



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	August 11, 2015
<b>SUBJECT/REPORT NO:</b>	Application for Amendment to the City of Hamilton Zoning By-law No. 6593 for Land Located at 449 Stone Church Road West (Hamilton) (PED15110) (Ward 8)
<b>WARD(S) AFFECTED:</b>	Ward 8
<b>PREPARED BY:</b>	Robert Clackett Planner (905) 546-2424 Ext. 7856
<b>SUBMITTED BY:</b>	Jason Thorne General Manager Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That approval be given to **Zoning By-law Amendment Application ZAC-15-007 by 1794784 Ontario Inc., Owner**, for a change in zoning from the “B” (Suburban Agriculture and Residential, etc.) District to the “DE-3/S-1721” (Multiple Dwellings) District, Modified, for lands known as 449 Stone Church Road West as shown on Appendix “A” to Report PED15110, on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED15110, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
- (ii) That the amending By-law be added to Schedule “A”, Map No. W27c of Zoning By-law No. 6593.
- (b) That the Falkirk East Neighbourhood Plan be amended by redesignating the subject lands from “Single and Double” to “Low Density Apartment” upon finalization of the Zoning By-law Amendment as shown on Appendix “A” to Report PED15110.

**EXECUTIVE SUMMARY**

The purpose of this application is to amend the City of Hamilton Zoning By-law No. 6593 on lands municipally known as 449 Stone Church Road West to permit the

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development of a multiple dwelling with 12, three and a half storey units, each with separate individual at-grade entrances, 18 parking spaces located within a partially below-grade lower level parking structure, at-grade amenity space, and a roof top terrace for each unit.

The site-specific Zoning By-law Amendment will decrease the minimum front, side, and rear yard setback requirements and parking space sizes; remove the requirement for a loading space; increase the maximum height and floor area ratio requirements; and modify the landscaping requirements.

The proposal has merit and can be supported since the application is consistent with the Provincial Policy Statement (PPS), conforms to the Growth Plan for the Greater Golden Horseshoe, and complies with the Urban Hamilton Official Plan (UHOP). The proposed development is considered to be compatible with and complementary to the existing and planned development in the immediate area.

***Alternatives for Consideration – See Page 27***

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

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

**HISTORICAL BACKGROUND**

**Proposal:**

The subject property, known as 449 Stone Church Road West (Hamilton), is located on Stone Church Road West, west of Garth Street (see Appendix “A”). The subject lands are currently occupied by a one-storey single detached dwelling which will be demolished to accommodate the proposed development.

The purpose of this application is to amend the City of Hamilton Zoning By-law No. 6593 on lands municipally known as 449 Stone Church Road West from “B” (Suburban Agriculture and Residential, etc.) District to a site-specific “DE-3” (Multiple Dwellings) District.

The effect of this Zoning By-law Amendment application is to permit the development of a multiple dwelling with 12 three and a half storey units, each with separate individual at-grade entrances, 18 parking spaces located within a partially below-grade lower level

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parking structure, at-grade amenity space, and roof top terraces for each of the 12 units, on the third level (see Appendix “C”).

**Chronology:**

<u>April 23, 2014:</u>	Formal Consultation application FC-14-039 considered by Development Review Team.
<u>December 19, 2014:</u>	Application for Zoning By-law Amendment received with required studies and reports.
<u>January 19, 2015:</u>	Application deemed to be complete.
<u>February 5, 2015:</u>	Notice of Complete Application and Preliminary Circulation mailed to 251 property owners within 120 m of the subject lands.
<u>January 30, 2015:</u>	Application circulated to the relevant departments and agencies.
<u>February 6, 2015:</u>	Public Notice Sign posted on the subject lands.
<u>May 20, 2015:</u>	Community meeting to discuss the proposal.
<u>July 15, 2015:</u>	Public Notice Sign updated with Public Meeting date.
<u>July 24, 2015:</u>	Circulation of Notice of Public Meeting to all residents within 120 m of the subject lands.

**Details of Submitted Application:**

<b><u>Location:</u></b>	449 Stone Church Road West, Hamilton						
<b><u>Owner/Applicant:</u></b>	1794784 Ontario Inc. c/o Mr. David Chen and Mr. Herman Hui						
<b><u>Agent:</u></b>	AJ Lakatos Planning Consultant c/o Mr. Joe Lakatos						
<b><u>Property Description:</u></b>	<table><tr><td><u>Lot Frontage:</u></td><td>30.48 m</td></tr><tr><td><u>Lot Depth:</u></td><td>43.58 m</td></tr><tr><td><u>Total Lot Area:</u></td><td>0.13 ha</td></tr></table>	<u>Lot Frontage:</u>	30.48 m	<u>Lot Depth:</u>	43.58 m	<u>Total Lot Area:</u>	0.13 ha
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**EXISTING LAND USE AND ZONING:**

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Single Detached Dwelling	"B" (Suburban Agriculture and Residential, etc.) District
<u>Surrounding Lands:</u>		
North	Block Townhouse Dwellings	"DE/S-231" (Low Density Multiple Dwellings) District, Modified
South	Block Townhouse Dwellings	"RT-20/S-946" (Townhouse – Maisonette) District, Modified
	Block Townhouse Dwellings	"DE/S-207" (Low Density Multiple Dwellings) District, Modified
East	Block Townhouse Dwellings	"RT-20/S-946" (Townhouse – Maisonette) District, Modified
West	Semi Detached Dwelling	"D/S-198" (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Provincial Policy Statement, 2014**

The application has been reviewed with respect to the PPS policies that contribute to the development of healthy, liveable, and safe communities as contained in Policy 1.1.1. In particular, the application is consistent with Policy 1.1.1.b), by accommodating an appropriate range and mix of uses to meet long term needs.

