



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	January 12, 2016
SUBJECT/REPORT NO:	Applications for an Urban Hamilton Official Plan and Zoning By-law Amendment for Lands Located at 20 Artfrank Drive (Stoney Creek) (PED16007) (Ward 9)
WARD(S) AFFECTED:	Ward 9
PREPARED BY:	Alvin Chan Senior Planner (905) 546-2424 Ext. 1334 Steve Robichaud Director of Planning and Chief Planner
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- a) That approval be given to **Urban Hamilton Official Plan Amendment Application UHOPA-15-010 by Winterberry Paramount Corporation (Owner)**, for amendment to Area Specific Policy – Area A, Block A-1, to permit a maximum density of 200 units per hectare for the entire site, and to permit one building located parallel to the existing stormwater management pond to have a maximum height of 12 storeys, for lands located at 20 Artfrank Drive (Stoney Creek), as shown on Appendix “A” to Report PED16007, on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED16007, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
 - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe, and complies with the intent and purpose of the Urban Hamilton Official Plan.

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- b) That approval be given to **Amended Zoning By-law Amendment Application ZAC-15-018 by Winterberry Paramount Corporation (Owner)**, for a further site specific amendment to the Multiple Residential "RM3-27" Zone, Modified, by deleting and replacing the provisions, in order to permit the development of 20 two-storey mixed use townhouses and three multiple dwellings consisting of a total of 351 dwelling units, for a total of 371 dwelling units, for lands located at 20 Artfrank Drive (Stoney Creek), as shown on Appendix "A" to Report PED16007, on the following basis:
- (i) That the draft By-law, attached as Appendix "C" to Report PED16007, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
 - (ii) That the amending By-law be added to Map 15 of Schedule "A" of Zoning By-law No. 3692-92.
 - (iii) That the proposed change in zoning be in conformity with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. [REDACTED].

EXECUTIVE SUMMARY

The proposed development consists of 20 two-storey mixed use townhouses and three multiple dwellings of varying heights, consisting of a total of 351 apartment units, for a total of 371 dwelling units, for lands located at 20 Artfrank Drive (Stoney Creek), as shown on Appendix "D". The proposed development will have a density of approximately 197 units per hectare.

The purpose and effect of the Urban Hamilton Official Plan Amendment Application is to amend Area Specific Policy – Area A, Block A-1, of the Western Development Area (Heritage Green) Secondary Plan, in order to permit an increase in density to a maximum of 200 units per hectare, and secondly, to permit a maximum height of 12 storeys for the central multiple dwelling that is proposed to be built parallel to the existing stormwater management pond (shown as Building "B" of Appendix "D").

The purpose and effect of the Zoning By-law Amendment Application is to amend the existing Multiple Residential (Holding) "RM3-27(H)" Zone, Modified, by deleting and replacing the specific modifications, to permit the proposed development.

Staff have amended the application to include an increased interior setback for the easterly block of townhouses adjacent to 182 and 188 Upper Mount Albion road to provide for adequate separation and a transition of land use.

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The proposed Urban Hamilton Official Plan (UHOP) and Zoning By-law Amendment have merit, and can be supported since the changes are consistent with the Provincial Policy Statement (2014), conform to the Growth Plan for the Greater Golden Horseshoe and comply with the intent of the UHOP.

Alternatives for Consideration – See Page 42

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 amendment to the UHOP and Zoning By-law.

HISTORICAL BACKGROUND

Proposal

The subject lands are located east of Upper Mount Albion Road, north of Artfrank Drive, south of Mud Street and west of Winterberry Drive, with frontage onto both Artfrank Drive and Winterberry Drive, as shown on Appendix “A”. The subject lands are approximately 1.89 ha in area.

The proposed development consists of 20 two-storey townhouses with the option of live / work units, and three multiple dwellings of varying heights, (consisting of a total of 351 dwelling units), for a total of 371 dwelling units. A density of approximately 197 units per hectare is proposed, with 648 parking spaces (500 underground spaces and 148 surface spaces) and two access driveways from Artfrank Drive (see Appendix “D”).

The purpose of the Zoning By-law Amendment Application is to amend the existing Multiple Residential (Holding) "RM3-27(H)" Zone, Modified, by deleting and replacing the site specific modifications to the following By-law elements:

- permitted uses;
- definitions;
- maximum east and south yards;
- side yard setbacks for townhouses and for apartment buildings;
- the minimum rear yard for an apartment building;
- maximum density;
- maximum building height;
- privacy areas;

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- minimum landscape open space;
- minimum required parking;
- minimum parking space dimensions;
- location of parking spaces with dwellings on the same lot;
- the removal of the requirement for live / work units immediately east of the lands zoned Mixed Use Commercial “MUC-1 (H)” Zone, Modified – Holding, and fronting onto the south lot line;
- the minimum special setback to a daylight triangle; and,
- increased porch encroachments.

The purpose and effect of the Urban Hamilton Official Plan Amendment Application is for further amendments to Area Specific Policy – Area A, Block A–1 of the Western Development Area (Heritage Green) Secondary Plan, to permit an increase in density to a maximum 200 units per hectare, and a maximum height of 12 storeys for the multiple dwelling proposed to be constructed parallel to the existing stormwater management pond (shown as Building “B” of Appendix “D”).

The effect of the Zoning By-law Amendment is to facilitate 20 two-storey townhouses with the option of live / work units, and three multiple dwellings of varying heights, consisting of 351 dwelling units, for a total of 371 dwelling units, with 648 parking spaces (500 underground spaces and 148 surface spaces), with a single access onto Artfrank Drive (see Appendix “D”).

Chronology:

- May 28, 2014: Formal Consultation Meeting for Application FC-14-041.
- February 12, 2015: Submission of Applications UHOPA-15-010 & ZAC-15-018.
- March 11, 2015: Applications UHOPA-15-010 and ZAC-15-018 deemed complete.
- March 19, 2015: Circulation of Notice of Complete Application and Preliminary Circulation for Applications UHOPA-15-010 and ZAC-15-018 to all property owners within 120 m of the subject lands.
- April 18, 2015: Public Notice Sign installed on subject lands.
- December 9, 2015: Public Notice Sign updated with Public Meeting Information.
- December 18, 2015: Circulation of the Notice of Public Meeting to all property owners within 120 m of the subject lands.

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Details of Submitted Application:

Location: 20 Artfrank Drive (see Appendix “A”).

Owner/Applicant: Winterberry Paramount Corporation (c/o Gerald Asa)

Agent: WEBB Planning Consultants Inc. (c/o James Webb)

Property Description:

<u>Lot Frontage:</u>	Artfrank Drive	– 203.1 m
	Winterberry Drive	– 76.2 m
<u>Lot Depth:</u>	West Lot Line (irregular)	– 152.7 m
<u>Lot Area:</u>		– 1.89 Ha
<u>Servicing:</u>	Existing Full Municipal Services	

Existing Land Use and Zoning:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Vacant Lands	Residential Multiple (Holding) “RM3-27(H)” Zone, Modified
<u>Surrounding Land Uses:</u>		
North	Stormwater Management Facility	Open Space “OS” Zone; and, Residential Multiple (Holding) “RM3-27(H)” Zone, Modified
South	Commercial Plaza	Neighbourhood Shopping Centre “SC1-3” Zone, Modified
East	Vacant Lands and Place of Worship	Neighbourhood Development “ND” Zone and Neighbourhood Institutional (I1) Zone
West	Vacant Lands and Single Detached Dwellings	Multiple Residential “RM4-5(H)” (Holding) Zone, Modified; and, Mixed Use Commercial “MUC-1(H)” (Holding) Zone, Modified

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2014)

The application has been reviewed against the Provincial Policy Statement (PPS, 2014), which applies to this site. Policy 1.1 requires an efficient and resilient development and land use pattern that is healthy, liveable and safe.

