

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO: Chair and Members Planning Committee	WARD(S) AFFECTED: WARD 11
COMMITTEE DATE: September 17, 2013	
SUBJECT/REPORT NO: Application to Amend City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 1297 Baseline Road (Stoney Creek) (PED13150) (Ward 11)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department	PREPARED BY: Alvin Chan (905) 546-2424 Ext. 1334
SIGNATURE:	

RECOMMENDATIONS

That **Zoning By-law Amendment Application ZAC-12-048, by Cretaro Homes, (Owner)**, for a change in zoning from the Neighbourhood Development “ND” Zone (Block 1) and the Single Residential “R1” Zone (Block 2) to a Single Residential “R3” Zone, with a Special Exception, in order to permit the development of 4 single detached dwellings, on the lands located at 1297 Baseline Road (Stoney Creek), as shown on Appendix “A” to Report PED13150, be **Denied** on the following basis:

- (a) That the application is not consistent with policies of the Provincial Policy Statement, as the proposed lot sizes are not consistent with those currently found within the neighbourhood, and are not complementary to the existing streetscape and gradation of density/lot widths along Baseline Road;
- (b) That the application does not conform to the Places to Grow Plan, as the proposal is not an appropriate type and scale of intensification for this area, and is not of an appropriate design that will not provide transition of built form to adjacent areas;

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- (c) That the application does not conform to Policies of Volume 1 of the Urban Hamilton Official Plan, as the proposal does not maintain or enhance the relationship with the existing neighbourhood character and streetscape, and is not compatible with the surrounding area in terms of scale, form, and character, or transition of height and density to adjacent residences;
- (d) That the application does not conform with Policy Section D-8, “Lot Severance” policies of the Hamilton-Wentworth Official Plan, as the proposal does not conform to the area municipal Official Plan;
- (e) That the application conforms to the Urban Lakeshore Area Secondary Plan, but does not conform with Policies A.1.1.3 and A.1.2.19 of the parent Stoney Creek Official Plan, and by default, does not conform to the Urban Lakeshore Area Secondary Plan, as per Policy Section F.3;
- (f) That the application conflicts with the criteria for subdivision of land, Section 51(24) of the Planning Act, as it does not conform to the Official Plan and adjacent plans of subdivision, and proposes lot dimensions and shapes which are not consistent with or harmonious to the existing streetscape and neighbourhood character.

EXECUTIVE SUMMARY

The purpose and effect of the application is to amend City of Stoney Creek Zoning By-law No. 3692-92, in order to permit the future development of the subject lands for 4 single detached residential lots on lands located at 1297 Baseline Road (see Appendix “A”).

The owner/applicant has also requested special exemptions to the proposed Single Residential “R3” Zone; in particular, a reduction in lot width and increase in minimum side yard requirements.

The proposal does not have merit and cannot be supported, as these applications are inconsistent with the Provincial Policy Statement, and do not conform to the Growth Plan for the Greater Golden Horseshoe, the Urban Hamilton Official Plan, the Hamilton-Wentworth Official Plan, and the City of Stoney Creek Official Plan.

Alternatives for Consideration - See Page 21.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)

Financial: N/A.

Staffing: N/A.

Legal: As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for an amendment to the Zoning By-law.

HISTORICAL BACKGROUND (Chronology of events)

Proposal:

The applicant proposes amendments to City of Stoney Creek Zoning By-law No. 3692-92 in order to permit the future development of the subject lands for 4 single detached residential lots, on lands located at 1297 Baseline Road (Stoney Creek). It is noted that future applications to the City of Hamilton for Consent to Sever or Draft Plan of Subdivision will also be required.

In particular, the applicant/owner has requested a change in zoning from the Neighbourhood Development “ND” and Single Residential “R1” Zones to the Single Residential “R3” Zone, with modifications to reduce the minimum lot width and increase the minimum side yard requirements.

Chronology:

June 27, 2012: Formal Consultation Meeting for File: FC-12-057.

November 22, 2012: Submission of Zoning By-law Amendment Application ZAC-12-048 by IBI Group (Agent), on behalf of Massimo Cretaro (Owner).

January 2, 2013: Application ZAC-12-048 is deemed complete.

January 11, 2013: Circulation of Notice of Complete Application and Preliminary Circulation for Application ZAC-12-048 to all residents within 120m of the subject lands.

January 28, 2013: Public Notice Sign was erected on the subject lands.

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August 30, 2013: Circulation of Notice of Public Meeting to all residents within 120m of the subject lands.

Details of Submitted Application:

Location: 1297 Baseline Road (Stoney Creek) (see Appendix “A”)

Owner/Applicant: Massimo Cretaro

Agent: IBI Group (c/o Jared Marcus)

Property Description: Lot Frontage: 45.006m
Lot Depth: 45.72m
Lot Area: 2,029 sq. m.

Servicing: Existing Municipal Services

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Single Detached Dwelling	Neighbourhood Development “ND” Zone and Single Residential “R1” Zone
<u>Surrounding Land Uses:</u>		
North	Single Detached Residential	Single Residential “R1” Zone
South	Vacant Lands and Single Detached Residential	Neighbourhood Development “ND” Zone and Single Residential “R3” Zone
East	Single Detached Residential	Single Residential “R1” Zone
West	John Willson Park	Neighbourhood Park (P1) Zone

POLICY IMPLICATIONS/LEGISLATED REQUIREMENTS

PLANNING ACT, R.S.O. 1990, CHAPTER P.13:

The subject application is to facilitate the future development and creation of 4 single detached residential lots. Accordingly, the merit of the proposed lot creation is also subject to review. The proposal conflicts with the criteria set out by Section 51(24) of the Act. In particular, *“in considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to:*

- (c) Whether the Plan conforms to the Official Plan and adjacent plans of subdivision, if any;*
- (f) The dimensions and shapes of the proposed lots;*
- (g) The restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;”*

In review, the proposed dimensions, lot shapes and sizes, and corresponding zoning modifications do not conform to the Official Plan policies, and is not consistent with the adjacent plans of subdivision. The proposal does not provide for an efficient development pattern, and is not compatible with the existing streetscape and neighbourhood.

