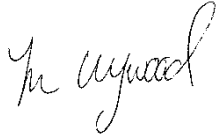




**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
 Planning Division

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	August 13, 2024
<b>SUBJECT/REPORT NO:</b>	Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 173 and 177 Dundas Street East, Flamborough (PED24068) (Ward 15)
<b>WARD(S) AFFECTED:</b>	Ward 15
<b>PREPARED BY:</b>	Alaina Baldassarra (905) 546-2424 Ext. 7421
<b>SUBMITTED BY:</b>	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	Per: 

**RECOMMENDATION**

- (a) That **Official Plan Amendment Application UHOPA-18-020, by MHBC Planning c/o Gerry Tchisler, on behalf of Hawk Ridges Home Inc., Owner**, to redesignate the subject lands from “Low Density Residential 2e” to “Low Density Residential 3c” in the West Waterdown Secondary Plan and add a Site Specific Policy to permit a density range of 27 to 53 units per hectare, for the lands located at 173 and 177 Dundas Street East, as shown on Appendix “A” attached to Report PED24068, be **APPROVED** on the following basis:
  - (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED24068, be adopted by City Council;
  - (ii) That the proposed Official Plan Amendment 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 general intent of the Urban Hamilton Official Plan and West Waterdown Secondary Plan;
- (b) That Amended **Zoning By-law Amendment Application ZAC-18-045, by MHBC Planning c/o Gerry Tchisler, on behalf of Hawk Ridges Home Inc.,**

---

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.

**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 173 and 177 Dundas Street East, Flamborough (PED24068) (Ward 15) - Page 2 of 12**

---

**Owner**, for a change in zoning by adding lands to the Low Density Residential (R1, 898) Zone in Zoning By-law No. 05-200, to permit the development of eight, three storey townhouse dwellings and ten, two storey townhouse dwellings with frontage on a condominium road with five visitor parking spaces, for the lands located at 173 and 177 Dundas Street East, as shown on Appendix “A” attached to Report PED24068, be **APPROVED** on the following basis:

- (i) That the draft Zoning By-law, attached as Appendix “C” to Report PED24068, 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 will comply with the Urban Hamilton Official Plan and West Waterdown Secondary Plan upon approval of the Official Plan Amendment.

## **EXECUTIVE SUMMARY**

The subject lands are municipally known as 173 and 177 Dundas Street East and are located on the north side of Dundas Street East and on the west side of Riley Street. The lands currently have a single detached dwellings on each of the properties. The City of Hamilton recently completed a city-initiated zoning project to add properties into the low density residential zones of Zoning By-law No. 05-200. The subject lands were not included in the city-initiated rezoning since there were active Official Plan Amendment and Zoning By-law Amendment applications affecting the properties.

The purpose of the Official Plan Amendment application is to redesignate the lands from “Low Density Residential 2e” to “Low Density Residential 3c” in the West Waterdown Secondary Plan to permit townhouse dwellings, and to add a Site Specific Policy to permit a density range of 53 units per hectare. . The existing” Low Density Residential 2e” designation in the Waterdown Secondary Plan only permits single detached dwellings, semi-detached dwellings, duplex and link dwellings and a maximum density of 26 units per hectare. The “Low Density Residential 3c” designation permits townhouses dwellings and apartments dwellings with a density range of 27 to 49 units per hectare.

The purpose of the amended Zoning By-law Amendment application is to add lands to the Low Density Residential (R1, 898) Zone in Zoning By-law No. 05-200. Site specific modifications to the Low Density Residential (R1, 898) Zone are proposed to facilitate the development and are discussed in detail in Appendix “E” attached to Report PED24068.

**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 173 and 177 Dundas Street East, Flamborough (PED24068) (Ward 15) - Page 3 of 12**

---

The effect of the applications will permit the development of 18 townhouse dwellings on a condominium road. The proposed development includes eight, three storey townhouse dwellings at the front of the property which includes outdoor amenity areas on the roof, and ten, two storey townhouse dwellings at the rear of the property. At-grade garages for each unit, and five visitor parking spaces, are provided. The vehicular access for the development will be from Dundas Street East.