In particular this proposal implements sub-policies (a); (b); and, (e), amongst others, of Policy 1.1.1:

“1.1.1 Healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs; and,
- e) promoting cost-effective development patterns and standards to minimize land consumption and servicing costs.”

Furthermore, the applications are consistent with the policies that focus growth and development in Settlement Areas (Policy 1.1.3.1). In particular, as per Policy 1.1.3.2, the proposed land use pattern will provide for a mix of land uses for the area that efficiently use the land and resources, and is appropriate for the infrastructure and public service facilities planned or available for this area, including transit.

Additionally, Policy 1.2.6.1 states that:

“Major facilities and sensitive land uses should be planned to ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of major facilities.”

In review of the development, a noise study will be required as part of the future Site Plan Control application. Accordingly, the above noted policy direction will be addressed.

Based on the foregoing, as the subject lands are located within a settlement area, proposed to be developed with appropriate infrastructure in a compact cost-effective

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development pattern to provide for a mix of land uses, the proposal is consistent with the PPS (2014).

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

The Growth Plan for the Greater Golden Horseshoe (Places to Grow) sets out the principles for how growth should occur. The subject applications conform with Policy Section 1.2.2 – Guiding Principles, by providing a planned and managed form of growth that supports a strong and competitive economy, while protecting, conserving, enhancing, and wisely using the valuable natural resources of land for current and future generations; optimizing the use of existing and new infrastructure to support growth that is in a compact, efficient form; thereby establishing a compact, vibrant, and complete community.

The subject lands constitute a greenfield development as the lands are within the urban boundary but are not identified as being within the built-up area. Policy Section 2.2.2 provides direction on managing this growth whereby population and employment growth will be accommodated by, amongst other things:

- “c) building compact, *transit-supportive* communities in *designated greenfield areas*;
- d) reducing dependence on the automobile through the development of mixed-use, transit-supportive, pedestrian-friendly urban environments;
- g) planning and investing for a balance of jobs and housing in communities across the GGH to reduce the need for long distance commuting and to increase the modal share for transit, walking and cycling;
- h) encouraging cities and towns to develop as complete communities with a diverse mix of land uses, a range and mix of employment and housing types, high quality public open space and easy access to local stores and services;
- i) directing development to settlement areas, except where necessary for development related to the management or use of resources, resource-based recreational activities, and rural land uses that cannot be located in settlement areas; and,
- j) directing major growth to settlement areas that offer municipal water and wastewater systems and limiting growth in settlement areas that are serviced by other forms of water and wastewater services.”

In review, the subject lands are located within a settlement area where full municipal services are available, in proximity to a planned transit node and will provide for a complete community through a compact design that includes a range and mix of

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employment and housing types with easy access to local stores and services in the area.

Moreover, Policy Section 2.2.7 provides direction with respect to Designated Greenfield Areas; in particular, Policy 2.2.7.1 states that “new development taking place in designated greenfield areas will be planned, designated, zoned, and designed in a manner that -

- a) contributes to creating complete communities;
- b) creates street configurations, densities, and an urban form that support walking, cycling, and the early integration and sustained viability of transit services;
- c) provides a diverse mix of land uses, including residential and employment uses, to support vibrant neighbourhoods; and,
- d) creates high quality public open spaces with site design and urban design standards that support opportunities for transit, walking and cycling.”

As mentioned above, the proposal will provide for a complete community and has been designed as a vibrant people place with an enhanced pedestrian experience along both Artfrank Drive and Winterberry Drive, with a built-form that is multi-modal transit supportive and provides for a mix of land uses and building types and forms.

Based on the foregoing, the proposal conforms to the policies of the Growth Plan for the Greater Golden Horseshoe (Places to Grow Plan).

Urban Hamilton Official Plan

The subject lands are designated “Mixed Use – Medium Density” on Schedule “E-1” - Land Use Designations in the UHOP. Additionally, the lands also form part of the West Mountain Area (Heritage Green) Secondary Plan and are designated as “Mixed Use – Medium Density” and Area Specific Policy – Area A, Block A–1 on Map B.7.6-1 – West Mountain Area (Heritage Green) Secondary Plan Land Use Plan. The following policies amongst other apply to the applications.

As per Policy B.7.6.3.4(a) of Volume 2, of the West Mountain Area (Heritage Green) Secondary Plan, lands designated Mixed Use Medium Density, on Map 7.6-1 – West Mountain Area (Heritage Green) – Land Use Plan shall be subject to Sections E.4.6 – Mixed Use - Medium Density Designation of Volume 1.

The Area Specific Policy – Area A, Block A–1 policies are examined separately under the West Mountain Area (Heritage Green) Secondary Plan section of this Report.

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In review of Policy Section E.4.0 of Volume 1, the proposed development conforms with the policy goals set out for Commercial and Mixed Use designations as per Policy Section E.4.1 of Volume 1. In particular, the development provides for a vibrant mixed use area with an appropriate distribution of retail and commercial services accessible by multi-modal transportation forms in a design that promotes pedestrian activity.

Permitted Uses:

The proposal complies with the General Policies for Commercial and Mixed Use Designations, in particular:

“E.4.2.4 The majority of retail and service commercial uses shall be directed to the Mixed Use designations in the Urban Nodes and Urban Corridors. The Mixed Use designations also apply to smaller mixed use areas outside the Urban Nodes and Urban Corridors. These smaller mixed use areas are intended to serve the needs of the surrounding neighbourhoods.”

In review of the proposal, staff note that no changes are proposed to the current range of the permitted uses which comply with sub-policies (a) and (f) of Policy E.4.6.5 of Volume 1, allowing for live / work units and multiple dwellings, as documented below:

“E.4.6.5 The following uses shall be permitted on lands designated Mixed Use – Medium Density on Schedule E-1 – Urban Land Use Designations:

- a) commercial uses such as retail stores, auto and home centres, home improvement supply stores, offices oriented to serving residents, personal services, financial establishments, live-work units, artist studios, restaurants, gas bars, and drive-through facilities;
- f) multiple dwellings; and,”

The development also complies with the scale of development general policies for Commercial and Mixed Use Designations, Policies E.4.2.8; and, E.4.2.10 to E.4.2.11, inclusive, which primarily regulate commercial floor spaces. The proposal will provide for the option for live / work units, with minimal commercial floor space. Therefore the proposal complies to the above noted policies.

Furthermore, the proposal generally complies with the scale policies of the “Mixed-Use Medium Designation”, being Policies E.4.6.7 to E.4.6.15, inclusive. The applicable policies are below:

“E.4.6.7 Lands designated Mixed Use - Medium Density shall contain a range of building heights and densities to a maximum height of six storeys, which

shall be set out in the implementing zoning by-law. The specific permitted heights and densities shall depend on the area and be established through secondary plans where one exists and the zoning by-law.