In particular, it is noted that the surrounding neighbourhood is currently comprised of 15m lots, while the proposed lots will be significantly smaller at 11m. Additionally, this does not complement the existing gradation of densities and/or lot widths along Baseline Road, as the lots increase in size travelling westerly. Staff is of the opinion that the subject lands have sufficient lot width to accommodate property dimensions more consistent and complementary to those currently within the neighbourhood.

Based on the foregoing, staff is of the opinion that the proposed land use of “Residential” is appropriate; however, the proposed lots do not conform to the criteria, as established through the Planning Act, and is, therefore, not supportable.

Provincial Policy Statement:

The Provincial Policy Statement provides for Ontario's long-term prosperity, environmental health, and social well-being, which depend on wisely managing change and promoting efficient land use and development patterns. Efficient land use and

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development patterns support strong, liveable, and healthy communities, protect the environment and public health and safety, and facilitate economic growth.

In principle, the intensification and redevelopment of the subject lands for additional residential housing is supportable; however, intensification is to be provided in a form complementary to the existing neighbourhood.

In particular, Policy 1.1.1 requires that *“healthy, liveable, and safe communities be sustained by promoting an efficient development and land use pattern which sustains the financial well-being of the Province and municipalities over the long term.”*

Furthermore, Policy 1.1.3.2 requires that:

“Land use patterns within Settlement Areas shall be based on:

- a) *Densities and a mix of land uses which:*
 - 1. *Efficiently use land and resources;*
 - 2. *Are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; and,*
 - 3. *Minimize negative impacts to air quality and climate change, and promote energy efficiency, in accordance with Policy 1.8; and,*
- b) *A range of uses and opportunities for intensification and redevelopment, in accordance with the criteria in Policy 1.1.3.3.”*

Moreover, Policy 1.1.3.4 requires that *“appropriate development standards should be promoted which facilitate intensification, redevelopment, and compact form, while maintaining appropriate levels of public health and safety.”*

The concept plan proposes lot sizes that are not consistent with those currently found within the neighbourhood, being 15m, and would result in the smallest lot width in the area, being 11m. The dimensions are not complementary to the existing streetscape, and would not align with the current gradation of density and/or lot widths, as the lots increase in size travelling westerly along Baseline Road.

Based on the foregoing, the proposed amendment is not supportable, as the proposal is not an efficient land use or development pattern, and is not compatible with the existing streetscape and neighbourhood.

Notwithstanding the above, Policy 2.6.2 outlines cultural heritage requirements, and Policy 1.7.1(e) outlines noise mitigation for sensitive land uses. It is noted that the requisite studies were submitted, and upon review, staff is of the opinion that the Provincial interest, with respect to cultural heritage resources and appropriate noise mitigation for sensitive land uses, has been appropriately addressed.

Growth Plan for the Greater Golden Horseshoe (Places to Grow):

Policy Section 2.2 of the Plan, provides policy direction with respect to where and how to grow within the greater Golden Horseshoe. In particular, Policy 2.2.2 states that:

“1. Population and employment growth will be accommodated by:

- a) Directing a significant portion of new growth to the built-up areas of the community through intensification; and,*
- b) Focusing intensification in intensification areas”.*

As mentioned above, staff is of the opinion that the principle of intensification of the subject lands conforms to the Plan. However, the proposal conflicts with Policy 2.2.3.6, whereby municipalities are to develop and implement, through their Official Plans and other supporting documents, a strategy and policies to phase in and achieve intensification and the intensification target; in particular Sub-Policy (g), which requires that development be of an appropriate type and scale within intensification areas.

Furthermore, Policy 2.2.3.7 requires that all *“intensification areas be planned and designed to c) provide high quality public open spaces with site design and urban design standards that create attractive and vibrant places; and f) achieve an appropriate transition of built form to adjacent areas,”* amongst other Sub-Policies.

As noted above, the proposed lot sizes are not consistent with those currently found within the neighbourhood, as the proposal will establish the smallest lot width within the area, which is not complementary to the existing streetscape. Additionally, the proposed lots would not align with the current gradation of density and/or lot widths along Baseline Road, as the lots currently increase in size travelling westerly towards Winona Road. In review of the proposal, staff notes that the subject lands have adequate frontage to establish a more amenable lot size that would be consistent with the existing neighbourhood.

Based on the foregoing, staff is of the opinion that the proposed development concept of residential intensification is supportable; however, the particular proposed lot shapes and sizes are not consistent with the area, would not be complementary to the existing

neighbourhood or gradation of density and/or lot width, and would, therefore, conflict with the policies of this Plan. Therefore, staff does not support the subject amendment.

New Urban Hamilton Official Plan:

The subject lands are designated “Neighbourhoods” on Schedule “E” - Urban Structure and Schedule “E-1” - Land Use Designations. The lands are also designated “Low Density Residential 2b” on Map B.7.3-1 - Urban Lakeshore Area Secondary Plan.