The proposal 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);
- It complies with the general intent of the Urban Hamilton Official Plan and West Waterdown Secondary Plan in particular as it relates to the scale and intensification policies of the “Low Density Residential 3c” designation, upon approval of the Official Plan Amendment; and,
- The proposal represents good planning and facilitates orderly development as it will provide a built form on the edge of the neighbourhood that is compatible with the character of the area and provides a compact and efficient urban form on an underutilized site.

**Alternatives for Consideration – See Page 12**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

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

**HISTORICAL BACKGROUND**

**Report Fact Sheet**

<b>Application Details</b>	
Owner:	Hawk Ridges Home Inc.
Applicant/Agent:	MHBC Planning (c/o Gerry Tchisler).

**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 173 and 177 Dundas Street East, Flamborough (PED24068) (Ward 15) - Page 4 of 12**

---

<b>Application Details</b>	
File Numbers:	UHOPA-18-020 and ZAC-18-045.
Type of Applications:	Urban Hamilton Official Plan Amendment. Zoning By-law Amendment.
Proposal:	<p>The purpose of the Official Plan Amendment is to redesignate the lands from “Low Density Residential 2e” to “Low Density Residential 3c” in the West Waterdown Secondary Plan to permit townhouse dwellings and to add a Site Specific Policy to increase the maximum density to 53 units per hectare from the current Low Density Residential density range of 27 to 49 units per hectare.</p> <p>The purpose of the Zoning By-law Amendment is to add lands to the Low Density Residential (R1, 898) Zone in Zoning By-law No. 05-200.</p> <p>The effect of these applications is to facilitate the development of eight, three storey townhouse dwellings fronting onto Dundas Street East, which includes outdoor amenity areas on the roof, and ten, two storey townhouse dwellings at the rear of the property. Each unit has an at-grade garage, and there are five visitor parking spaces included in the proposal. The vehicular access for the development will be from Dundas Street East.</p>
<b>Property Details</b>	
Municipal Address:	173 and 177 Dundas Street East, Flamborough (see Location Map in Appendix “A” attached to Report PED24068).
Lot Area:	±0.36 hectares (rectangular shape).
Servicing:	Existing municipal services.
Existing Use:	Two single detached dwellings to be removed.
<b>Documents</b>	
Provincial Policy Statement:	The proposal is consistent with the Provincial Policy Statement (2020).
A Place to Grow:	The proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 173 and 177 Dundas Street East, Flamborough (PED24068) (Ward 15) - Page 5 of 12**

<b>Documents</b>	
Official Plan Existing:	“Neighbourhoods” on Schedule E – Urban Structure; and “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations.
Secondary Plan Existing:	“Low Density Residential 2e” on West Waterdown Secondary Plan Map B.4.1-1: Land Use Plan.
Secondary Plan Proposed:	To redesignate the property to “Low Density Residential 3c” with a Site Specific Policy on West Waterdown Secondary Plan Map B.4.1-1: Land Use Plan to permit townhouse dwellings. The purpose of the Site Specific Policy is to modify the existing density range of 27 to 49 units per hectare to 27 to 53 units per hectare.
Zoning Existing:	Urban Residential (Single Detached) “R1-6” Zone, Modified.
Zoning Proposed:	Low Density Residential (R1, 898) Zone.
Modifications Proposed:	<p>The following modifications are being proposed in the amending Zoning By-law:</p> <ul style="list-style-type: none"> <li>• To decrease the front yard setback from the Council approved 4.0 metres to 2.5 metres setback from the street line for the units adjacent to Dundas Street East and a minimum of 4.0 metres for all other street townhouse dwellings;</li> <li>• To reduce the setback for air conditioning units from 3.0 metres from the street line, a minimum setback of 0.6 metres from a side lot line and is screened from the street by an enclosure or landscaping to 1.7 metres from the street line, a minimum setback of 0.6 metres from a side lot line and is screened from the street by an enclosure or landscaping; and,</li> <li>• To reduce the minimum lot size from 180 square metres for each dwelling unit to 100 square metres for the units fronting Dundas and 140 square metres for all other units.</li> </ul> <p>The following staff-proposed modifications are recommended:</p> <ul style="list-style-type: none"> <li>• To reduce the minimum unit width from 6.0 metres to 4.9 metres for the units adjacent to Dundas Street East and a minimum of 5.3 metres for all other street townhouse dwellings.</li> </ul>

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.