- E.4.6.8 Additional height up to a total of eight storeys may be permitted without an amendment to this Plan, provided the applicant demonstrates:
- a) there are no adverse shadow impacts created on existing residential uses within adjacent lands designated Neighbourhoods;
 - b) buildings are progressively stepped back from adjacent areas designated Neighbourhoods. The Zoning by-law may include an angular plane requirement to set out an appropriate transition and stepping back of heights; and,
 - c) buildings are stepped back from the street to minimize the height appearance from the street, where necessary.
- E.4.6.9 The predominant built form shall be mid rise and low rise buildings. The intent is to increase the proportion of multiple storey, mixed use buildings that have retail and service commercial stores at grade; however, single use commercial buildings and medium density ground related housing forms shall be permitted.”

The development complies with the above policy provisions as it provides for a range of building heights and densities within a mid-rise building or medium density ground related housing form, while maintaining the option for live / work units.

Of further note, the proposed heights are appropriate based on the sun-shadow study which demonstrated that there is minimal shadow impacts on existing residential development through the incorporation of stepping back of the buildings to provide for an appropriate transition of heights. In addition, the taller of the buildings has been sited central to the site to provide for an appropriate angular plane of height while also backing onto a stormwater management pond, minimizing any potential shadow impacts.

Based on the foregoing, the proposed residential development with the option for live / work units, maintains the general intent and purpose of the above noted policies, subject to the requested official plan amendment. Additionally, more detailed design standards will be applied to this development through the future Site Plan Control application.

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Design:

Additional design direction is also provided under Policy Section E.4.6.16 to E.4.6.30, inclusive, of Volume 1 of the UHOP, as presented below:

- “E.4.6.16 New development shall be designed and oriented to create comfortable, vibrant and stimulating pedestrian oriented streets within each area designated Mixed Use - Medium Density.

- E.4.6.17 Areas designated Mixed Use - Medium Density are intended to develop in a compact urban form with a streetscape design and building arrangement that supports pedestrian use and circulation and create vibrant people places.

- E.4.6.22 Development applications shall be encouraged to provide a mix of uses on the site.

- E.4.6.24 New development shall respect the existing built form of adjacent neighbourhoods by providing a gradation in building height and densities, and by locating and designing new development to minimize the effects of shadowing and overview on properties in adjacent neighbourhoods.

- E.4.6.25 Areas designated Mixed Use - Medium Density shall be integrated with the surrounding neighbourhoods through frequent street and pedestrian linkages.”

The conceptual plan attached as Appendix “D” proposes five low rise buildings along both Artfrank Drive and Winterberry Drive, thereby providing a streetscape that supports pedestrian use, circulation and creates a vibrant place and public realm. The development will also provide a variety of housing types, forms and tenures, while also maintaining the option for live / work, providing for a mix of uses onsite.

In addition, an Urban Design Brief demonstrating minimal effects of shadowing and overview through an efficient site design and layout. The proposal provides for an increased setback to the existing residential developments to the east, and incorporates stepping in of heights to minimize shadow impacts.

Based on the foregoing, and subject to the amendments proposed to the West Mountain Area (Heritage Green) Secondary Plan, the application complies with the policies of the Urban Hamilton Official Plan, Volume 1.

West Mountain Area (Heritage Green) Secondary Plan:

The subject lands are designated as “Mixed Use – Medium Density” and “Area Specific Policy - Area A-1” on Map B.7.6-1 – West Mountain Area (Heritage Greene) Secondary Plan Land Use Plan.

Permitted Uses:

Policy B.7.6.1.1 permits residential development only when full urban services are available. Policy Section B.7.6.2 provides direction with respect to Residential, in particular, Policy B.7.6.2.3 states:

“B.7.6.2.3 Notwithstanding Section E.3.5 – Medium Density Residential of Volume 1, the following policies shall apply to the Medium Density Residential 3 designation identified on Map B.7.6-1 - West Mountain Area (Heritage Green) - Land Use Plan:

- a) the permitted uses shall include apartments not exceeding nine stories in height; and,
- b) the density shall be approximately 50 to 99 units per net hectare.”

In addition to the proposed townhouses, the proposal includes multiple dwellings with a height ranging from seven storeys to 12 storeys and a proposed density of 197 units per hectare which does not comply with Policy B.7.6.2.3 of Volume 2, which thereby necessitates the proposed amendments.

With respect to density, the proposed built form is supportable at this location. The unit types proposed within the multiple dwellings are one-bedroom units (100 units or approximately 29% of all units) and two-bedroom units (243 or approximately 70% of all units). Eight two-bedroom with loft units are proposed. As result, this unit allocation results in a higher density within a supportable building height and size at an appropriate location.

Staff support the requested increase in height to Building “B” of Appendix “D”, as the structure is located central to the site, away from existing residential and backs onto a stormwater management pond. This minimizes any negative impacts as result of the increase in height. Furthermore, the design includes stepping of the building to further mitigate any potential impacts.

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Policy Section B.7.6.8.4 provides direction with respect to commercially designated lands. In particular the following sub-policies amongst others would apply:

“B.7.6.8.4 Commercial Policies

Notwithstanding Section E.4.6 – Mixed Use - Medium Density Area of Volume 1, the following policies apply to the lands within the West Mountain Core Area:

- a) West Mountain Core Area shall serve as the commercial centre of the surrounding community with a variety of commercial uses including large format retail stores and retail and service / commercial uses, including restaurants, personal services, entertainment and office uses.
- e) All commercial development fronting on both sides of Upper Mount Albion Road and adjacent to Artfrank Drive in the vicinity of the transit node shall be built close to the street edge to foster and enhance a ‘central street’ image and shall be guided by the Urban Design policies in this Secondary Plan.”

The subject development, which includes the option for live / work units, in addition to the existing and proposed developments within the West Mountain Core Area, would provide for a commercial centre with buildings close to the street edge which complies to the applicable urban design policies.

Moreover, Policy Section B.7.6.8.5 of Volume 2 provides policy direction with respect to residential development, in particular:

“B.7.6.8.5 Residential Policies

- a) Residential uses in the West Mountain Core Area shall contribute to the development of a vibrant commercial area and foster increased public transit ridership. A range of housing types and tenure shall be encouraged at medium densities in accordance with Policy 7.6.2.3 of this Secondary Plan. All residential development shall be located north of Artfrank Drive, between Upper Mount Albion Road and Winterberry Drive.
- b) The following policies shall apply to lands north of Artfrank Drive shown as Blocks A-1, A-2 and A-3 on Map B.7.6-1 - West Mountain Area (Heritage Green) - Land Use Plan:
 - i. Block A-1

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Live/work opportunities shall be encouraged along the north side Artfrank Drive adjacent to Block 3. Ground floor commercial uses and residential uses are permitted. Personal services, professional offices and convenience retail stores are permitted commercial uses.”

Of note, the applicant proposes to remove the requirement for live / work units for the lands adjacent to 182 and 188 Upper Mount Albion Road. Live / work units or residential units will be permitted. Staff are of the opinion that this change maintains the intent and purpose of the Plan, in that the applicant will maintain the option of developing the lands north of Artfrank Drive for live / work units as it is encouraged by, but not required by, this Plan.