Policy Sections E.3.1.4 and E.3.1.5 of Volume 1 identified that the goals of the “Neighbourhood” designation are to:

“E.3.1.4 Promote and support design which enhances and respects the character of existing neighbourhoods, while at the same time, allowing their on-going evolution.

E.3.1.5 Promote and support residential intensification of appropriate scale, and in appropriate locations throughout the neighbourhoods.”

In review of the proposal, staff is of the opinion that the proposed lot sizes and dimensions do not enhance nor respect the character of the existing neighbourhoods, and is not of a scale appropriate for this area of the neighbourhood.

This is further reinforced by Policy E.3.2.4 of Volume 1, whereby *“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.”*

Furthermore, it is noted that, as per Policy E.3.4.6(c) of Volume 1, the design of residences should provide *“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.”*

As mentioned above, the concept plan proposes lot sizes that are not consistent with those currently found within the neighbourhood, being 15m, and would result in the smallest lot width in the area, being 11m. The dimensions are not complementary to the existing streetscape, and would not align with the current gradation of density and/or lot widths, as the lots increase in size travelling westerly along Baseline Road.

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Staff is supportive of residential intensification, as per Policy E.3.2.13, subject to Section B.2.4 - Residential Intensification Policies, F.1.14 - Lot Creation, and other applicable policies.

It should be noted that the Residential Intensification policies of Section B.2.4 remain under appeal to the Ontario Municipal Board; notwithstanding, in review of these policies, the proposal conflicts with B.2.4.1.4(a) to (c), inclusive, which state that:

- “a) The relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;*
- b) The development’s contribution to maintaining and achieving a range of dwelling types and tenures;*
- c) The compatible integration of the development with the surrounding area in terms of use, scale, form, and character. In this regard, the City encourages the use of innovative and creative urban design techniques;”*

Again, the particular proposed lot shapes and sizes are not consistent with the area, and would not be complementary to the existing neighbourhood or gradation of density and/or lot width along Baseline Road.

Furthermore, Policy B.2.4.2.2 requires that an application for a residential intensification development within the “Neighbourhoods” designation be evaluated with respect to:

- “a) The matters listed in Policy B.2.4.1.4;*
- b) Compatibility with adjacent land uses, including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;*
- c) The relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;*
- d) The consideration of transitions in height and density to adjacent residential buildings;*
- e) The relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;*
- f) The provision of amenity space and the relationship to existing patterns of private and public amenity space;*

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

Staff is of the opinion that the proposal satisfies Sub-Policies (b), (f), and (h) to (j); however, as opined above, the proposal does not conform to Sub-Policies (a), (c) to (e), and (g).

With respect to the Lot Creation policies of F.1.14, the proposal conflicts with Policy F.1.14.3.1(d); whereby the lots do not reflect the general scale and character of the established development pattern in the surrounding area, and does not take into consideration the existing lot frontages and areas, amongst other design aspects.

Lastly, it is noted that the subject lands are also subject to the Urban Lakeshore Area Secondary Plan of Volume 2 of the Urban Hamilton Official Plan. In review, the development conforms to the policies for “Low Density Residential 2(b)”, as per Policy B.7.3.1.2.

Based on the foregoing, staff is supportive of residential intensification, but cannot support the subject application, as the proposed lot shapes and sizes are not supportable, and would conflict with the Urban Hamilton Official Plan.

Hamilton-Wentworth Official Plan:

It should be noted that the majority of the Hamilton-Wentworth Official Plan is no longer in force and effect, but as the subject application was submitted prior to the Ontario Municipal Board decision on the Urban Hamilton Official Plan, the proposed development was evaluated against the Hamilton-Wentworth Official Plan policies.

The subject property is designated as Urban Area within the Hamilton-Wentworth Official Plan. Policy C-3.1 outlines that a wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. Urban Areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020.

As mentioned above, staff is of the opinion that the proposed land use of “Residential” conforms with the general lot creation policies of Section D-8.1. However, the Plan further identifies that Area Municipal Official Plans contain detailed policies consistent

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with the policies in this Plan. Staff has provided analysis of the Area Municipal Official Plan below; and as staff is of the opinion that the proposal does not conform to the area municipal Official Plan, the development does not conform, in principle, to the policies of the Hamilton Wentworth Official Plan.

City of Stoney Creek Official Plan:

It should be noted that the majority of the Stoney Creek Official Plan is no longer in effect, but as the subject application was submitted prior to the Ontario Municipal Board decision on the Urban Hamilton Official Plan, the proposed development was evaluated against the Stoney Creek Official Plan policies.

The lands are designated “Residential” on Schedule “A” - General Land Use Plan and “Low Density Residential” on Schedule “A4” - Urban Lakeshore Secondary Plan.

The primary uses permitted in areas designated on Schedule "A" as “Residential” shall be for dwellings with the location and type of residential densities identified through the relevant Secondary Plan provisions, as specified under this Sub-section, Sub-section A.13, F.3, and other relevant policies. In particular, Policy A.1.2.12 identifies that low density development permits single detached residential, with a density range of approximately 1-29 residential units per net residential hectare, located in the interior of the neighbourhood. The proposed development will provide for a density of approximately 16 units per net residential hectare.

However, Policy A.1.1.3 states that new Residential development or redevelopment shall ensure compatibility with surrounding existing and proposed development, and would not be subject to noxious environmental elements.

Additionally, Policy 1.2.19 states that:

- “1.2.19 In the development of new residential areas, and as far as practical in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of residential amenity:
- a) Provision and maintenance of adequate off-street parking;
 - b) Provision, improvement and/or maintenance of on-site landscaping; and,
 - c) The provision and maintenance of adequate separation distances and the placement of buffering features between residential uses of differing densities, as well as other land uses.