**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 173 and 177 Dundas Street East, Flamborough (PED24068) (Ward 15) - Page 6 of 12**

<b>Documents</b>	
Modifications Proposed: <b>(Continued)</b>	<ul style="list-style-type: none"> <li>• To increase the maximum building height from 10.5 metres to 11.0 metres;</li> <li>• To modify the definition of Electric Vehicle Parking Space which requires any parking spaces to be equipped with electric vehicle charging equipment to allowing a parking space to be in proximity to a conduit that provides an opportunity for the installation of wiring to support a future electric vehicle charging station;</li> <li>• To reduce the amount of electric vehicle parking spaces from 100% of all parking spaces for street townhouse dwellings to a minimum of one electric vehicle parking space per residential unit, excluding any visitor parking space; and,</li> <li>• To reduce the minimum front yard landscaping from 50% to 35% for the units fronting on a condominium road.</li> </ul>
<b>Processing Details</b>	
Deemed Complete:	August 15, 2018.
Notice of Complete Application:	Sent to 66 property owners within 120 m of the subject lands on August 20, 2018.
Public Notice Sign:	Posted September 4, 2018, and updated with Public Meeting date July 17, 2024.
Notice of Public Meeting:	Sent to 66 property owners within 120 m of the subject lands on July 26, 2024.
Staff and Agency Comments:	Staff and agency comments have been summarized in Appendix "G" attached to Report PED24068.
Public Consultation:	On December 5, 2018, a public open house took place and 57 members from the public attended the public meeting. The applicant provided a copy of the comment sheets from the meeting. The public comments received at the meeting generally related to neighbourhood character and density, increased traffic, destruction of neighbouring properties, overloaded infrastructure, impact to on-street parking in the neighbourhood, construction nuisances, reduction in property value and privacy.

**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 173 and 177 Dundas Street East, Flamborough (PED24068) (Ward 15) - Page 7 of 12**

---

Public Comments:	Staff received 25 public comments for the application. A summary and copy of the public comments are attached as Appendix “H” to Report PED24068.
------------------	---

<b>Processing Details</b>	
Revised Submissions Received:	A resubmission was received on December 8, 2023.  The most recent submission provided in December was an engineering package which included a revised Functional Servicing Study and Stormwater Management Report, Engineering Drawing Set, Engineering Response Letter and Geotechnical Report to address outstanding comments. The most recent concept plan was revised in December of 2022 which increased the landscaping strips along the exterior property lines.
Processing Time:	2,190 days from deemed complete and 249 days from receipt of final revised submission.

**Existing Land Use and Zoning**

	<b>Existing Land Use</b>	<b>Existing Zoning</b>
<b>Subject Lands:</b>	Two single detached dwellings.	Urban Residential (Single Detached) “R1-6” Zone, Modified.

**Surrounding Land Uses:**

North	Single detached dwellings.	Urban Residential (Single Detached) “R1-23” Zone, Modified.
South	Single detached dwellings, Waterdown Public Library.	Urban Residential (Single Detached) “R1-6” Zone, Modified.
East	Single detached dwellings	Urban Residential (Single Detached) “R1-6” Zone, Modified.
West	Single detached dwellings	Urban Residential (Single Detached) “R1-2” Zone, Modified.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### **Provincial Planning Policy Framework**

A comprehensive policy review has been provided for the Provincial Policy Statement (2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) in Appendix “E” attached to Report PED24068.

### **Provincial Policy Statement (2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended)**

The proposed two and three storey townhouse dwellings are an efficient use of land and infrastructure and are proposed on full municipal services. The proposal will contribute to the range and mix of residential units in the neighbourhood, which will help accommodate households of all income levels and stages of life. The subject site is also located in proximity to community uses including the Waterdown Library, Rockcliffe Garden Park, and Guy Brown Elementary School. Accordingly, the proposal will contribute to the achievement of a complete community and encourage transit on an arterial road.

Based on the foregoing, the proposal is consistent with the Provincial Policy Statement (2020) and conforms to the applicable policies of A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

### **Urban Hamilton Official Plan**

The subject lands are identified as “Neighbourhoods” on Schedule E – Urban Structure and designated as “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations. The proposed development is identified as “Medium Density Residential” within the “Neighbourhoods” designation. A comprehensive review of the applicable Official Plan policies is attached as Appendix “E” to Report PED24068.