Furthermore, the proposal is consistent with Policy 1.1.1 e) which promotes cost effective development patterns and standards to minimize land consumption and servicing costs. Also, the application is consistent with Policy 1.1.3.1 of the PPS, which focuses on growth in settlement areas.

Policy 1.2.6.1 outlines that long term economic prosperity will be supported by planning so that major facilities (such as airports, transportation corridors, sewage treatment facilities, waste management systems, industries and aggregate activities) and sensitive land uses are appropriately designed, buffered and separated from each other to

prevent adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety.

The proximity of the proposed residential use, which is considered to be a sensitive land use to road noise sources, triggers the requirement for a noise study. As part of FC-14-039, staff had required the submission of a noise study with the subject application. Staff note that a noise study titled “Environmental Noise Impact Study, 449 Stone Church West Townhouse Development, Topographic Plan of Survey of Part of Lot 1, Registered Plan No. 921 Orchard Crest Survey in the Former Township of Barton Now in the City of Hamilton” dated October 2014 and prepared by dBA Environmental Services Inc., was submitted with the subject application. Staff are satisfied with the findings of the noise study and advise that the following warning clause will be included within the future Site Plan undertaking:

The following warning clause shall be included within all offers and agreements of purchase and sale or lease for all units:

“This dwelling unit has been fitted with a forced air heating system and the ducting, etc. was sized to accommodate central air conditioning. Installation of central air conditioning by the occupant will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality’s and the Ministry of the Environment’s noise criteria.”

Based on the foregoing, the application is consistent with the PPS.

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

Section 1.2.2 of the *Growth Plan for the Greater Golden Horseshoe, 2006* provides guiding principles to achieve the vision of the Growth Plan. These guiding principles seek to “build compact, vibrant and complete communities” and to “optimize the use of existing and new infrastructure to support growth in a compact efficient form.” The application proposes to build a more compact community by proposing a development which will intensify the development potential of an underutilized parcel of land in an area where adequate commercial, recreational, and transportation opportunities, such as public transit, are available.

Furthermore, Policy 2.2.3.6 b) encourages intensification within the built-up area of the City. This property is located within the City’s Built Boundary.

Therefore, the proposal conforms to the policies of the Growth Plan for the Greater Golden Horseshoe.

### **Urban Hamilton Official Plan (UHOP)**

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure, located within the Built-up Area and Built Boundary on Appendix “G” – Boundaries Map, and designated as “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). The following policies, amongst others, are applicable to the subject Zoning By-law amendment application.

### **Medium Density Residential**

There are several policies within the UHOP that provide policy direction for Medium Density Residential developments.

Policy, E.3.5.1 notes:

- “E.3.5.1 Medium density residential areas are characterized by multiple dwelling forms on the periphery of neighbourhoods in proximity to major or minor arterial roads, or within the interior of neighbourhoods fronting on collector roads.
- E.3.5.2 Uses permitted in medium density residential areas include multiple dwellings except street townhouses.”

The proposal consists of a multiple dwelling located on the periphery of the neighbourhood, on a minor arterial road (Stone Church Road West) and as such, can be considered to be medium density residential development.

Policy E.3.5.5 states:

- “E.3.5.5 Medium density residential uses shall be located within safe and convenient walking distance of existing or planned community facilities, public transit, schools, active or passive recreational facilities, and local or District Commercial uses.”

The proposal complies with these requirements as it is a multiple dwelling located on a minor arterial road with sidewalks within walking distance to William Schwenger Park located on Ottaviano Drive. The subject lands are also within walking distance to St. Thomas More Secondary School and located on HSR routes No. 35 (Garth St.) and No. 43 (Stone Church Rd.).

Policy E.3.5.7 notes:

“E.3.5.47 For medium density residential uses, the net residential density shall be greater than 60 units per hectare and not greater than 100 units per hectare.”

The proposed net residential density of the proposal is 90 units per hectare. As such, it complies with the required density ranges found in the UHOP for medium density residential developments.

Section E.3.5.8 of the UHOP states:

“E.3.5.8 For medium density residential uses, the maximum height shall be six storeys.”

The proposal is for a three and a half storey multiple dwelling which complies with the policy above.

This proposal has been evaluated on the basis of specific policy requirements found within the UHOP relating to the “Neighbourhoods” designation. Specifically, Policy E.3.5.9 a), b), c), and d) all apply:

“E.3.5.9 Development within the medium density residential category shall be evaluated on the basis of the following criteria:

- a) Developments should have direct access to a collector or major or minor arterial road. If direct access to such a road is not possible, the development may gain access to the collector or major or minor arterial roads from a local road only if a small number of low density residential dwellings are located on that portion of the local road.
- b) Development shall be integrated with other lands in the Neighbourhoods designation with respect to density, design, and physical and functional considerations.
- c) Development shall be comprised of sites of suitable size and provide adequate landscaping, amenity features, on-site parking, and buffering if required. The height, massing, and arrangement of buildings and structures shall be compatible with existing and future uses in the surrounding area.
- d) Access to the property shall be designed to minimize conflicts between traffic and pedestrians both on-site and on surrounding streets.”

Stone Church Road West has been identified in the UHOP as a minor arterial road. As the proposal will have access to Stone Church Road West, criteria a) has been considered and satisfied. With respect to criteria b), the proposal will fit with the existing three-storey townhouse units to the north, east and south of the subject lands which share similar density, height, massing, design and functionality. Appendix “C” demonstrates that through extensive landscaping and screening, individual and shared amenity space, as well as partially below-grade parking, the development will sufficiently fit into the arrangement of the existing developments in the area. The compatibility of the proposal and its integration with the surrounding area will be discussed in great detail later in this Report. The City’s Corridor Management staff have not identified any issues with respect to conflicts between traffic and pedestrians, as such, no issues have been identified with respect to criteria d).