In addition, residential development and/or infilling within developed neighbourhoods shall not be on a scale so as to create a land use conflict with surrounding uses.”

The subject development proposes significantly reduced lot widths, thereby minimizing the opportunity for on-site landscaping, and reducing the amount of separation distance between the existing larger lot single detached residential and the proposed small lot single detached residential lots. It does not provide for a scale that is complementary to nor consistent with the existing streetscape and neighbourhood.

Notwithstanding the above, a Vegetation Management Plan and proposed conceptual Landscape Plan were submitted and, upon review by staff, it has been determined that the 11 trees identified for removal will require a 1:1 compensation for any trees that have been removed. However, it is noted that only 9 trees would need to be planted as compensation since 2 trees, Tree #3 (Green Ash) and Tree #8 (Norway Maple), have been identified as suffering from insect infestation. This requirement will be incorporated through the future severance applications.

Moreover, the owner/applicant is further advised that Note #5 indicates any fine grading within the preservation area is to be done by hand, with no heavy equipment permitted within the preservation zone. It is important to note that the City’s Tree Protection Guidelines (Revised October 2010) indicate that areas protected by temporary fencing are to remain undisturbed, which includes existing grades. It is also important to note that tree protection fencing is to be established, prior to construction, and is to remain in place throughout all phases of construction.

Furthermore, to ensure an appropriate buffering and interface between the open space area, staff has requested that the facades facing the park include a design strategy for providing passive surveillance of the park, while creating a visually attractive façade that is architecturally consistent with the front façade. It is noted that the owner/applicant has agreed to provide the necessary elevations through the future Consent Agreement to address this concern (see Appendix “D”).

Additionally, Policy C.1.1(a) of the General Provisions states that *“consents shall only be permitted where the application complies with the policies of this Plan, the Regional Official Plan, the Niagara Escarpment Plan, where the lands are located within the Escarpment Natural, Escarpment Protection, or Escarpment Rural Area, as shown on Schedule “B”, and the requirements of the Planning Act. Prior to the issuance of the Land Division Committee's certificate, the consent must conform with the appropriate Zoning By-law, where applicable.”*

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As per the review above, the proposed development does not conform, in principle, to the Hamilton-Wentworth Official Plan, and conflicts with the requirements of the Planning Act. Based on the foregoing, the proposal does not conform to the City of Stoney Creek Official Plan.

Lastly, Policy 1.2.27 requires similar assessment of noise mitigation for sensitive land uses. As mentioned above, a Noise Study was submitted and deemed satisfactory, subject to the required mitigation and noise warning clauses being implemented through the future Consent Agreements.

Urban Lakeshore Area Secondary Plan:

It should be noted that the Urban Lakeshore Area Secondary Plan forms part of the Stoney Creek Official Plan. Therefore, as noted above, as the majority of the Stoney Creek Official Plan is no longer in effect, but as the subject application was submitted prior to the Ontario Municipal Board decision on the Urban Hamilton Official Plan, the proposed development was evaluated against the Stoney Creek Official Plan policies.

Policy Section 13.4 provides the development criteria for development within the Urban Lakeshore Area Secondary Plan.

Similar to the above, Policy 13.4.3 requires residential development or redevelopment to conform to the minimum noise levels, as established by the Ministry of the Environment and Energy. Staff is satisfied, as the required noise mitigation measures and warning clauses will be applied through the future Consent Agreements.

Given the subject lands are west of Fifty Road, Policies 13.4.8 and 13.4.9 prescribe development standards with respect to a gradation of lot sizes. However, upon further review of implementing Official Plan Amendment No. 61 to the Stoney Creek Official Plan, the location of the amendment which incorporated this policy states that the amendment affects lands located on the west side of Fifty Road, north of Baseline Road, south of Lake Ontario, and east of Creanona Boulevard. As the subject lands are located west of Creanona Boulevard, this policy is not applicable.

Based on the foregoing, the proposed development for single detached dwellings conforms to the “Low Density Residential” designation and the applicable policies of the Urban Lakeshore Area Secondary Plan.

Winona North Neighbourhood Plan:

Section F.7.1 identifies that Neighbourhood Plans are intended to be a general guide plan for the development and redevelopment of the Urban Residential Neighbourhoods.

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Furthermore, Policy F.7.4 states that Neighbourhood Plans may be revised from time-to-time by resolution of Council, where such revisions are in conformity with the relevant policies of this Official Plan without formal amendment to this Official Plan.

The subject lands are identified as “Low Density Residential” and “Parkland/Open Space”. A map change, to square off the “Parkland/Open Space” designation to accurately reflect the existing limits of John Willson Park and the limits of the proposed residential development, will be required.

As previously mentioned, staff is of the opinion that the requested land use of “Low Density Residential” is supportable; however, there remain concerns with the proposed lot sizes and dimensions. Notwithstanding these concerns, a map change to the Winona North Neighbourhood Plan would be required, should the subject application be approved.

RELEVANT CONSULTATION

The following Departments and Agencies had no comments or objections to the applications:

- Taxation Division, Corporate Services Department.
- Recreation Division, Community Services Department.

Operations and Waste Management Division (Public Works Department) has advised that this development is eligible for weekly collection of garbage, recycling, and organics, as well as leaf and yard waste through the City of Hamilton, subject to compliance with specifications indicated by the Operations and Waste Management Division and with the City’s Solid Waste Management By-law No. 09-067.

Environment and Sustainable Infrastructure Division (Public Works Department) has identified that Transit Oriented Development, Transportation Demand Management, and the Accessibility for Ontarians with Disabilities Act provisions should be included within the development.