As noted within the Waterdown West Secondary Plan review below, staff are of the opinion that the proposed intensification along Dundas Street East is compatible with the existing streetscape and encourages the development of multiple modes of transportation on an arterial road by increasing the density to increase the possible ridership on a major road. The site is located close to a range of public uses, open space uses and commercial uses while increasing the housing options within the neighbourhood. Finally, the proposed development creates an appropriate lot size for townhouse dwellings that provide space for landscaping, outdoor amenity space and parking.



**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law  
Amendment for Lands Located at 173 and 177 Dundas Street East,  
Flamborough (PED24068) (Ward 15) - Page 9 of 12**

---

The Urban Hamilton Official Plan contains policies related to the provision of adequate infrastructure and servicing, including transportation and water/wastewater services. The applicant submitted a Transportation Impact Study dated June 2018, and a Sight Distance Review prepared by Paradigm Transportation Solutions Limited, dated July 22, 2019, and Transportation Planning was satisfied that the proposed driveway access is appropriate for the proposed development in terms of visibility, driveway width and driveway queue. In addition, a Functional Servicing Report and Stormwater Management Report by Odan DTEch Consulting Engineers, dated July 23, 2028, revised April 19, 2023, and revised December 5, 2023, in addition to supporting drawings were submitted and reviewed by Development Engineering staff. Based on the findings of the reports, Development Engineering staff has determined that the proposed development can be serviced with no adverse impacts to the existing City infrastructure. 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.

Based on the foregoing, the proposal complies with the general intent of the Urban Hamilton Official Plan subject to the recommended Official Plan Amendment.

**West Waterdown Secondary Plan (Volume 2)**

The subject lands are designated as “Low Density Residential 2e” on Map B.4.1-1: Land Use Plan in the West Waterdown Secondary Plan. In order to implement the proposal, an Official Plan Amendment is required to redesignate the lands to “Low Density Residential 3c” to permit the townhouse dwellings, and to add a Site Specific Policy that increases the Low Density Residential maximum density from 27 to 49 units per hectare to 27 to 53 units per hectare. The existing “Low Density Residential 2e” designation in the Waterdown Secondary Plan only permits single detached dwellings, semi-detached dwellings, duplex and link dwellings and a maximum density of 26 units per hectare. The “Low Density Residential 3c” designation permits townhouses dwellings and apartments dwellings with a density range of 27 to 49 units per hectare. A review of the applicable Official Plan policies is attached as Appendix “E” to Report PED24068.

Staff are satisfied that it is appropriate to redesignate the lands to “Low Density Residential 3c” as the site is located on the periphery of a stable residential neighbourhood along Dundas Street East which is identified as a major arterial road. As well, the site is located within 850 metres of Waterdown Public Library, Gary B. Brown Elementary School, Rock Cliffe Gardens outdoor area and Rockview Summit Park. The proposal is 1,000 metres away from a large commercial plaza with a transit stop within the parking lot. Staff are satisfied that the increased density along an arterial road can be supported because it encourages the use of multiple modes of transportation and is

**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 173 and 177 Dundas Street East, Flamborough (PED24068) (Ward 15) - Page 10 of 12**

---

located within 850 metres of the Waterdown Public Library, Gary B. Brown Elementary School, Rock Cliffe Gardens outdoor area and Rockview Summit Park, and one kilometre from a large commercial plaza. The proposed townhouses are compatible with the surrounding neighbourhood since the grade oriented uses are similar in design to the surrounding neighbourhood which reduces the impacts to the surrounding area.

Staff are satisfied that the proposed reduction in the Front Yard setback provides appropriate planting strips to buffer the adjacent residential uses. Staff have reviewed the site plan, elevations and urban design brief and the proposal is compatible with the surrounding area because the proposal is configured such that the two storey townhouse are located closer to the existing residential uses while the three storey townhouse are located along Dundas Street East in order to address transition of built form and compatibility with the surrounding area. Staff have reviewed the lot sizes and find the proposed townhouse dwelling lot widths are appropriate and will provide sufficient landscaping, amenity space, parking, and buffering. The detailed landscape design will be addressed as part of a future Site Plan Control application.

Therefore, Staff are satisfied that the proposed townhouse development is appropriate.