Therefore, the proposal complies with the medium density residential policies of the UHOP.

### **Intensification**

The proposal has been evaluated based on the UHOP’s residential intensification criteria, namely, policies B.2.4.1.4 and B.2.4.2.2:

“B.2.4.1.4 Residential intensification developments shall be evaluated based on the following criteria:

- a) a balanced evaluation of the criteria in b) through g) as follows:
- b) the relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;
- c) the development’s contribution to maintaining and achieving a range of dwelling types and tenures;
- d) the compatible integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;
- e) the development’s contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;
- f) infrastructure and transportation capacity; and,
- g) the ability of the development to comply with all applicable policies.



B.2.4.2.2 When considering an application for a residential intensification development within the Neighbourhoods designation, the following matters shall be evaluated:

- a) the matters listed in Policy B.2.4.1.4;
- b) compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
- c) the relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;
- d) the consideration of transitions in height and density to adjacent residential buildings;
- e) the relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;
- f) the provision of amenity space and the relationship to existing patterns of private and public amenity space;
- g) the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;
- h) the ability to complement the existing functions of the neighbourhood;
- i) the conservation of cultural heritage resources; and,
- i) infrastructure and transportation capacity and impacts.”

### **Character of the Neighbourhood**

The subject lands are situated within the Falkirk East Neighbourhood which is an established neighbourhood and composed of a variety of housing types. There are block townhouse developments surrounding the subject lands to the north, east and south as well as along the north side of Stone Church Road West between Garth Street and Courtland Avenue; and between the commercial block on the northeast corner of Upper Paradise Road and Stone Church Road West. There are 14 single detached dwellings and one semi detached dwelling to the west of Courtland Avenue. In addition to these single detached dwellings, there is a mixture of single detached and semi detached dwellings to the west along the south side of Stone Church Road West

between the subject lands and a commercial block on the southeast corner of Upper Paradise Road and Stone Church Road West.

This neighbourhood is also serviced by one large park, William Schwenger Park, and several institutional uses including a high school, elementary school, and a retirement home.

### **Compatibility**

The neighbourhood is composed of single detached dwellings to the west; and block townhouse developments to the north, east and south. The townhouse developments are two and a half to three stories in height and are setback 6.0 m from Stone Church Road West; while the single detached dwellings are one storey in height and are setback 6.0 m from Stone Church Road.

The proposed development will be compatible with the existing neighbourhood character as it will be setback a minimum of 6.0 m from Stone Church Road West and will be three and a half stories in height, in keeping with the established patterns.

To the north, east and south, the proposed setbacks for the proposal are such that they are similar to the existing setbacks of comparable forms of development in the area (which includes side yards of 3.0 m, front yards of 6.0 m, and maximum height of three storeys). The proposed front yard setback for the multiple dwelling is 7.5 m, except 6.0 m for the partially below-grade parking structure and second and third floor façade projections. The proposed minimum side yard requirement is 4.33 m for the easterly side yard and 4.21 m for the westerly side yard. Finally, the proposed minimum rear yard is 7.6 m, except 5.6 m is only required for the partially below-grade parking structure and a 6.0 m minimum setback for the second and third floor façade projections.

The proposed setbacks recognize the existing scale and character of the area and thereby create a continuous, uniform street edge and spacing between buildings.

The distance between the rear property line of the subject lands and the townhouses to the south is approximately 22.0 m. If the proposed rear setback of 5.6 m to 7.6 m is added to the existing setback, then the total distance between the proposed development and the townhouses to the south is approximately between 27 m and 29 m.

Also, the distance between the eastern property line and the townhouses to the east is approximately 5.7 m. If the proposed eastern side yard setback of 4.33 m is added to this distance then the total separation between the proposed development and the townhouses to the east is approximately 10 m.

Finally, with respect to the semi detached dwelling to the west, the proposed setback for the western side yard is 4.21 m and the existing eastern side yard of the semi detached dwelling to the west is approximately 1.2 m resulting in a total distance separation of 4.4 m.

Planning staff feel that these separation distances, in combination with the way in which the building steps up in height along the front and rear of the building, and enhanced landscaping and board on board fencing, will ensure compatibility in terms of scale, form and character.

This uniformity will allow for the proposed multiple dwelling to blend into the existing neighbourhood which, is composed of two three-storey townhouse units to the north, east and south. As such, due to the surrounding uses as well as the design features of the proposal, Planning staff feel that the use is compatible with the surrounding area.

### **Overlook**

As per the concept plans included in Appendix “C”, the roof top amenity spaces will be setback away from the building edge by way of natural plantings. The extent of these plantings and these setbacks will be addressed through the detailed design stage of development through the Site Plan Control process, specifically in a required Landscape Plan. This transition in height will reduce overlook on neighbouring properties. The concept plans also show landscaped areas along the rear and side yards to allow for screening by way of existing and proposed mature trees which will allow for increased privacy. Existing townhouse units to the east back onto the subject property. As such, these units, as per their zoning, have a required 6.0 m yard setback and appropriate screening from other lots which also assist in reducing overlook impacts. Furthermore, there will be minimal overlook as the proposed windows are centrally located on the proposed east and west building elevations and will align with the neighbours’ homes and not their yards, reducing any privacy concerns. It is important to note that the majority of the windows are on the north and south elevations, and as such, have no impact related to overlook.

While staff recognize there is a difference in grade between the subject lands and the neighbouring property to the west, the impact of this with respect to overlook will be minimal. As Appendix “C” shows, large columnar trees will be planted to provide a natural buffer between the two properties. Also, a privacy fence will be constructed along the property line to reduce at grade privacy issues. A creative urban design solution proposed by the applicant is for 75 percent of the windows at the front of each unit on the east and west elevations to be frosted, while the remaining 25 percent will be clear. Aside from the windows and doors on the terrace, of the 16 windows on the east and west elevations (eight on the east elevation and eight on the west elevation) overlooking the neighbouring properties to the east and west, only four will be clear.