Staff notes that as per the Growth Management Division, Development Engineering Section, Engineering Approvals comments, at the development stage, the owner/applicant will be required to enter into and register a Consent Agreement with the City of Hamilton to deal with and address issues including, but not limited to: grading and drainage; requirements for trees, urbanization of the adjacent roads, sidewalk(s), cost recoveries for existing above and/or underground services, inspection of grading and services to be installed; and securities for items such as: estimated cost of services to be installed, lot grading, driveway approaches, and any damages to the existing City

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infrastructure or public property during construction, to the satisfaction of the Senior Director of Growth Management.

The above required improvements, in particular, sidewalks, trees, and general urbanization, will facilitate Transit Oriented Development, Transportation Demand Management, and the Accessibility for Ontarians with Disabilities Act and, therefore, has been appropriately addressed.

Traffic Engineering Section (Public Works Department) recommends that car 1½ width garages be provided. This would allow for additional space within the garage for storage and an increased likelihood of owners/tenants utilizing the garage for parking purposes. Accordingly, staff has included a modification to the parking provisions within a garage to address this requirement.

Additionally, it is noted that the existing driveway approach for the existing dwelling, which is to be demolished, is a continuous dropped curb with the driveway to the adjacent property to the east. The owner/applicant is advised that as a condition of approval for the future severance applications, the curb line will be reconstructed to provide the new driveway approaches.

Forestry and Horticulture Section (Public Works Department) has advised that Tree 8, being a 60cm Norway Maple on municipal property, is to be removed to accommodate construction, which would require a replacement value. However, as the tree is in fair condition and infected with insects, no replacement value shall be levied. Staff has no further comments or concerns with the Vegetation Management Plan.

The proposed Landscape Plan will require minor amendments. In particular, the common name for Acer Rubrum needs to be changed to Red Maple, and is to be single dominant. Moreover, all trees currently shown to front the properties should be moved onto the Municipal Road Allowance and off private lands.

The use of staking and guying within the road allowance is not required for trees greater than 50mm in caliper, as outlined in the City of Hamilton Planting Policy. A stakeless detail should be added to the Landscape Plan (L-2) and can be provided, if required.

It is noted that the Landscape Plan will be a condition of the future severance application and staff, therefore, has no further comments and/or concerns.

Hamilton Municipal Parking System has no concerns with the proposal, as long as all parking requirements are met on site. Driveways and garages should be designed without encumbrances to ensure they can be used for parking purposes. Staff notes that, as per the amending By-law (see Appendix "B"), an oversized single car garage will be provided along with the driveway space, ensuring adequate off-street parking.

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Additionally, the owner/applicant has acknowledged that driveway locations will be spaced such that on-street parking can be maximized, being a minimum of 6.5m between driveways, where feasible.

Health Protection Division (Public Health Department) requires that the new lots be serviced with municipal water and sanitary sewer services. Accordingly, any existing water well is to be abandoned, as required in Ontario Regulation 903, subject to a verification report from a professional engineer or a licensed well driller. Additionally, any existing septic tank shall be emptied by a Ministry of the Environment licensed sewage hauler and removed, along with any existing sewage leaching beds.

The proposed development will be municipally serviced from Baseline Road. With respect to abandonment of wells and/or removal of septic tanks/leaching beds, the owner/applicant will be required to confirm if these servicing components are present on-site and, accordingly, have them removed, in accordance with the measures identified above as conditions of approval of the future severance applications.

Ministry of Transportation has no concerns with the subject application. However, as this site is within the Ministry's 396m permit control area, a Building/Land Use Permit will be required prior to any construction. The owner must submit 2 copies of their Site Plan with the Building/Land Use Permit applications.

All applicable MTO permit applications may be obtained from our office, located on the 7th Floor, Building "D", 1201 Wilson Avenue, Downsview, Ontario, and they are also available on our website at:

www.mto.gov.on.ca/english/engineering/management/corridor/index.html

Staff notes that this requirement will be applied prior to the issuance of any Building Permit(s), as it constitutes applicable law. Additionally, staff has forwarded the subject comments to Building Services for their attention and file. Based on the foregoing, staff is satisfied that this matter will be addressed through the respective municipal Building Permit process.

Horizon Utilities has no objections, but has provided their standard comments and advisements. In particular:

- Do not excavate within 2m of hydro poles and anchors.
- Excavation within 1m of an underground hydro plant is not permitted, unless approval is granted by a Horizon Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.

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- Horizon Utilities must be contacted if the removal, isolation, or relocation of existing plant is required, and all costs associated with this work will be at the owner's expense.
- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 1-800-400-2255.
- Clearances from Overhead and Underground existing electrical distribution system must be maintained in accordance to:
 - Ontario Building Code (1997) Section 3.1 (3.1.18.1).
 - Electrical Safety Code Rule 75-312.
 - Occupational Health and Safety Act (OH&SA) - Construction Projects (Electrical Hazards).
 - CAN/CSA-C22.3 No. 1-10, Overhead System.
 - C22.3 No. 7- 10 Underground Systems.

PUBLIC CONSULTATION

In accordance with the new provisions of the Planning Act and the Council-Approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 85 property owners within 120m of the subject property on January 11, 2013.

A Public Notice sign was also posted on the property on January 25, 2013.

Notice of the Public Meeting was given in accordance with the requirements of the Planning Act on August 22, 2013.

To date, no letters of concern have been received from the public, and 1 request for additional information was received and addressed by staff.