### **Zoning By-law No. 05-200**

The City of Hamilton recently completed a city-initiated low density residential zones project to add properties into Zoning By-law No. 05-200. The Low Density Zone permits a wide range of grade related residential uses including single detached dwellings, semi-detached dwellings, street townhouse dwellings, duplex dwellings and more. Currently, recent changes to the Low Density residential zone for the minimum required front yard setback is under appeal. Whether or not the original required setback is maintained or the new required setback is approved through the appeal process, the applicants would still need a site specific regulation to implement the proposal. These properties were not included in the city-initiated rezoning since there were active Official Plan Amendment and Zoning By-law Amendment applications on the property.

The proposed Zoning By-law Amendment is to add lands to the Low Density Residential (R1, 898) Zone in Zoning By-law No. 05-200, as shown on Appendix "C" attached to Report PED24068. The effect of this Zoning By-law Amendment will permit eight, three storey townhouse dwellings and ten, two storey townhouse dwellings with frontage on a condominium road and five visitor parking spaces. Modifications to the Low Density Residential (R1) Zone are required to facilitate the development and are evaluated in Appendix "F" attached to Report PED24068. The proposed zoning is discussed in the Analysis and Rationale section below.

## **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 general intent and purpose of the Urban Hamilton Official Plan and West Waterdown Secondary Plan, subject to the adoption of the proposed Official Plan Amendment; and,
  - iii) The proposal represents good planning by, among other things, providing a compatible residential development that contributes to the achievement of a complete community through the establishment of housing forms and densities that are in keeping with the existing and planned character of the surrounding area, while making efficient use of vacant underutilized land.
  
2. The purpose of the Official Plan Amendment is to amend Volume 2 of the West Waterdown Secondary Plan to redesignate the lands from “Low Density Residential 2e” to “Low Density Residential 3c” to permit townhouse dwellings and add a Site Specific Policy for an increased maximum density to 53 units per hectare, as shown in Appendix “B” attached to Report PED24068. A full review of the applicable Official Plan policies has been included in Appendix “E” attached to Report PED24068.

The proposed Official Plan Amendment can be supported as the development proposes an appropriate use, scale, and density, adds to the range of housing types, is compatible with the surrounding neighbourhood, and optimizes existing and planned infrastructure while supporting the viability of transit. The site is located within 850 metres of the Waterdown Public Library, Gary B. Brown Elementary School, Rock Cliffe Gardens outdoor area and Rockview Summit Park, and one kilometre from a large commercial plaza. The proposed development provides an improved streetscape along Dundas Street East and an additional built form within the residential neighbourhood.

As part of the Official Plan Amendment, a Site Specific Policy is required to permit a maximum density on the lands from the density range of 27 to 49 units per hectare to 27 to 53 units per hectare. The proposal provides a variety of residential units; does not create negative impacts on the surrounding residential or public spaces from a shadowing or privacy/overlook perspective; and is an efficient use of existing infrastructure along a major arterial road.

Therefore, staff supports the proposed Official Plan Amendment.

3. The proposed Zoning By-law Amendment rezones the subject lands to the Low Density Residential (R1, 898) Zone in Zoning By-law No. 05-200. An analysis of the applicant's proposed modifications is discussed in Appendix "F" attached to Report PED24068.

Staff are satisfied that the proposal meets the intent of the "Low Density Residential 3c" designation policies and applicable intensification policies of the Urban Hamilton Official Plan as outlined in Appendix "E" attached to Report PED24068.

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

### **ALTERNATIVES FOR CONSIDERATION**

Should the applications be denied, the subject lands could be used in accordance with the Urban Residential (Single Detached) (R1-6) Zone, which permits a single detached dwelling on the subject lands.

### **APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report PED24068 – Location Map  
Appendix "B" to Report PED24068 – Draft Official Plan Amendment  
Appendix "C" to Report PED24068 – Draft Zoning By-law Amendment  
Appendix "D" to Report PED24068 – Concept Plan and Building Elevations  
Appendix "E" to Report PED24068 – Zoning Modification Chart  
Appendix "F" to Report PED24068 – Policy Review  
Appendix "G" to Report PED24068 – Staff and Agency Comments  
Appendix "H" to Report PED24068 – Public Comments

AB:sd