Finally, the building itself will be built into the existing grade and not on top of it, thereby reducing its overall height.

Appendix “C” shows that the roof top terrace is designed in a way that there is a setback from the edge of the buildings to the amenity space. Also, no habitable rooms will be permitted on the roof top. This will minimize overlook to the abutting properties to the east and west.

### **Height / Massing**

The existing townhouse developments to the east and south are three stories in height. In transitioning to the single-storey semi detached dwelling to the west, the proposed multiple dwelling will be built into the existing grade reducing the impact on the residential dwelling to the west. Furthermore, while the total height of the building is three and a half storeys, the top half storey will be solely used as rooftop access to the individual terraces and not living space. These accesses and roof top patios will be setback from the edge of the building and as a result have a minimal impact on the total massing and height of the building. While the total height will be three and a half stories, the building will function as a three-storey building similar to the three-storey townhouse development to the east and south.

As discussed above, appropriate setbacks are proposed, ensuring that the massing of the multiple dwelling minimizes impact on adjacent properties.

### **Transportation and Infrastructure Capacity**

There are no transportation or infrastructure capacity issues for this proposal. A traffic brief has been prepared in support of the application and will be further discussed in the Analysis and Rationale for Recommendation section of this Report.

### **Urban Design**

Section E.3.2.7 b) states:

“E.3.2.7 b) Garages, parking areas, and driveways along the public street shall not be dominant. Surface parking between a building and a public street (excluding a public alley) shall be minimized.”

Through the implementation of the proposed below-grade parking built into the base of the multiple dwelling, the dominant feature becomes the building façade. This takes the parking off of the public street thereby making for a more attractive, safer site.

Key Urban Design policies found in the UHOP have been considered, namely:

- “B.3.3.2.3 Urban design should foster a sense of community pride and identity by:
- a) respecting existing character, development patterns, built form, and landscape;
  - g) contributing to the character and ambiance of the community through appropriate design of streetscapes and amenity areas;
- B.3.3.3.2 New development shall be designed to minimize impact on neighbouring buildings and public spaces by:
- a) creating transitions in scale to neighbouring buildings;
  - b) ensuring adequate privacy and sunlight to neighbouring properties; and,
  - c) minimizing the impacts of shadows and wind conditions.
- B.3.3.3.3 New development shall be massed to respect existing and planned street proportions.
- B.3.3.2.6 Where it has been determined through the policies of this Plan that compatibility with the surrounding areas is desirable, new development and redevelopment should enhance the character of the existing environment by:
- a) complementing and animating existing surroundings through building design and placement as well as through placement of pedestrian amenities;
  - d) complementing the existing massing patterns, rhythm, character, colour, and surrounding context; and,
  - e) encouraging a harmonious and compatible approach to infilling by minimizing the impacts of shadowing and maximizing light to adjacent properties and the public realm.”

As discussed previously, through the limitation of clear windows, the proposed development will ensure adequate privacy for neighbouring properties and maintain the existing neighbourhood character as it will match existing development patterns and ensure compatibility in terms of use, scale, height, density, and transitions in scale to neighbouring buildings.

Each dwelling unit shall have an above-grade terrace and / or roof garden of at least 25.0 sq m creating sufficient area for private activity and usage.

The streetscape will be enhanced through the addition of the multiple dwelling and by maintaining the front yard setbacks present along Stone Church Road West. Also, the parking garage will be built partially below-grade, not having an impact on the streetscape by removing parking from the front yard.

With respect to shadowing, sun / shadow impacts are not typically an issue in neighbourhoods that predominately consist of wide suburban streets and low rise development (i.e. buildings that range from one to five storeys in height). This is due to the fact that the height, bulk, size and arrangement of such buildings on any given street and / or lot do not present significant shadow castings that will adversely impact the street and / or any one property during daylight hours.

It is noted that the proposed three and a half storey high multiple dwelling is at a height that is in keeping with the surrounding suburban development located on the south side of Stone Church Road West and is proposed to be situated centrally on the property to ensure adequate sun access on the subject and abutting properties.

The sun's rays generally come from the south, casting a shadow of the building and trees towards Stone Church Road West. As the sun moves from east to west, shade is created within yards by objects within the sun's path. As such, yards of the subject property and yards of abutting properties will experience some shade during the day but not complete shade all day. For example, in the early morning a shadow will fall on the west side of the proposed building but by late afternoon that yard and the abutting property's rear yard will experience full sun as long as the sun is shining.

Staff are satisfied that the proposed townhouse development will not have any adverse impact in terms of shadow casting on abutting lands.

### **Noise Compatibility**

Policy B.3.6.3.7 states that:

"B.3.6.3.7 A noise feasibility study, or detailed noise study, or both, shall be submitted as determined by the City prior to or at the time of application submission, for development of residential or other noise sensitive land uses on lands in the following locations:

- d) 400 metres of an existing or proposed parkway or provincial highway (controlled access), as identified on Schedule C – Functional Road Classification."

The proximity of the proposed residential use, which is considered to be a sensitive land use to road noise sources, triggers the requirement for a noise study. As part of FC-14-039, staff had required the submission of a noise study with the subject application. Staff note that a noise study titled “Environmental Noise Impact Study, 449 Stone Church West Townhouse Development, Topographic Plan of Survey of Part of Lot 1, Registered Plan No. 921 Orchard Crest Survey in the Former Township of Barton Now in the City of Hamilton” dated October 2014 and prepared by dBA Environmental Services Inc. was submitted with the subject application. Staff are satisfied with the findings of the noise study and advise that the following warning clause will be included within the future Site Plan undertaking:

The following warning clause shall be included within all offers and agreements of purchase and sale or lease for all units:

“This dwelling unit has been fitted with a forced air heating system and the ducting, etc. was sized to accommodate central air conditioning. Installation of central air conditioning by the occupant will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality’s and the Ministry of the Environment’s noise criteria.”