ANALYSIS / RATIONALE FOR RECOMMENDATION

(include Performance Measurement/Benchmarking Data, if applicable)

1. The proposal does not have merit and cannot be supported for the following reasons:
 - (i) It is not consistent with Policies 1.1.3.2 to 1.1.3.4, inclusive, of the Provincial Policy Statement. In particular, the proposed lot sizes are not consistent with those currently found within the neighbourhood, and are not complementary to the existing streetscape. Furthermore, the

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proposed lot widths are not consistent with the current gradation of density and/or lot widths along Baseline Road, as the lots increase in size traveling westerly towards Winona Road.

- (ii) It does not conform to Policies 2.2.3.6(g) and 2.2.3.7 of the Places to Grow Plan, as the proposal is not an appropriate type and scale of intensification for this area, is not of an appropriate design, and does not achieve an appropriate transition of built form to adjacent areas.
 - (iii) It does conform to Policies, B.2.4.2.1 and B.2.4.2.2, Policies E.3.1.4, E.3.1.5, E.3.2.4, E.3.4.6(c), and Policy F.1.14.3.1(d) of Volume 1, of the Urban Hamilton Official Plan. In particular, the proposal does not maintain or enhance the relationship with the existing neighbourhood character and streetscape; is not compatible with the surrounding area in terms of scale, form, and character, and does not provide for an appropriate transition of height and density to adjacent residences.
 - (iv) It does not conform with Policy Section D-8, “Lot Severance” policies of the Hamilton-Wentworth Official Plan, as the proposal does not conform to the area municipal Official Plan.
 - (v) It conforms to the Urban Lakeshore Area Secondary Plan, but does not conform with Policies A.1.1.3 and A.1.2.19 of the parent Stoney Creek Official Plan. In particular, the development proposes significantly reduced lot widths, which minimize the opportunity for on-site landscaping and reducing the amount of separation distance between the existing larger lot single detached residential and the proposed small lot single detached residential. It is not a lot shape and size compatible with the surrounding existing and proposed developments, nor streetscape.
2. The applicant has requested modifications to City of Stoney Creek Zoning By-law No. 3692-92 in order to permit a reduced lot width and increased side yard requirement for the development of 4 single detached residential units within the Single Residential “R3” Zone.

Lot Frontage:

Staff does not support the requested reduction, as the proposed lot width would be the smallest in the neighbourhood, and would not maintain nor enhance the existing streetscape and relationship to the existing lot pattern, configuration, and scale of the neighbourhood.

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Furthermore, this change in lot width would not be compatible with the transition of density to adjacent residential buildings, as residential development increases in lot size when travelling westerly along Baseline Road towards the subject lands.

Based on the foregoing, the requested modification is not supportable.

Minimum Side Yard:

The primary purpose of a side yard is to ensure adequate space for servicing access requirements. It is noted that the development would be deemed as “Interior Lots” with an attached garage and, therefore, subject to the current Single Residential “R2” Zone provision whereby:

“No part of any dwelling shall be located closer than 1.25m, except as provided in Clauses 1, 2, and 3 below:

- 1. An attached garage or attached carport may be erected at a distance of not less than 1m from a side lot line which does not abut a flankage street;”*

It is noted that as the existing minimum side yard zoning provision does not appropriately address the City’s new “Lot Grading Policy, Criteria, and Standards for Single and Semi-Detached Dwellings Created Through Development Applications”, staff supports the requested modification. Therefore, should the subject application be approved, a modification to the minimum side yard requirement would be required to better reflect the new municipal standard/policy.

Minimum Parking Space Dimensions:

Upon review of the proposal by the Geomatics and Corridor Management Section, Public Works, and the Hamilton Municipal Parking System, a modification to increase the parking space dimensions within a garage to a 1½ car width is recommended. This modification would allow for additional space within the garage for storage, and an increased likelihood of owners/tenants utilizing the garage for parking purposes.

Based on the foregoing, staff supports the requested modification to increase the minimum parking space dimension within a garage.

3. **Growth Management Division, Development Engineering Section, Engineering Approvals** has advised there is a 300mm diameter municipal water main, a 250mm diameter sanitary sewer, and a 375mm diameter storm main fronting the property on Baseline Road to service the development proposal.

Staff has no concerns with the subject application, but advises the applicant/owner that the following matters will be applied as conditions of approval for future severance applications:

- a) The applicant/owner will be required to dedicate to the City of Hamilton sufficient lands across the frontage of the subject property adjacent to this roadway. This is to achieve a right-of-way width of 13.1m (43 feet) at this location from the original centreline of this roadway. The applicant/owner will be responsible for all costs related to the preparation and registration of legal documents and a Reference Plan for the road widening.
- b) The applicant/owner shall enter into and register a Consent Agreement with the City of Hamilton to deal with and address issues including, but not limited to: grading and drainage; requirements for trees, urbanization of the adjacent roads, sidewalk(s), cost recoveries for existing above and/or underground services, inspection of grading and services to be installed; and securities for items such as: estimated cost of services to be installed, lot grading, driveway approaches, and any damages to the existing City infrastructure or public property during construction, to the satisfaction of the Senior Director of Growth Management.

The Development Agreement will also incorporate the recommendations of the Noise Study, prepared, by dBA Environmental Services, titled "*Environmental Noise Impact Study, 1297 Baseline Road Development*", dated August 2012, and revised January 2013.

- c) The applicant/owner shall submit a detailed grading plan showing elevations based on geodetic datum, and include all areas on the site where proposed works are occurring, to the satisfaction of the Senior Director of Growth Management.