Function:

Policy Section B.7.6.8 of Volume 2 - Site and Area Specific Policies, Policy Section B.7.6.8.2 of Volume 2 sets out the Development Principles for the West Mountain Core Area, in particular:

“The West Mountain Core Area is the focus for higher order land uses for the surrounding community and shall evolve as an urban centre with a physical form that is human in scale, pedestrian friendly and transit supportive. The following development principles shall apply throughout the West Mountain Core Area:

- a) Development shall be in the form of a mix of higher density residential, broad range of commercial uses, employment uses, and public spaces concentrated and arranged to encourage pedestrian activity along a ‘central street’ (Upper Mount Albion Road) which fosters and facilitates public transit ridership.
- b) West Mountain Core Area shall be developed in accordance with urban design policies that:
 - i) provide a focus and identity for the surrounding community;
 - ii) create an attractive, safe and pedestrian-friendly environment; and,
 - iii) promote high quality of urban design including streetscapes and main streets, views, gateways, trails, walkways and open spaces.
- c) West Mountain Core Area shall be a mixed use area, providing a broad range of commercial uses including large-format retail stores, retail, entertainment, restaurants, office and service/commercial uses. A range of housing forms and types shall be developed at medium densities including low rise (2 to 3 storeys), mid-rise (3 to 9 storeys), commercial/residential uses and live/work housing options.

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- d) West Mountain Core Area shall have a high degree of connectivity, planned and designed with interconnecting pedestrian/bicycle linkages between the residential and commercial uses, a transit node and the storm water management pond within the Core Area, and to the remainder of the surrounding community.
- e) The pattern of development in the West Mountain Core Area shall be transit supportive in terms of land use, density and urban design as the area evolves over time. On this basis, a centrally located node for local transit shall be established to connect to the surrounding community and the larger City.”

The proposed development provides a mix of uses and built forms designed in a transit oriented human scale that is pedestrian friendly, provides for internal and external sidewalk connections and bike lanes with buildings brought up to street to minimize vehicular accesses and a high degree of connectivity to Upper Mount Albion.

Design:

The proposal has been reviewed against the West Mountain Core Area Urban Design Guidelines adopted by Council and the Site Plan Guidelines as per Policy B.7.6.8.7 of Volume 2.

In particular, Policy Section B.7.6.8.8 – Urban Design Principles, of Volume 2 requires that “the West Mountain Core Area shall be developed in accordance with the following urban design principles:

- a) urban form that is compatible with the adjacent residential neighbourhood;
- b) a strong community image with a ‘central street’ and pedestrian-friendly environment that shall provide a central gathering point and focal point around which the development shall be organized;
- d) landscape areas that act as screens and buffers to enhance the development while minimizing the visual impacts of service lanes, parking areas and loading zones; and,
- e) a comprehensive pedestrian system for the entire site that links all buildings to the central street, transit node and adjacent neighbourhoods with sidewalks on streets, pathways, trails and/or pedestrian walkways.”

Urban Design details were submitted with the subject application and deemed satisfactory in meeting the above noted policy and those of the Site Plan Guidelines. The proposal is compatible with adjacent residential development and provides for a pedestrian-friendly environment through internal sidewalks with connections to the public sidewalks along Artfrank Drive and Winterberry Drive. The proposed access

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driveways include a central two way access, and a one way access, which minimizes disruptions to the sidewalk network, with all parking areas internal to the site. The development will also include appropriate landscaping to provide for a consistent streetscape, and is not subject to gateways as per the policy below. Additional detailed design will be required through the future Site Plan Control process.

Policy B.7.6.8.10 of Volume 2, provides policy direction with respect to the permitted built form, whereby, amongst other policies, “buildings shall be sited and designed to enhance the public nature of streets, open spaces and pedestrian routes.

- a) For buildings located on Upper Mount Albion Road (‘Central Street’) and Artfrank Drive, the following policies, amongst others, apply:
- i. Buildings shall be located close to the street line with minimum setback from the edge of the road allowance to provide for a pedestrian friendly streetscape.
 - ii. Buildings shall address both sides of the street line in a prominent fashion to create a pleasant and attractive pedestrian experience and facilitate interaction between different activities.
 - iii. Commercial buildings and their principal entrances shall be located at grade, easily accessible from the public sidewalk.
 - iv. Building heights shall create a streetscape scaled to the pedestrian.
 - xii. All buildings on a public street shall be designed with windows and signage facing the street.
 - xiii. Buildings are to be generally sited parallel to the public street.”

The massing and building height along Artfrank Drive is of a human scale, set close to the street, and limited to three storeys or 13.5 m, while the building adjacent to Winterberry Drive has an increased setback from the roadway to create a pleasant and attractive pedestrian experience and streetscape with buildings, windows and principal entrances parallel to the public street, accessed at grade by sidewalk.

Of note, sub-policies (v) to (xi), inclusive, would be addressed through the future Site Plan Control application, being:

- “v. Design features such as varied roof lines, building fenestration and canopies shall be encouraged on all facades of buildings.

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- vi. Principal building façades and entrances shall be oriented towards the public street or to exterior spaces that are directly adjacent to, and visible from, the public street.
- vii. The main entrance of buildings shall be emphasized in the design of buildings.
- viii. Canopies over doorways, arcades and other treatments are encouraged to provide weather-protected useable outdoor space.
- ix. Building façades should be varied and articulated by use of bay projections, canopies and/or varied roof lines to provide visual interest for pedestrians. Long walls along streets or pedestrian routes shall be broken up by a series of bays and/or projections to create the impression of smaller building units.
- x. The ground floor coverage of buildings should be maximized.
- xi. Roof-top mechanical equipment shall be enclosed or screened. Roofs and screens should be designed in a manner integral with the overall building design in terms of form, material and colour.”

Moreover, Policy B.7.6.8.10(b) of Volume 2 provides policy direction with respect to built form for buildings located along Winterberry Drive and Paramount Drive; in particular, but not limited to the following:

“B.7.6.8.10

- b) For buildings along Winterberry Drive and Paramount Drive, the following policies shall apply:
 - i. Buildings shall be compatible with the surrounding built form and exhibit a ‘Village’ character with articulated and/or pitched roofs.
 - ii. Buildings are to be generally sited parallel to the public street.
 - iii. Roof-top mechanical equipment shall be enclosed or screened. Roofs and screens shall be designed in a manner integral with the overall building design in terms of form, material and colour.
 - iv. Principal building facades and entrances should be oriented towards the public street or to exterior spaces that are directly adjacent to, and visible from, the public street and not to loading zones and parking lots.

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- v. All commercial buildings on a public street shall be designed with windows and signage facing the street.
- vi. On-site parking shall be in consolidated parking areas located to the side or rear of buildings.”

As per the conceptual plan attached as Appendix “D” to this Report, buildings proposed along Paramount Drive are located parallel to and oriented to the street with on-site parking consolidated and located behind the proposed structures, central to the development and screened from view.

Additionally, the proposal will be subject to a future Site Plan Control application, whereby staff will ensure that the buildings are compatible with the surrounding area through principal entrances and facades oriented and connected to the public street; a pitched roof consistent with the “village” character; and, by ensuring any rooftop mechanical is enclosed or screened.

Lastly, sub-policy (c) of Policy B.7.6.8.10 of Volume 2, provides direction for Block A-1, being the subject lands; in particular, but not limited to the following:

“B.7.6.8.10

- c) Buildings on Blocks A-1, A-2, A-3 and A-4 shall provide an enhanced and distinctive visual experience along all street frontages and the following policies shall apply:
 - i. Buildings shall be placed so the tallest buildings are interior to the planned development at the north-east corner of Upper Mount Albion Road and Artfrank Drive. Buildings shall be incrementally reduced in height towards Winterberry and Paramount Drive.
 - ii. On Blocks A-1, A-2 and A-3, the range and mix of building types shall provide for a varied articulation of building heights within each residential block length.”