Therefore, based on the foregoing, the proposal complies with the UHOP.

### **Falkirk East Neighbourhood Plan**

The Falkirk East Neighbourhood Plan identifies the subject lands as “Single and Double” Residential. As the proposed use is multiple residential, it does not conform to the Neighbourhood Plan.

Policy F.1.2.8 of the UHOP notes:

“F.1.2.8 Any amendment to the *Neighbourhood Plan* must be evaluated using the provisions of Policies F.1.1.3 and F.1.1.4 and shall require a formal Council decision to enact the amendment.”

Also, Policy F.1.1.3 indicates:

“F.1.1.3 Amendments to this Plan, including secondary plans, shall be required to create, modify or expand land use designations and policies which do not comply with this Plan.”

And, Policy F.1.1.4 states:

“F.1.1.4 Amendments to this Plan shall be undertaken by the City:

- a) to update this Plan to reflect new provincial or municipal planning policies at the time of Official Plan Five Year review or other appropriate time through a City initiative; or,
- b) to update and streamline administration of municipal planning policies.”

The proposed development will not have a discernible impact on the City’s vision for a sustainable community as it will be in keeping with the surrounding area as lands that have been identified as “Attached Housing” exist to the east and south of the subject lands within the Neighbourhood Plan. As identified in this Report, the proposal is compatible with the surrounding area.

An amendment from “Single and Double” to “Low Density Apartment” will be required.

### **City of Hamilton Zoning By-law No. 6593**

The lands are currently zoned “B” (Suburban Agriculture and Residential, etc.) District in Zoning By-law No. 6593. From a residential perspective, the following uses are permitted in the “B” District: single detached dwellings, foster home, residential care facility for the accommodation of not more than six residents; and a retirement home for the accommodation of not more than six residents. As this zone does not permit multiple dwellings, an amendment to the Zoning By-law is required.

The “DE-3” (Multiple Dwellings) District permits a two family dwelling, a three family dwelling, a multiple dwelling, and an emergency shelter.

The purpose of this application is to amend the City of Hamilton Zoning By-law No. 6593 on lands municipally known as 449 Stone Church Road West from “B” (Suburban Agriculture and Residential, etc.) District to a site-specific “DE-3” (Multiple Dwellings) District.

The effect of this Zoning By-law Amendment will be to allow for the development of a multiple dwelling with 12 three and a half storey units, each with separate individual at-grade entrances, 18 parking spaces located within a partially below-grade lower level parking structure, at-grade amenity space, and a roof top terrace on the third level. Site-specific modifications will be required to implement the proposal. The site-specific modifications are further discussed in the Analysis and Rationale for Recommendation section of this Report.

### **RELEVANT CONSULTATION**

The following internal departments and external agencies had no concerns or objections to the proposed application:



- Recreation Planning Division, Community and Emergency Services Department;
- Asset Management, Strategic Planning Division, Public Works Department;
- Landscape Architectural Services, Strategic Planning Division, Public Works Department; and,
- Hamilton Municipal Parking System, Planning and Economic Development Department.

**The following departments and agencies submitted comments:**

**Operations Support, Business Services Section, Operations Division, Public Works Department** noted that as per the concept plan (attached as Appendix “C”) there is no internal road in the development that will adequately provide door-to-door curbside collection. Such a road must have a pavement width not less than 6.0 m and the surface strength to accommodate fully loaded collection vehicles. As this road is not present, residents must set out all Garbage, Recycling, Organics and Leaf and Yard Waste containers curbside at the property entrance. In addition, “Purchasers or tenants are advised that municipal waste collection vehicles will not enter the property to collect any waste including Garbage, Recycling, Organics, Leaf and Yard or Bulk waste. All Garbage, Recycling, Organics, Leaf and Yard, and Bulk waste must be placed curbside at the property entrance in appropriate containers and must comply with limits set out in City of Hamilton Solid Waste Management By-law 12-260, amending By-Law 09-067.” The developer should also be made aware that they are responsible for the collection and disposal of all waste from any and all occupied units. Waste material generated by construction is not eligible for collection services and shall be disposed through a private waste hauler at the expense of the developer. These requirements will be addressed at the Site Plan Control stage.

**Transportation Planning, Public Works Department** stated that the City of Hamilton has approved the Hamilton Pedestrian Mobility Plan and the proposal needs to consider the needs of pedestrians with disabilities as well as built environmental standards. Sidewalks along both sides of the right-of-way and through the site are required to be 1.5 m wide. Also, the proposal should consider the provision of trees in the boulevard. These design requirements will be addressed at the Site Plan Control stage.

**Corridor Management, Public Works Department** advised that at the Site Plan Control approval stage, a minimum 5.0 m by 5.0 m visibility triangle will be required between the access limits and the ultimate road allowance limits of Stone Church Road West in which the maximum height of any object or mature vegetation cannot exceed the height of 0.7 m above the corresponding perpendicular centreline elevation of the adjacent street. Also, all driveway curbing must end behind the municipal sidewalks; the abandoned approach must be removed and the boulevard restored; and the railing

adjacent to the driveway ramp must be setback 3.0 m from the back of sidewalk and must not be solid (ie: small diameter railings). These requirements will be addressed at the Site Plan Control stage.

