Area (Heritage Green) Secondary Plan

The subject property is designated “Low Density Residential 1a” on Map B.7.6-1 B.2.3-1 Land Use Plan, in the West Mountain Area (Heritage Green) Secondary Plan.

“Volume 2

B. 7.6.2.2 Notwithstanding Section E.3.4 – Low Density Residential of Volume 1, the following policies shall apply to the lands designated Low Density Residential 2b and Low Density Residential 3c on Map B.7.6-1 – West Mountain Area (Heritage Green) – Land Use Plan:

- a) Low Density Residential 2b designation:
 - i. The permitted uses shall include single detached dwellings, duplex and semi-detached dwellings; and,
 - ii. The density shall not exceed 29 units per net residential hectare.

The proposal is compatible with the existing residential dwellings within the interior of the neighbourhood and proposes residential intensification adjacent to Highland Road West. The proposed development is providing single detached dwellings which complies with the maximum density of 29 units per net residential hectare required in the West Mountain Area (Heritage Green) Secondary Plan (B.7.6.2.2 i) ii).

Stoney Creek Area Specific Policies

“Volume 3

USC-2 Lands located south of Highland Road, west of Second Road West, municipally known as No. 293 to 385 Highland Road West, and including Highland Green Park.

- 1.0 As identified in the Eramosa Karst ANSI report (Buck, Worthington, and Ford, 2003) for the Developed Area, it is recommended that:
 - a) The geomorphology and hydrogeology of surface and subsurface karst features be protected;
 - b) Appropriate measures be taken to ensure the protection of the karst conduits that feed Nexus and Olmstead Springs. If future construction intersects a karst conduit, the hydrologic function of that conduit should be restored; and,

- c) Within the Developed Area of the Eramosa Karst ANSI, below grade fuel and chemical storage tanks shall be prohibited.”

The Hamilton Conservation Authority (HCA) owns and manages the adjacent property to the south known as the Eramosa Karst Conservation Area. The subject land is entirely located within the Eramosa Karst Provincial Earth Science Area of Natural and Scientific Interest (ANSI), as described in the *Eramosa Karst ANSI Report (Buck, Worthington, and Ford, 2003)*. It has been recognized the potential for undiscovered karst features/conduits beneath the developed area that may carry water to Nexus and Olmsted Springs. Staff note that proposed Lots 5 through 8 are within proximity of the 50 metre setback zone regulated by the HCA that has the potential to contain existing karst features/ conduits.

A Karst Assessment prepared by Terra-Dynamics Consulting Inc., dated December 1, 2020 was submitted in support of the Zoning By-law Amendment application ZAC-20-004. The subsurface investigations completed under the Karst Assessment concluded that there are no buried karst hazards located within the testing areas on the subject lands. However, the Applicant will be required to provide appropriate measures and construction techniques to be addressed through the HCA permit to ensure the protection of existing karst features in proximity of the subject lands. An HCA permit will be required as a condition of Draft Plan of Common Element Condominium application 25CDM-202003 and/or a future Consent application.

The HCA staff are satisfied development on the subject lands will not negatively impact the functions of any potential karst features located on adjacent lands. The proposal meets the intent of the UHOP policies and Stoney Creek Area Specific Policy USC-2.

City of Stoney Creek Zoning By-law No. 3692-92

The subject lands are currently zoned Single Residential “R1” Zone in former City of Stoney Creek By-law No. 3692-92. The Single Residential “R1” Zone permits single detached dwellings, with a minimum lot frontage of 18 metres for interior lots and 19.5 metres for corner lots.

The Applicant requested a change in zoning from Single Residential “R1” Zone to a modified Single Residential “R4” Zone in the former City of Stoney Creek By-law No. 3692-92 and a modification to permit a 0.6 metre side yard on the non-garage side of a single detached dwelling. Subsequent to the submission of the application, Council adopted new Low Density Residential Zones that applies to areas outside of approved Secondary Plans. The requested modification, as originally submitted, is not supported

by staff for the reasons outlined in the Analysis and Rationale for Recommendation of this Report and Appendix “D” attached to Report PED23120.

The staff recommended zoning category for a portion of the subject lands is Low Density Residential (R1) Zone, in the City of Hamilton Zoning By-law No. 05-200 to reflect the most current residential zone provision and the subject lands are proposed to be added to Zoning By-law No. 05-200. The northwest portion of the subject lands is to remain in Stoney Creek Zoning By-law No. 3692-92 as Single Residential “R1” Zone as shown in Appendix “A” attached to Report PED23120.