As per the conceptual plan attached as Appendix “D” to this Report, the proposed development includes the larger 12-storey multiple dwelling (Building “B”) within the interior and rear of the site, with appropriate stepping of the height for the two outer multiple dwellings, being seven and eight storeys respectively. The proposed development block will provide a range and mix of building types while providing for varied articulation of building heights within each residential block.

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Policy Section B.7.6.8.11 of Volume 2, provides direction with respect to setbacks and building frontage; in particular, but not limited to the following:

“B.7.6.8.11

- a) Minimum and maximum setbacks shall be set out in the Zoning by-law according to the following policies:
 - ii) Buildings on Artfrank Drive shall be located close to the street line to prevent front yard parking and to define the street while maintaining small landscape areas allowing a transition from the private to the public realm.
 - iii) Buildings on Winterberry and Paramount Drive shall be located further from the street line to allow for a generous continuous landscape area while providing a level of definition to the street edge.
- b) On Blocks A-1, A-2, and A-3, planted and constructed elements in the setback, such as low hedges, trees, masonry and decorative metal fences and gates, provide a transition from the public sidewalk to the building face and shall be provided.
- d) To create the spatial definition and a sense of enclosure that encourages a pedestrian-oriented street, the Zoning by-law regulations shall set out the minimum length of building that shall be required to be located at the build-to lines along the public street on the ‘Central Street’ and Artfrank Drive.
- e) Commercial buildings along Upper Mount Albion Road to the intersection of Artfrank Drive, and east along Artfrank Drive to Winterberry Drive shall have a limited depth, as set out in the Zoning by-law, to encourage pedestrian friendly, street-related development.
- f) The intersections of Upper Mount Albion Road and Artfrank Drive, Winterberry and Paramount Drive and Upper Mount Albion and Paramount Drive, are significant corner sites. These areas shall be developed with landmark buildings in accordance with the following policies:
 - ii) Buildings shall have articulated facades towards both streets and should be visually different from adjacent development.
 - iii) Buildings shall have the highest level of architectural detailing and a distinct architectural appearance.

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- g) Buildings shall be designed to incorporate varied rooflines, canopies, decorative architectural details and/or projecting bays. Large blank walls and continuous rows of monotonous and repetitive façades shall not be permitted.”

As previously mentioned, the proposed development includes buildings sited up to and oriented towards the street line of both Artfrank Drive and Paramount Drive, with parking located in behind and screened from view. The development will be further subject to a Site Plan Control application to ensure a high-quality landmark building design and enhanced streetscape, as per the policies noted above.

With respect to the pedestrian realm, Policy Section B.7.6.8.12 of Volume 2, in particular, but not limited to the following policies, are to be addressed through the future Site Plan Control application:

“B.7.6.8.12

- a) Pedestrian systems that connect pedestrians to all buildings, the ‘Central Street’, the transit node and pedestrian routes in the surrounding community shall be provided. Private sidewalks and linkages shall be designed as a condition of Site Plan Approval.
- b) Pedestrian walkways within parking lots that connect pedestrians from parking areas to building entrances shall be provided. These walkways shall be designed with paving materials, trees and lighting that contribute to the safety and visual continuity of the entire pedestrian system.
- c) Pedestrian weather protection systems including awnings, canopies, colonnades, or front porches, along the sidewalk edge of pedestrian streets, in particular along Upper Mount Albion Road and Artfrank Drive at entrances to buildings shall be provided.
- d) Buildings shall be designed with the primary windows and signage facing onto the street.
- e) Barrier free design of buildings, streets and publicly accessible exterior spaces shall be implemented.
- f) Cross walks and differentiated paving materials and patterns shall be constructed to identify pedestrian routes where they cross streets and other vehicular routes.
- g) Parking areas, servicing lanes, utility and mechanical equipment and drop off and loading zones shall be designed and located in a manner that has minimal physical impact on public sidewalks and accessible exterior spaces. Shared

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driveways and service lanes at the side and rear of buildings are to be provided for these functions.”

In review of the proposal, attached as Appendix “D”, internal sidewalks with connections to the public sidewalks along Artfrank Drive and Winterberry Drive are provided. The access driveways include a central two way access, and a one way access, with all parking and loading areas internal to the site, which minimizes physical impact on public sidewalks. Building entrances, windows and signage oriented to the public roadways, Artfrank Drive and Winterberry Drive, and paving materials and pedestrian weather protection systems, will be incorporated through the future Site Plan Control application.

Moreover, Policy Section B.7.6.8.13 of Volume 2, provides direction with respect to landscape areas and buffers; in particular, but not limited to the following sub-policies:

“B.7.6.8.13 Landscape Areas and Buffers

- a) Landscape areas shall be provided as a screen or buffer to address the interface with existing residential uses along the east side of Winterberry Drive and the south side of Paramount Drive.
- d) Landscaped islands shall be provided throughout parking lots to identify, reinforce and connect pedestrian routes, separate roads from parking areas, define edges, and to visually break down large parking areas into smaller quadrants.
- e) The zoning by-law regulation shall identify a minimum landscaped area as a percentage of the overall property area.”

Staff note that the existing residential development backs onto the east side of Winterberry Drive and the existing Winterberry Drive Open Space. Additionally, existing privacy fences are also provided along the rear of these lots and a treed median within Winterberry Drive to buffer the existing residences. The proposed development will provide a landscape strip adjacent to Artfrank Drive and Winterberry Drive. Additional central landscaped amenity area and trails are provided onsite.

Policy Section B.7.6.8.14 of Volume 2 provides design requirements related to parking entrances, loading zones and service lanes. The following policies amongst others apply:

- “a) The location of parking entrances, loading zones and service lanes shall be coordinated with the locations of pedestrian routes in order to reinforce streets as primary public spaces.

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- b) Parking entrances, loading zones and service lanes shall have the least possible impact on the streetscape and public open spaces.
- d) Vehicular access to parking areas shall be restricted to common entrances to the overall development and shall be designed to minimize crossing of pedestrian routes, sidewalks and trails.
- e) All loading zones and service lanes shall be screened and landscaped. Screens shall be designed to complement the materials and details of the associated building facades.
- f) Loading zones and service lanes shall be located to avoid conflict with pedestrian and vehicular traffic and away from the adjacent residential areas.
- g) Wherever possible on-site loading zones and service lanes shall be consolidated and shared. These facilities shall be located at the rear of buildings or shared between buildings.”

In review of the concept plan attached as Appendix “D” to this Report, staff note that all parking, loading zones and service lanes are located central to the development and support all buildings within the development.

The area is accessed by a common central driveway and a one way access into the development which reinforce the street as the primary public space through a streetscape that minimizes crossing of pedestrian routes and sidewalks. Moreover, the subject development will be subject to a future Site Plan Control application to implement any necessary screening and / or landscaping of these facilities.

As mentioned above, the provision and location of the two access points to the proposed dwellings would minimize disruption to traffic flow and the impact on local streets, reduce the number of curb cuts and facilitate pedestrian movement, in accordance with Policy B.7.6.8.15 of Volume 2, regarding vehicular access.

Lastly, Policy B.7.6.8.16 of Volume 2 provides policy with respect to signage and lighting, which will be developed at a pedestrian scale through the future required Site Plan Control application.