**Horizon Utilities** stated that for residential / commercial electrical service requirements, the Developer needs to contact their Customer Connections Department. Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense and Horizon should be contacted to facilitate this. Furthermore, they have requested: that excavation not occur within 2.0 m of hydro poles and anchors; excavation within 1.0 m of underground hydro plant is not permitted unless approval is granted by a Horizon Utilities representative and is present to provide direct supervision - costs associated with this task shall be at the owner's expense; Horizon Utilities must be contacted if the removal, isolation or relocation of an existing hydro plant is required, and all costs associated with this work will be at the owners expense. The developer should *Call Before they Dig*, and arrange for underground hydro cable locate(s) before beginning construction – this can be done by contacting Ontario One Call. Also, clearances from Overhead and Underground existing electrical distribution system must be maintained in accordance with: the Ontario Building Code, Electrical Safety Code Rules, the Occupational Health and Safety Act, CAN/CSA-C22.3 No. 1-10, Overhead System, and C22.3 No. 7- 10 Underground Systems.

**Forestry and Horticulture Section, Public Works Department** advised that there is one Municipal Tree Asset and several private trees located on the road allowance fronting the proposed development; therefore, a Tree Management Plan will be required at the Site Plan Control Stage. Also, a Landscape Planting Plan will be necessary to show the full planting details on the site at the Site Plan Control stage.

## **PUBLIC CONSULTATION**

In accordance with the provisions of the *Planning Act* and the Council approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 251 property owners within 120 m of the subject lands on February 5, 2015, and a Public Notice sign was posted on the property on February 6, 2015, and updated with the Public Meeting date on July 15, 2015. Nineteen letters were received from the public through this circulation and are attached to this Report as Appendix “D” and summarized in the Analysis and Rationale for Recommendation section of this Report. The Notice of the Public Meeting was given in accordance with the provisions of the *Planning Act*.

A community meeting was held on May 20, 2015 to discuss the merits of the application with the community. Six comments were received as a result of this meeting. One of the comments was in favour of the proposal and five were not. All of the comments are addressed in item No. 6 in the Analysis and Rationale for Recommendation section of this Report.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposed Zoning By-law Amendment has merit and can be supported for the following reasons:
  - (i) It is consistent with the Provincial Policy Statement, as it represents an opportunity for growth in settlement areas and accommodates an appropriate range and mix of uses;
  - (ii) It conforms to the Growth Plan for the Greater Golden Horseshoe and is located within the Built Boundary. As such, it contributes to the building of a compact, vibrant, and complete community, and optimizes the use of existing and new infrastructure to support growth in a compact efficient form;
  - (iii) It complies with the Urban Hamilton Official Plan in that the proposed medium density residential development is considered to be compatible with the existing and planned development in the immediate area; and,
  - (iv) It represents an appropriate form of infill development.
2. The purpose of this application is to amend the City of Hamilton Zoning By-law No. 6593 on land municipally known as 449 Stone Church Road West from “B” (Suburban Agriculture and Residential, etc.) District to a site specific “DE-3” (Multiple Dwellings) District.

The effect of this Zoning By-law Amendment will be to modify the regulations of the “DE-3” (Multiple Dwellings) District to recognize the unique form of the proposed development.

3. The implementing by-law will include the regulations of the parent “DE-3” (Multiple Dwellings) District as the proposal meets requirements for permitted use, parking, lot area, and dwelling width; and the following site specific special provisions:

### Minimum Yard Setbacks

The minimum front yard setback required in the “DE-3” (Multiple Dwellings) District, has been reduced by 1.5 m from 7.5 m to 6.0 m.

The minimum side yard has been reduced from 6.70 m to 4.33 m for the easterly side yard and 4.21 m for the westerly side yard.

The minimum rear yard setback has been reduced from 10.5 m to 7.6 m, except a 5.6 m setback is required for the partially below grade parking structure and a 6.0 m minimum setback for the second and third floor façade projections.

The front yard reduction can be supported as this setback will maintain the current streetscape along Stone Church Road West where buildings are setback at least 6.0 m from the street and will provide sufficient depth for front yard landscaping. With respect to the side yards and the rear yard, they are adequate in width as they will provide an adequate distance separation between residential uses to allow for a sufficient level of privacy, and will allow for screening in the form of solid wood visual barriers with upright deciduous and / or coniferous trees to be implemented at the Site Plan Control stage of development.

Furthermore, properties to the north, east, and south consist of three-storey townhouse developments. To the north, east and south, the proposed setbacks are such that they are similar to the existing setbacks of comparable forms of development in the area. Properties to the west, which are zoned “B” (Suburban Agriculture and Residential, etc.) District have a required minimum front yard setbacks of 12 m, but in actuality, are setback 6.5 m from Stone Church Road West.

The proposed reduced front, side and rear yard setbacks can be supported by staff.

#### Maximum Building Height

The maximum height has been increased from the required 11.0 m to 15.0 m. The 15.0 m height applies to the portion of the building used for roof top access only and will not provide any liveable space.

The interface with the semi detached dwelling to the west will be lessened through enhanced landscaping and side façade design where the windows on the east and west elevations will be located, such that they do not directly look into the amenity space of the neighbouring properties. Adequate setbacks have been proposed for the height; therefore the proposal can be supported by Planning staff.

#### Window Glazing

The applicant has proposed that only 25 percent of the windows on the east and west elevations will be clear. The remaining 75 percent of the windows will be frosted. This will allow for light to enter the units, but will restrict views from the units, thereby increasing privacy for the residents to the east and west of the subject lands. This window treatment will allow for increased privacy for neighbours to the east and west of the subject property. As such, this revision is supported by Planning staff.

#### Floor Area Ratios

The existing Floor Area Ratio (FAR) in the current “DE-3” (Low Density Multiple Dwelling) District is 0.9. The implementing by-law includes a Floor Area Ratio for a

“Multiple Dwelling” of 1.51 as the proposed development will have a gross floor area of 2003.78 sq m and a lot area of 1326.71 sq m.