Elevations, existing and/or proposed, must be provided on property lines, centerline roads, back of municipal sidewalks, etc., adjacent development areas. Elevations must also be provided, where applicable, on the adjacent external lands, and must clearly demonstrate that existing drainage patterns will not be blocked or cause drainage to be directed towards the external lands.

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- d) The applicant/owner shall submit a detailed erosion and sedimentation control plan, to the satisfaction of the Senior Director of Growth Management. Erosion and silt control fencing will be required along the construction limits of the site. New catchbasins and/or manholes are to be protected during the construction phase. All erosion and sedimentation control must be in accordance with the "Greater Golden Horseshoe Area Conservation Authorities", "Erosion and Sediment Control Guideline for Urban Construction".
- e) The applicant/owner will be responsible to pay to the City any outstanding commutation charges assessed against the lands as a condition of Consent approval.

ALTERNATIVES FOR CONSIDERATION

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

Should the application be approved, staff would need to prepare an amendment to City of Stoney Creek Zoning By-law No. 3692-92, with modifications to the minimum lot frontage, side yard, and parking provisions, in order to permit the development of 4 single detached residential lots, through a future consent to sever or draft plan of subdivision application.

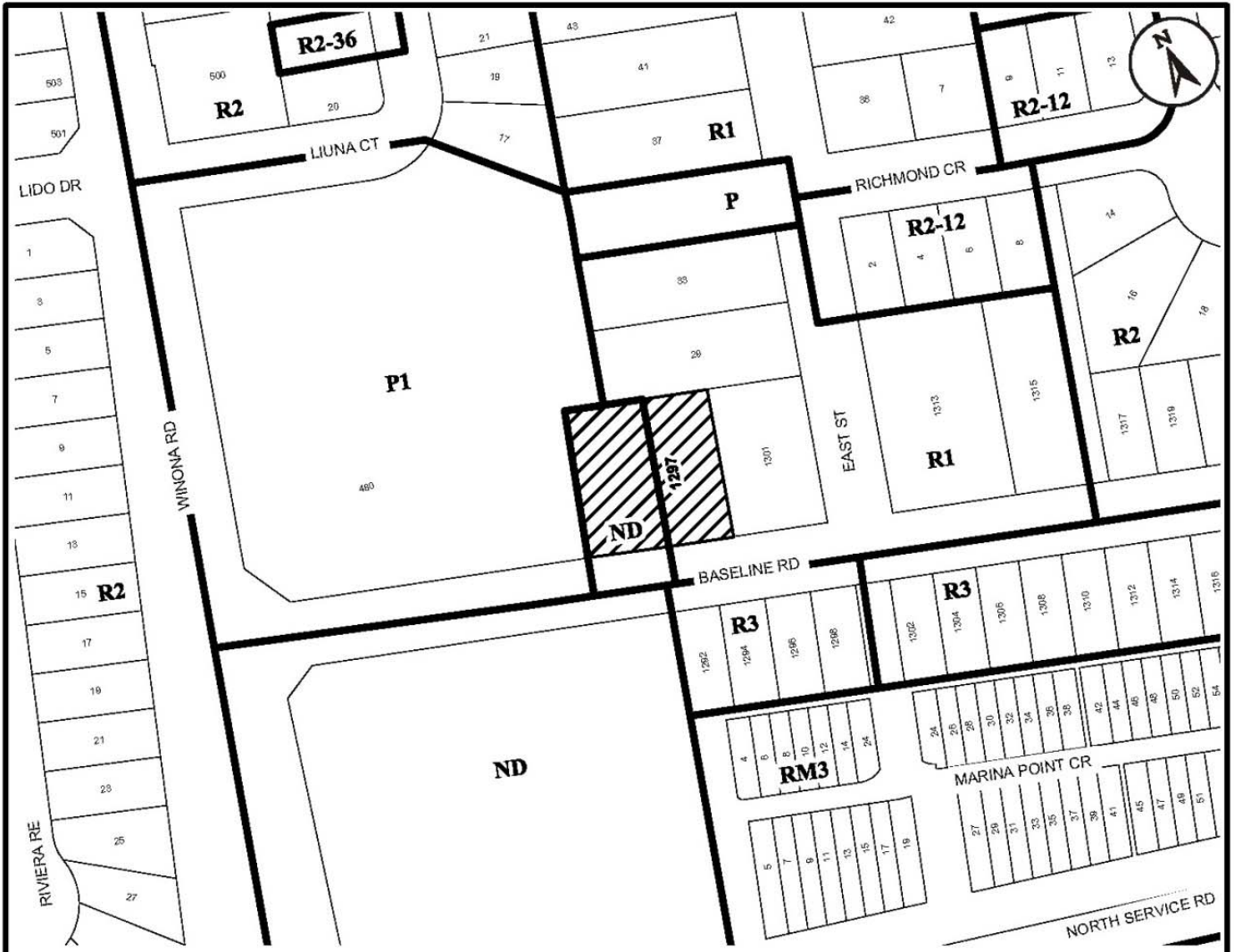
ALIGNMENT TO THE 2012 - 2015 STRATEGIC PLAN:

- N/A.