Based on the foregoing, staff are of the opinion that the proposed development complies with the policies of the West Mountain Area (Heritage Green) Secondary Plan, and the Urban Hamilton Official Plan, subject to approval of the associated Official Plan Amendment for an increase in building height and density, of which staff are supportive.

RELEVANT CONSULTATION

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

- Recreation Division, Community and Emergency Services Department.

The following Departments and Agencies have provided comments on the applications:

Operations Division, Public Works Department have advised that the development is eligible for waste collection service. The following note shall be included in the future Site Plan drawing:

“This property is eligible for weekly collection of Garbage, Recycling, Organics, and Leaf and Yard Waste through the City of Hamilton subject to compliance with specifications indicated by the Public Works Department and subject to compliance with the City’s Solid Waste Management By-law 09-067, as amended.”

With respect to the vertical multiple residential buildings with six or more dwelling units, front-end bin garbage collection service is required. The following specifications are required for municipal collection of waste for bin service:

- “• Garbage collection areas and anticipated movement of the collection vehicle through the building site shall be illustrated on the site-plan.
- A minimum of 18.0 m straight head-on approach to the collection area is recommended.
- Should the preferred 18.0 m head-on approach not be achievable, the collection area should be designed in such a way as to allow a collection vehicle to enter the site, collect the garbage and exit without the need to back-up onto a public road. A turnaround area allowing for a three-point turn of not more than one truck length or a drive through access route are acceptable options for accommodating this requirement.
- The developer or owner is responsible to build the required collection areas on private property with access to the municipal road that does not require the collection vehicle to back into the municipal roadway.
- The required collection area, access to it and adequate manoeuvring space for the collection vehicles must be provided exclusive of any parking spaces on the site.
- The internal road shall have a pavement width not less than 6.0 metres.”

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Participation in recycling and organics diversion programs is mandatory in order to receive municipal garbage collection service. Blue and green carts may be collected internally at the discretion of the Public Work Department. It is common for the City to provide one blue cart for every ten units and one green cart for every fifteen units.

The waste collection location must be illustrated on the site plan. Of note, the areas adjacent to northerly parking areas will not be acceptable locations as the waste collection vehicle will need to reverse to continue through the development site.

Lastly, the two-storey urban towns shall place all waste streams curbside on Artfrank Drive for collection.

In review, the applicant / owner has been advised of the future Site Plan Control design requirements and notations.

Forestry and Horticulture Section, Public Works Department have advised that a detailed Landscape Planting Plan prepared by a Certified Landscape Architect, showing the placement of trees on internal / external City property, should be submitted for review.

The Landscape Plan should specifically outline full planting details including the size and species of trees to be planted as well as hard surface and soft surface area percentages on the site.

Tree species selection should take into account cultural requirements, cultivars (fruitless etc.) salt and heat tolerance, mature tree size, public visibility and private daylight triangles, potential pest concerns as well as the exposure (south west prevailing winds).

Trees planted on the road allowance should have a minimum caliper of 50 mm soil depth in planting or landscape strips should be an absolute minimum of 36 cm as this is the depth of a 70 cm root ball on an average 50 mm caliper tree and soil volume is a key component of new tree survival.

Of note, the Forestry and Horticulture Section will not accept cash in lieu of trees to be installed in stormwater management ponds, entrance features or roundabouts.

In review, Planning staff note that a landscape will be required through the future Site Plan Control application. Additionally, street trees and payments have been addressed as per Section 31 of the Registered Subdivision Agreement, WE536080.

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Environment and Sustainable Infrastructure Division, Public Works Department have requested a transportation demand management options report as part of the future Site Plan Control application. In addition, the future Site Plan should consider the Hamilton Pedestrian Mobility Plan, in particular:

- consider the needs of Pedestrians with disabilities (i.e. AODA regulations and barrier free designs), Built environmental standard, - these regulations must be followed;
- sidewalks along both sides of the right-of-way and through the site are required minimum of 1.5 metres wide sidewalks clear of obstructions; and,
- include the provision for trees in the boulevard.”

Lastly, it is suggested that an emphasis be placed on providing future residents of this proposed community with park opportunities as they are isolated from exiting parkland in the area. The site plan shows a pathway and gazebo, but we would strongly recommend features for children be included in the design of this space.

Staff note there are open space linkages provided to Valley Park to the east via the Winterberry Drive and Paramount Drive open spaces; and, a second park, Stoneywood Park, is approximately 350 m to the south accessible by walking and biking given the inclusion of bike lanes along Winterberry Drive.

Based on the foregoing, Planning staff are of the opinion that the above matters have been addressed by existing community facilities and infrastructure, or will be addressed through the future Site Plan Control application.

Geomatics and Corridor Management Section, Public Works Department have advised that the proposed higher density residential lands were included in the development approvals for the overall Heritage Greene complex. The traffic impact study for the Heritage Greene development was also included in the ROPA 9 EA, with the area identified in that study as Special Policy Area ‘C’. The surrounding road network was subsequently urbanized and upgraded to its present cross-section to accommodate full site development.

Notwithstanding, the curvature of Artfrank Drive limits driveway placement as sightlines for drivers exiting and entering the driveways must not be impeded. A sightline review document has been submitted to review the proposed driveway locations per Transportation Association of Canada guidelines.

The easterly driveway will be aligned with the existing driveway on the south side of Artfrank Drive and is satisfactory. However, the westerly site driveway will not provide

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the desired sightlines; therefore, if there is a driveway location that provides improved sightlines then that location should be considered.

In particular, it is recommended that the westerly driveway be shifted further east so that it is situated on the outside edge of the road curve. The recommended driveway location would align with the commercial driveway on the south side of Artfrank Drive. The sightlines looking east and west from this driveway location exceed those from the proposed driveway location at the far west side of the property.

An alternate option is to maintain the west driveway in the approximate location shown in Figure 9 of the sightline review study, but restrict the driveway to inbound traffic only. Outbound traffic and inbound traffic can use the east site driveway.

The driveways to the property off Artfrank Drive have been illustrated at a width of 7.5 m measured at the property line. That width is acceptable with 7.0 m radii; additionally, a width of up to 9.0 m is acceptable considering delivery and garbage truck access.

For new development applications we require 5.0 m x 5.0 m vision triangles between the driveway limits and the Artfrank Drive road allowance limits in which any objects or mature vegetation cannot exceed a height of 0.7 m.

In review of the above, Planning Staff note that the access location issue would be addressed through the future Site Plan Control application.

Hamilton Municipal Parking System (HMPS), Planning and Economic Development Department have advised that in review of the Planning Justification Report submitted by Webb Planning Consultants, the applicant proposes an overall reduction of 16 parking spaces which is minimal compared to the size of the development as a whole. In addition, the location of the development is in close proximity to several services such as shopping centres, schools and parks. In this regards, HMPS has no further concerns.

Hamilton Conservation Authority (HCA) have advised that they have no objections to the subject applications, but have also identified that the submission of detailed engineering drawings, including a Site Servicing Plan, a Site Grading Plan, and an Erosion and Sediment Control Plan will be required as part of the future Site Plan Control application. These matters will be appropriately addressed under the Site Plan Control application.

Canada Post has advised that the developer will be required to install lock box assemblies (LBA) for mail delivery purposes within the three mid-rise buildings. LBAs should be installed within the common entrance at each building.