The proposed development has a higher gross floor area because each unit is designed to have individual entry points, corridors, hallways and stairwells for each unit and floor within, therefore contributing to a higher gross floor area overall, which will result in a higher Floor Area Ratio. Planning staff are supportive as the proposal represents good infill development.

#### Minimum Required Landscaped Area

The applicant has requested to amend the landscape requirements. In particular, they have requested to modify the requirement from a minimum 25 percent of the lot area, 50 percent of which must be natural landscaping and not a hard surface; to a minimum landscaped area of 50 percent of the lot area to be landscaped, 50 percent of this area must still be natural landscaping and not a hard surface. These requirements exceed the minimum requirement set out in the by-law. As such, Planning staff are satisfied that the additional landscaping will provide additional buffering to neighbouring properties and provide natural spaces onsite that can be used by any future residents of the property.

In addition to the required area for landscaping, the applicant will also install five columnar conifers facing the east side of the property and five columnar conifers facing the west side of the property. These trees will be minimum size of 300 cm W.B. and act as a natural buffer between the subject property and the residential properties to the east and west.

This proposal will ensure that each unit has a landscaped area and will increase the overall natural landscaping for the site.

#### Parking Spaces

The proposed development will provide more than the minimum number of required parking spaces per dwelling unit. However, the applicant has proposed to reduce the size of each space to be in accordance with the City's new Zoning By-law 05-200 standard. As such, the applicant is seeking a standard parking stall size of 2.6 m wide by 5.5 m long for standard spaces and 4.4 m wide by 5.5 m long for barrier-free spaces, which is consistent with the new City parking standards established in Hamilton's Zoning By-law 05-200, instead of space sizes being 2.7 m wide by 6.0 m long for a standard parking stall. This space size has been considered by Parking Services staff and recognized as the new City standard for parking stall size as such, staff are supportive of this request.

### Loading Space

No loading space has been proposed for this development as there will not be frequent demand for the loading and unloading of materials on the subject property. Currently, Hamilton's Zoning By-law No. 6593 requires that one small loading space (3.7 m x 9.0 m) be provided for multiple dwellings with five to 30 units.

The proposed tenure of the development is condominium; as such, it is anticipated that loading and unloading activity will be infrequent once the building is fully occupied. However, if necessary, loading functions can occur on the access driveway of the proposed development, which is typical for small scaled multiple residential developments. Staff are supportive of the elimination of the required loading space.

### Privacy Area

The roof top area of the proposed building is to be used for amenity space and access to said space. As such, the amending by-law specifies a requirement for a privacy area based on a ratio of area to the number of units provided in the building. This will ensure that each unit has a sufficient amount of space for amenity purposes.

4. It should be noted that the existing width of Stone Church Road West adjacent to the subject property is 100 ft (30.48 m). Stone Church Road West is classified as a minor arterial street in the City's road network. The maximum width of the minor arterial road is 36.576 m as per the Official Plan. However, Schedule C-2 of the Official Plan clarifies that the maximum width of Stone Church Road West is 30.48 m. Therefore, there is no land dedication for road widening purposes required from the subject property. Also, there is an existing 900 mm diameter storm sewer, 250 mm diameter sanitary sewer, and 400 mm diameter watermain on Stone Church Road West in front of the subject lands. There is also an existing 750 mm diameter trunk watermain on Stone Church Road West in front of the subject lands. No service connection will be permitted to the City's trunk main.

With respect to sanitary sewer servicing, an adequate separated system is available on Stone Church West for collection of wastewater. The applicant is required to provide, at the Site Plan Control stage, a wastewater generation assessment using Part 8 of the latest edition of the Ontario Building Code to establish an equivalent population density for City records.

An adequate separated system is available on Stone Church West for collection of minor storm water from the proposed re-development.

The following will need to be addressed by the applicant at the Site Plan Control stage:

- Any trench drains or catch basins that are required for collection of storm water on reverse grade driveway ramps must be connected to the separated storm system on Stone Church West;
  - A major overland flow route does not exist on this section of Stone Church Road West; therefore, a Storm Water Management (SWM) Brief shall be submitted with the future Site Plan Control application to demonstrate that the runoff from the proposed development, up to the 100 year storm event, is controlled on the site to a rate the existing storm sewer has been sized for; and,
  - A preliminary grading and site servicing plan shall be submitted with the SWM Brief to clarify how the proposed development is going to impact the adjacent lands.
5. A traffic brief was completed by Paradigm Transportation Solutions Limited. This brief reviewed the traffic generation and safety of the proposal. The location of the entrance / exit to the site was evaluated based upon its proximity to the intersection of Stone Church Road West and Garth Street. The report found the following:
- The minimum spacing between each driveway connection is satisfied;
  - The minimum spacing between the driveway connection and the adjacent signalized intersection is satisfied;
  - Vehicular queue lengths generated by the signalized intersection of Stone Church Road West and Garth Street will not impact the operation of the proposed driveway connection;
  - There is a two-way centre turn lane provided on Stone Church Road West to support the proposed driveway connection operating with all-turns permitted without interfering with the through volumes along Stone Church Road and there are no conflicts anticipated with queues created by the adjacent intersections along the corridor;
  - The proposed driveway connection is expected to operate with acceptable levels of service based on the analysis conducted; and,
  - The field measurements indicate that the proposed driveway connection and Stone Church Road has more than adequate stopping sight distance to meet the requirements for a 70 km per hour design speed.

Corridor Management staff reviewed the Traffic Brief and concurred with the findings of the report. Specifically, they agreed that the estimated development traffic will not negatively impact the adjacent transportation network and that the driveway, in terms of spacing and location is adequate.