Hamilton Zoning By-law No. 05-200

A portion of the subject lands are proposed to be added to Zoning By-law No. 05-200 as the Low Density Residential (R1, 850) Zone, Modified. Staff have amended the application to rezone the lands to Low Density Residential (R1, 850) Zone, Modified and are recommending the Low Density Residential (R1, 850) Zone prohibits Street Townhouse Dwellings as the West Mountain (Heritage Green) Secondary Plan shall only permit single detached dwellings, duplex and semi-detached dwelling under the Low Density Residential 2b Designation. The Applicant agrees with the staff proposed amendments to the application, as shown on Appendix “D” attached to Report PED23120.

Further staff-initiated zone modifications are recommended to permit a reduced 0.9 metre side yard on the non-garage side of a single detached dwelling, tandem parking spaces on the front driveway and to permit an earth bin or similar container on subject lands. A detailed analysis of the staff recommended zone modifications are discussed in Appendix “D” to Report PED23120.

On May 10, 2023, City Council approved City Initiative CI 23-E for a housekeeping amendment to Zoning By-law No. 05-200 to resolve interpretation issues and ensure the Zoning By-laws remain up to date, etc. Sections 5.1 b) i) and ii) of Zoning By-law No. 05-200 formerly required that a parking space shall be located a minimum distance of 5.8 metres from the street line and no parking shall be located in the front yard or flankage yard. Appendix “A” to Report PED23074 recommended, among other things, that subsections 5.1 b) i) and 5.1 b) ii) are deleted in their entirety. Application of the above-noted zone provisions would result in undue owner hardship to accommodate on-site parking for residential dwellings with smaller lot widths. City Initiative CI 23-E came into force and effect on May 31, 2023, therefore it was not necessary for staff to exempt subsections 5.1 b) i) and 5.1 b) ii) in Appendix “B” attached to Report PED23120.

RELEVANT CONSULTATION

Departments and Agencies		
	<ul style="list-style-type: none"> Strategic Planning Section, Public Works Department. 	No Comment.
	Comment	Staff Response
Development Engineering Approvals Section, Planning and Economic Development Department.	<p>The proposed zone change is not anticipated to have a significant impact on the existing municipal water, storm sewer and sanitary servicing demands.</p> <p>All grading, servicing and drainage plans shall be reviewed and approved to the satisfaction of the Manager of Development Engineering Approvals.</p>	The items will be addressed through conditions of Draft Plan of Common Element Condominium 25CDM-202003 and the future Consent application for creation of the eight freehold lots.
Legislative Approvals/Staging of Development Section, Planning and Economic Development, Department.	<p>The Owner / Applicant will be notified of the proposed Common Element address for this development once Draft Plan Approval has been granted.</p> <p>The Owner / Applicant will be required to submit a plan indicating the mailing address unit numbers for the proposed development.</p>	The items will be addressed through conditions of Draft Plan of Common Element Condominium 25CDM-202003 and the future Consent application for creation of the eight freehold lots.
Forestry and Horticulture Section, Public Works Department.	There are no Municipal Tree Assets located on site; therefore a Tree Management Plan or Landscape Plan is not required.	Noted.
Hamilton Conservation Authority (HCA)	Staff are satisfied with the Karst Assessment Report findings. HCA staff recommend that all bedrock excavation works are supervised by a qualified karst specialist supervise to ensure that no caverns or grikes are exposed after excavation.	An HCA permit will be required as a condition of Draft Plan of Common Element Condominium 25CDM-202003 and the future Consent application for creation of the eight freehold lots.

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	Comment	Staff Response
Transportation Planning Section, Planning and Economic Development, Department.	<p>The Owner shall provide a provide a 1.5 metre wide pedestrian sidewalk along one side of the proposed private road access to Highland Road West.</p> <p>Staff note that are no sightline or visibility concerns at the proposed driveway access to Highland Road West.</p> <p>Without setting precedent, a Transportation Impact Study (TIS) is not required due to the limited number of proposed dwelling units and the limited impact to the surrounding road network.</p> <p>The existing right-of-way within the property limits is approximately 26.2 metres. No right-of-way dedications are required along Highland Road West.</p>	<p>The item will be addressed through Draft Plan of Common Element Condominium 25CDM-202003.</p> <p>Staff are satisfied with the Sightline Assessment prepared by Paradigm Transportation Solutions Ltd. dated March 28, 2022. No modifications are required to the site design based on the finding of this assessment.</p> <p>Noted.</p> <p>Noted.</p>
Recycling and Waste Disposal, Operations Division, Public Works Department.	<p>The proposed development is ineligible for municipal waste collection service subject to meeting the City's requirements for serviceability.</p>	<p>A private hauler must be arranged for the collection and waste and recycling materials. The proposal does not satisfy requirements outlined in the City's Waste Requirements for Design of New Developments and Collection (By-law 20-221).</p>
Canada Post	<p>Standard advisement and requirements relating to Canada Post's multi-unit policy and centralized mail facility.</p>	<p>The items will be addressed through conditions of Draft Plan of Common Element Condominium 25CDM-202003.</p>