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A single community mailbox will be installed to provide mail service to the 20 two-storey mixed use townhomes, with the location to be determined in consultation with developer.

Staff note that the proposed location of the community mailbox will be determined through the future Site Plan Control application, and also note that Section 42(c) of the Registered Subdivision Agreement, WE536080 also addresses Canada Post requirements.

Horizon Utilities has advised of the following:

- “• For Subdivision or Townhouse development, the Developer needs to contact our Engineering Design Department @ 905-521-4907;
- Minimum 3 m clearances from existing O/H line(s) must be maintained at all times according to Occupational Health and Safety Act;
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Horizon Utilities to facilitate this;
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment;
- In order for Horizon Utilities to prepare design and procure the materials required to service this site in a timely manner, a minimum of 6 months notification is required. It would be advantageous for the developer if Horizon Utilities were contacted at the stage where the new site plan becomes available. Please note that it takes approximately 20 weeks to purchase a transformer;
- Do not excavate within two metres of hydro poles and anchors;
- Excavation within one metre of 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;
- Horizon Utilities must be contacted if the removal, isolation or relocation of the existing plant is required, all cost associated with this work will be at the owners expense;
- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 1-800-400-2255; and,
- Clearances from Overhead and Underground existing electrical distribution system must be maintained in according to:

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- 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; and,
- C22.3 No. 7- 10 Underground Systems.”

Accordingly, the above comments have been provided to the owner / applicant for their information and action.

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 43 property owners within 120 m of the subject property on March 19, 2015, for the proposed Official Plan and Zoning By-law Amendment applications.

To date, two public submissions have been received, one of which represents four additional land owners identifying concerns regarding traffic; height and the associated privacy / overview impacts; noise; fragmented development; property values; and the future redevelopment of their individual properties / lands; as well as potential construction impacts (see Appendix “E”). These comments are addressed in the Analysis and Rationale for Recommendation section below.

Furthermore, a Public Notice Sign was posted on the property on April 18, 2015, and updated on December 9, 2015, with the public meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on December 18, 2015.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement, and conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow).
 - (ii) It complies to the intent and purpose of the Urban Hamilton Official Plan, subject to approval of the proposed amendment.
 - (iii) The proposed development is compatible with existing development in the immediate area and represents good planning by, among other things, providing for the development of a complete community, enhancing and continuing the streetscape within the neighbourhood, while making efficient

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use of a vacant parcel of land and existing infrastructure within the urban boundary.

2. The purpose and effect of the Urban Hamilton Official Plan Amendment Application is to amend Area Specific Policy – Area A, Block A–1 of the Western Development Area (Heritage Green) Secondary Plan, in order to permit an increase in density to a maximum of 200 units per hectare, and to permit a maximum height of 12 storeys for the central multiple dwelling only (shown as Building “B” of Appendix “D”), that abuts the existing stormwater management pond.

Staff support the requested amendment for an increase in height as the owner / applicant has demonstrated through an Urban Design Study that there are no adverse shadow impacts created on existing residential uses through buildings that are to be progressively stepped back from adjacent areas with an angular plane that provides for an appropriate transition and stepping back of heights; and, are stepped back from the street to minimize the height appearance from the street, where necessary.

With respect to density, the proposed built form is supportable at this location and the increase in density is due to the floor plates and unit types proposed within the multiple dwellings and, is therefore, a result of the function of the built form, in that numerous smaller one bedroom units (100 units or approximately 29% of all units) and two-bedroom units (243 or approximately 70% of all units) are proposed, with a minimal amount of larger units, being two-bedroom loft style units (8 or approximately 1% of all units).

As result, this unit allocation results in a higher density within multiple dwellings that are designed within a supportable building height and size at an appropriate location.

Of note, although the applicant has requested a density of 200 units per hectare, the current proposed 371 units would result in a density of 196.3 units per hectare. The requested higher density of 200 units per hectare is to allow flexibility with respect to design of floor plates and unit sizes within the multiple dwellings along with the proposed townhouse units along Artfrank Drive.

3. The applicant has requested amendments to Stoney Creek Zoning By-law No. 3692-92 in order to permit the development of 20 two-storey mixed use townhouses and three multiple dwellings of varying heights, consisting of 351 dwelling units, for a total of 371 dwelling units, and a density of approximately 197 units per hectare, with 648 parking spaces (500 underground spaces and 148 surface spaces), with a single access onto Artfrank Drive (see Appendix “D”).

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The applicant proposes changes to the existing Multiple Residential (Holding) "RM3-27(H)" Zone, Modified, with respect to:

- definitions;
- permitted uses;
- maximum east and south yards;
- side yard setbacks for townhouses and for apartment buildings;
- the minimum rear yard for an apartment building;
- maximum density;
- maximum building height;
- privacy areas;
- minimum landscape open space;
- minimum required parking;
- minimum parking space dimensions;
- location of parking spaces with dwellings on the same lot;
- the removal of the requirement for live / work units immediately east of the lands zoned Mixed Use Commercial "MUC-1 (H)" Zone, Modified – Holding, and fronting onto the south lot line;
- the minimum special setbacks to a daylight triangle; and,
- increase of permitted porch encroachments.

To ensure clarity in the amending By-law, staff have elected to repeal the existing provisions and replace them with the following modifications. Accordingly, some modifications included within the existing By-law No. 06-164 are carried forward through the proposed amending By-law, attached as Appendix "C" to this Report.

Definitions – Lot Line - Front:

As this site is a corner lot, the shorter frontage (Winterberry Drive) would be deemed to be the front lot line; however, as the proposal is primarily oriented to Artfrank Drive and to ensure the appropriate application of the zoning regulations for this development, Artfrank Drive shall be deemed to be the front lot line.

Staff are supportive of the request as it is technical in nature and is required to ensure clarity within the amending By-law.

Definitions – Live / Work Units:

The Urban Hamilton Official Plan permits and encourages the incorporation of live / work units; however, as this type of use is undefined, staff have included a definition in the proposed By-law, as established under Zoning By-law No. 06-164, with an additional modification to cap the commercial ground floor to a maximum of 50 sq m of gross floor area.

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Permitted Uses:

The Urban Hamilton Official Plan permits and encourages live / work units; accordingly the required block of live / work units are to be removed, while maintaining it as a permitted use, as previously established under Zoning By-law No. 06-164.

Maximum East and South Lot Line Setback:

The proposed development requires a modification to the maximum setback to the easterly property line from 6.0 m to 6.6 m. The intent of regulating the setback to the south lot line of 6.0 m was to ensure that the proposed built form fronting Artfrank Drive be brought closer to the street, and was not to apply to an adjacent end wall of the built form fronting Winterberry Drive; therefore, the regulation is to be maintained along with an amendment for an exception for a multiple dwelling.

Staff note that the increase in setback is as a result of the road alignment of Winterberry Drive. Accordingly, the proposed built form of a multiple dwelling requires an increase to the maximum setback for the north-east corner of the apartment building due to the curvature of Winterberry Drive.

Staff have no concerns and support the proposed modification as it is minor and technical in nature due to the road alignment of Winterberry Drive and the intent for a pedestrianized and animated streetscape will be maintained.

Side Yard for Townhouses and Dwelling Groups:

As previously mentioned, to avoid confusion, the existing provisions of the site-specific zone are to be repealed and replaced with the proposed amending By-law. Staff note that the current By-law No. 06-164 provides a minimum interior side yard of 3.0 m and a maximum exterior side yard of 3.0 m.