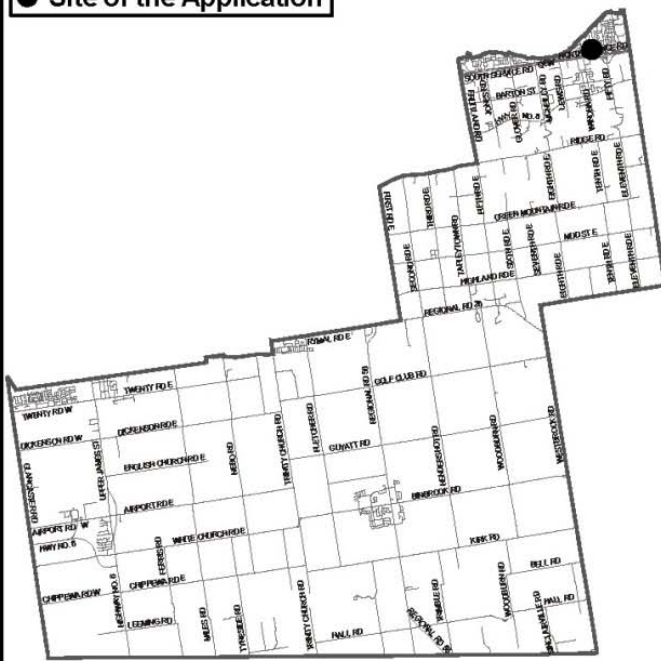
APPENDICES / SCHEDULES

- Appendix "A": Location Map
- Appendix "B": Concept Plan

:AC
Attachs. (2)



● Site of the Application



Ward 11 Key Map

N.T.S.



Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-12-048

Date:
July 26, 2013

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
AC/DB

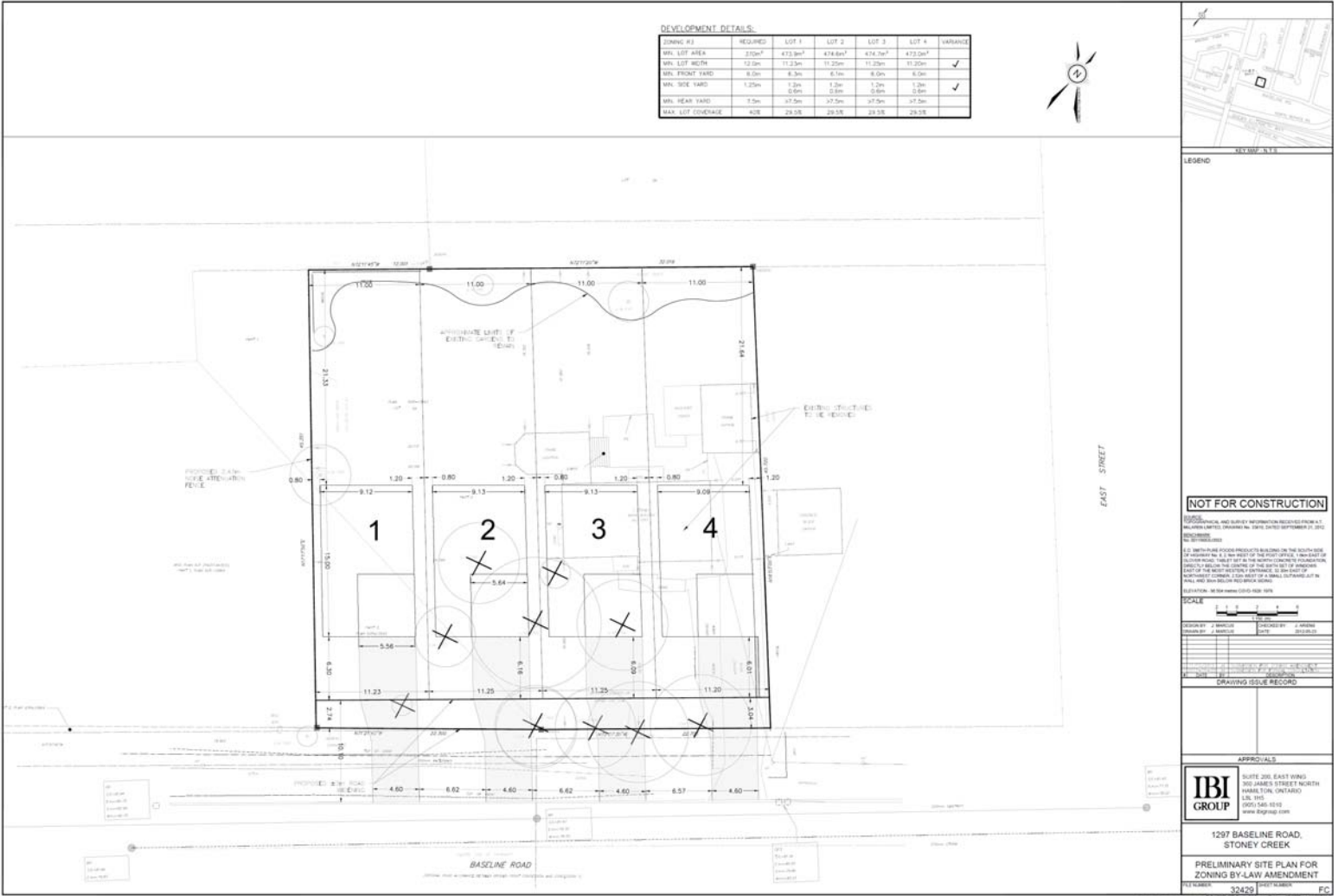
Subject Property

1297 Baseline Road



Lands subject to Zoning By-law
Amendment application

Appendix "B" to Report PED13150 (Page 1 of 1)



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SCALE

1:500

DATE	DESCRIPTION

DRAWINGS ISSUE RECORD

NO.	DATE	DESCRIPTION

APPROVALS

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1297 BASELINE ROAD,
STONE CREEK

PRELIMINARY SITE PLAN FOR
ZONING BY-LAW AMENDMENT

FILE NUMBER: 32429

FC