6. To date, 19 letters of correspondence were received through the public circulation; and an additional six comments were received after the community meeting from the public identifying concerns with the following (attached as Appendix “D”):

**A. Density, Compatibility and Intensification**

Submissions have been made identifying concerns with density suggesting that the neighbourhood already contains existing medium density development and questions regarding the need for additional medium density built forms.

The proposal conforms with the requirements of the “Neighbourhoods” designation and applicable intensification and density policies of the UHOP as these areas are to be characterized by multiple dwelling forms on the periphery of neighbourhoods in proximity to major or minor arterial roads, or within the interior of neighbourhoods fronting on collector roads.

**B. Drainage and Flooding**

Several submissions have identified concerns related to potential drainage and flooding as a result of the proposal.

It has been noted that an adequate separated system is available on Stone Church Road West for collection of minor storm water from the proposed re-development.

A SWM Brief shall be submitted with the future Site Plan Control application to demonstrate that the runoff from the proposed development, up to the 100 year storm event, is controlled on the site to a rate the existing storm sewer has been sized for; also, a preliminary grading and site servicing plan shall be submitted with the SWM Brief to clarify how the proposed development is going to impact the adjacent lands.

**C. Privacy**

Some submissions identified concerns with regards to privacy.

The units of the multiple dwelling are laid out in such a manner to minimize the impact of privacy of the adjacent properties. This is achieved by organizing the majority of the units facing toward the street and also toward the driveway on the



adjacent land to the rear of the property. The remaining units facing the neighbouring properties to the east and west have limited window openings looking directly at the side yard. Twenty-five percent of the windows on these elevations will be frosted. Also, mature landscaping is either in place or will be provided through the detailed design of the site and required by the amending By-law. As such, staff are satisfied that any issues with respect to privacy have been addressed.

#### **D. Traffic**

Some concerns have been submitted related to traffic volumes and turning movements on and off the site.

The City's Corridor Management Division was circulated and reviewed the application and identified no issues with respect to traffic volumes and movement pertaining to the proposed Zoning By-law Amendment.

Also, a report was conducted by Paradigm Transportation Solutions Limited. This brief reviewed the traffic generation and safety of the proposal. The location of the entrance/exit to the site was evaluated based upon its proximity to the intersection of Stone Church Road West and Garth Street. The report found there were no issues relating to traffic volume and vehicular movement as a result of this proposal.

Corridor Management staff reviewed the Traffic Brief and concurred with the findings of the report. Specifically, they agreed that the estimated development traffic will not negatively impact the adjacent transportation network and that the driveway, in terms of spacing and location is adequate.

#### **E. Parking**

Numerous concerns were expressed related to parking. The proposed development will provide more than the minimum number of required parking spaces per dwelling unit and visitor parking spaces required by the Zoning By-law. The only modification related to parking will be a slight decrease in the size of the parking stalls. This however is consistent with the new City parking standards established in Hamilton's Zoning By-law 05-200.

#### **F. Sunlight**

Concerns have been submitted related to impacts that the proposal will have on a reduction of sunlight on neighbouring properties.

Sun / shadow impacts are not typically an issue in neighbourhoods that predominately consist of wide suburban streets and low rise development (i.e. buildings that range from one to five storeys in height). This is due to the fact that the

height, bulk, size and arrangement of such buildings on any given street and / or lot do not present significant shadow castings that will adversely impact the street and / or any one property during daylight hours.

It is noted that the proposed three and a half storey high multiple dwelling development is at a height that is in keeping with the surrounding suburban development located on the south side of Stone Church Road West and is proposed to be situated centrally on the property to ensure adequate sun access on the subject and abutting properties.

The sun's rays generally come from the south, casting a shadow of the building and trees towards Stone Church Road West. As the sun moves from east to west shade is created within yards by objects within the sun's path. As such, yards of the subject property and yards of abutting properties will experience some shade during the day but not complete shade all day. For example, in the early morning a shadow will fall on the west side of the proposed building but by late afternoon that yard and the abutting property's rear yard will experience full sun as long as the sun is shining.

Staff are satisfied that the proposed multiple dwelling development will not have any adverse impact in terms of shadow casting on abutting lands.

#### **G. Noise**

Submissions were received concerning the proposed noise impact of the increased density.

The natural screening and landscaping will act as a buffer surrounding the property and mitigate any additional noise that may come from the subject property. Furthermore, the design of the rooftop deck will naturally minimize noise as the personal spaces on the roof are to be used as gardens with vegetation that will help screen both noise and sightlines. Staff are satisfied that there will be no noise concerns related to residents living on the subject lands.

#### **H. Property Values**

There were a few submissions that expressed concerns that property values could be impacted by the proposed development. Staff are not aware of any empirical evidence that would suggest that such a proposed development would impact property values.

## **I. Loss of Trees**

Concerns were raised with respect to a loss of trees and vegetation. The concept plan, as per Appendix “C”, shows that two trees will be lost through the development of this proposal. All the remaining trees will be protected and enhanced landscaping will be required at the Site Plan Control stage. As such, staff are satisfied that in addition to the trees that already exist on site and those that are to be added, there will be a sufficient number of trees remaining on the site to act as a natural buffer between abutting properties.

## **ALTERNATIVES FOR CONSIDERATION**

Should the application be denied, the lands could be developed in accordance with the existing “B” (Suburban Agriculture and Residential, etc.) District provisions.

## **ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN**

### **Strategic Priority #1**

A Prosperous & Healthy Community

*WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn*

## **APPENDICES AND SCHEDULES ATTACHED**

Appendix “A”: Location Map

Appendix “B”: Draft Zoning By-law Amendment

Appendix “C”: Concept Plan

Appendix “D”: Public Submissions

Appendix “E”: Public Submissions from the Community Meeting

:RC/th