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Public Consultation		
Issue	Comment	Staff Response
Tree Protection	Potential risks of damaging trees located on the adjacent property located immediately east.	<p>The Applicant will be required to submit a Tree Protection Plan to City satisfaction. The Tree Protection shall provide appropriate protection measures for any existing trees to minimize impacts from construction activities.</p> <p>The requirement for a Tree Protection Plan shall be addressed through a condition of Draft Plan of Common Element Condominium 25CDM-202003 and the future Consent Application for creation of the eight freehold lots.</p>

Public Consultation

In accordance with the provisions of the *Planning Act* and the Council approved Public Participation Policy, Notice of Complete Application was sent to 38 property owners within 120 metres of the subject property on January 29, 2020. A Public Notice sign was posted on the subject property following staff deeming the Zoning By-law Amendment application complete and updated with the Public Meeting date on June 23, 2023. Finally, Notice of the Public Meeting was given to 38 property owners within 120 metres of the subject lands on June 23, 2023. The Applicant provided a Public Consultation Strategy as part of their application which identified no additional neighbourhood engagement beyond the minimum requirements of the *Planning Act*.

To date, one email has been submitted expressing concern with potential impacts on an existing tree located on the adjacent property. Correspondence from the public is attached as Appendix “E” to Report PED23120.

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 complies with the general intent of the West Mountain Area (Heritage Green) Secondary Plan; and,
- (iii) The proposed development is compatible with existing land uses in the immediate area and represents good planning by, among other things, increasing the supply of housing units, making efficient use of land and existing infrastructure.

2. Zoning By-law Amendment

The Application for Zoning By-law Amendment is to rezone and add a portion of the subject lands into Zoning By-law 05-200 as Low Density Residential (R1, 850) Zone, Modified, to permit development of eight single detached dwellings on a private condominium road with access to Highland Road West on the basis that the proposal:

- Complies with the general intent of the Urban Hamilton Official Plan and West Mountain Area (Heritage Green) Secondary Plan.
- Will provide a built form that is compatible with the existing development in the surrounding area and respect and enhances the established character of the neighbourhood; and,
- Is an efficient use of existing municipal infrastructure and has adequate servicing capacity to accommodate the increase intensity of residential development.

Staff are recommending that the subject lands are taken out of the City of Stoney Creek By-law No. 3692-92 and rezoned to Low Density Residential (R1, 850) Zone, Modified, in the City of Hamilton Zoning By-law No. 05-200, to facilitate the proposal. Single detached dwellings are permitted within the “Neighbourhoods” designation of the UHOP and within the “Low Density Residential 2b” designation of the West Mountain/ Heritage Green Secondary Plan. An analysis of the Applicant proposed zone modifications are discussed in Appendix “D” attached to Report PED23120.

Several staff-initiated zone modifications are recommended in response to the Applicant’s requested zone modifications and to reflect the general provisions of the Zoning By-law.

Staff are not supportive of the Applicant's proposal for a 0.6 metre side yard on the non-garage side of a Single Detached Dwelling. The City's Construction and Materials Specifications Manual requires that a side yard contains a drainage swale with a 3:1 slope to achieve a depth of 0.15 metre. Based on this standard, a minimum 0.9 metre side yard is required to establish adequate space for a drainage from the property line to the building structure. The Applicant's proposed modification does not meet the City's Engineering standards and therefore cannot be supported by staff.

Staff have recommended technical modifications to subsection 4.3 (b) in the Zoning By-law No. 05-200 to permit the parking and landscaping within the common element condominium road that is deemed a street. The proposed Condominium Road that is deemed a street for purposes of applying the provisions of the Zoning By-law. Section 4.3 (b) of Zoning By-law No. 05-200 includes provisions for frontage on a street where a building or lot is legally tied to a common element road. The modifications are required to apply the provisions for parking, landscaping and an earth bin or similar container to permit these uses within the common element condominium road.

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

ALTERNATIVES FOR CONSIDERATION

Should the applications be denied, the lands could not be developed for the proposed eight lots for single detached dwellings. The lands could be developed in accordance with the Single Residential "R1" Zone, which permits single detached residential lots of larger lot sizes.

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 Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED23120 – Location Map

Appendix "B" to Report PED23120 – Draft Amendment to Zoning By-law No. 05-200

Appendix "C" to Report PED23120 – Concept Plan

Appendix "D" to Report PED23120 – Zoning By-law Site Specific Modification - Chart

Appendix "E" to Report PED23120 – Public Submission

AB:sd