With an apartment building now proposed adjacent to Winterberry Drive, the maximum exterior side yard setback is no longer required and has been removed.

The existing interior side yard setback of 3.0 m shall be maintained, except for the easterly townhouse block adjacent to 182 and 188 Upper Mount Albion Road, whereby a 9.0 m interior side yard setback shall be required.

Therefore, staff support the modifications as they will maintain the original site specific provisions, provide for an appropriate transition and separation of land

uses from 182 and 188 upper Mount Albion Road, while also deleting a provision that is no longer required.

Minimum Interior and Maximum Exterior Side Yard(s) for Apartment Buildings:

Through review of the development proposal, and to ensure an appropriate location with minimal impacts on adjacent land uses, the proposed locations of the various multiple dwellings result in amendments to the minimum interior and maximum exterior side yard setbacks.

With respect to the interior side yard, a minimum 9.0 m shall be required as opposed to the current 3.0 m, ensuring adequate setback to minimize impacts on the adjacent single detached residences along Upper Mount Albion Road.

As discussed earlier, the curvature of Winterberry Drive and the proposed built form of a multiple dwelling apartment building requires an increase to the maximum exterior side yard setback to 6.7 m to an apartment building, as opposed to the maximum 6.0 m.

Staff note that the increase in interior side yard setback is to ensure compatibility with existing development while the exterior side yard setback is technical due to the curvature of Winterberry Drive, but will maintain an appropriate setback to ensure a pedestrianized and animated streetscape. The proposed modifications are therefore supportable.

Minimum Rear Yard:

Similar to the above, the rear lot line of the subject lands is irregular in nature. The proposed built form of a multiple dwelling results in a request to modify the minimum rear yard setback from 9.0 m to 8.8 m for the north-east corner of the building.

Staff have no concerns and support the proposed modification as it is minor and technical in nature due to the irregular rear lot line. The intent and purpose of this setback will be maintained as it allows for appropriate buffering from adjacent land uses, and of further note, an existing stormwater management pond is located to the rear of the apartment building requiring this relief, further minimizing any impacts of the requested reduction.

Maximum Density:

The applicant proposes an increase in density from 80 units per hectare to 200 units per hectare.

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As previously mentioned, the proposed built form is supportable at this location and the increase in density is due to the floor plates and unit types proposed within the multiple dwelling.

Although the applicant has requested a density of 200 units per hectare, the current proposed 371 units would result in a density of 196.3 units per hectare. The requested higher density of 200 units per hectare is to allow flexibility with respect to design of floor plates and unit sizes within the multiple dwellings along with the proposed townhouse units along Artfrank Drive.

Based on the foregoing, as sufficient infrastructure and services are available to facilitate the proposed development, and as a higher density built form is appropriate at this location, staff support the requested increase in density.

Maximum Building Height:

The owner / applicant has requested an increase to building heights for each multiple dwelling and the townhouses.

As reviewed in the “Policy Implications and Legislated Requirements” of this Report and as assessed by City of Hamilton Urban Design Staff, the requested increase in height is appropriate as the owner / applicant has demonstrated minimal impacts as per the criteria of the Urban Hamilton Official Plan for an increase to seven and eight storeys for Blocks “1” and “3”, and has provided additional justification for the increase of the central multiple dwelling to 12 storeys, for Block “2” as per Appendix “C”.

In order to address public concerns with the proposed building heights, staff have included restrictions on the most westerly building closest to the existing single detached residential development along Upper Mount Albion Road.

In particular, stepping in of the building will be required to mitigate the proposed height. Additionally, these adjacent lands are proposed to be redeveloped in the future for a multiple dwelling with a maximum height of 25 m, being approximately six storeys, which would be consistent with the proposed seven storey or maximum 24.1 m multiple dwelling on Block “1” as shown in the amending By-law attached as Appendix “C” to this Report.

In particular, buildings greater than 16 m in height shall be stepped in from both ends of the building, a minimum of 3 m for each storey above 16 m of building height.

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With respect to the multiple dwelling on Block “2”, given that this building will back onto the existing stormwater management pond, staff are supportive of the request to increase the height to a maximum 12 storeys or 40.6 m.

As for Block “3”, a maximum height of eight storeys or 27.4 m shall be permitted, which complies with the permissions of the Urban Hamilton Official Plan, as the applicable criteria were satisfied. Stepping of building heights will also be involved in the design of these buildings, but as minimal impact is anticipated, staff have elected to maintain design flexibility and further refine the development of these buildings through the future Site Plan Control process.

Staff support the requested increase in height as the impacts are minimized through appropriate stepping and setbacks from adjacent development.

Privacy Areas:

The owner / applicant proposes a reduction in the depth of the required privacy areas adjacent to each townhouse unit from 4.5 m to 2.5 m. Of note, albeit not a private area, communal open space is provided in the centre of the development.

As communal open space is provided and as the proposed 2.5 m of privacy area is of sufficient size, and would maintain adequate privacy area, staff support the requested modification.

Minimum Landscaped Open Space:

The applicant / owner proposes to establish an overall minimum landscape open space, as opposed to individual requirements with minimum planting strips based on the built forms.

The proposed modification will instead require a minimum 39% across the site, allowing for flexibility for design purposes, while also facilitating the urban design and streetscape design requirements of the area.

As sufficient landscaped open space shall be maintained onsite, and given the proximity to the Winterberry Drive Open Space and Paramount Drive Open Space to the east, and Stonewood Park to the south, staff support the requested modification.

Live / Work Units:

The current zoning requires that a minimum of one block of Live / Work Units shall be provided and maintained immediately east of the lands zoned Mixed Use

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Commercial “MUC-1(H)” Zone, Modified – Holding, being 182 and 188 Upper Mount Albion Road, and fronting onto the south lot line.

In review of the Urban Hamilton Official Plan, in particular, the West Mountain Area (Heritage Green) Secondary Plan and the report for the original amending By-law, PED06137, live / work units are an encouraged built form, but not mandatory as currently required under the existing site specific by-law, for the lands immediately east of the lands zoned Mixed Use Commercial “MUC-1(H)” Zone, Modified – Holding (182 and 188 Upper Mount Albion Road), and fronting onto the south lot line.

Accordingly, staff have maintained the permission for live / work units which can now be accommodated in any of the proposed townhouse blocks shown on Appendix “D”, to be determined at the Site Plan Control Stage.

However, to ensure an adequate transition and separation of land uses is provided for the most easterly block of townhouses adjacent to 182 and 188 Upper Mount Albion Road, staff have included an additional modification to increase the minimum interior setback from 3.0 m to 9.0m

Based on the foregoing, staff support the requested modification as the proposed removal of the required block of live / work units adjacent to 182 and 188 Upper Mount Albion Road, while maintaining the permission for the accommodation of live / work units anywhere on the subject lands, upholds the intent and purpose of the Urban Hamilton Official Plan for commercial opportunities.

Minimum Required Parking:

The owner / applicant proposes a slight reduction to the current parking standards per unit type and visitor parking. In particular, the applicant is seeking a:

- Reduction from 2.5 spaces to 2.1 spaces for each townhouse / maisonette;
- Reduction from 1.6 spaces to 1.55 spaces for each bachelor / one-bedroom apartment unit;
- Reduction from 1.85 spaces to 1.8 spaces for each two-bedroom dwelling unit other than a townhouse or maisonette; and,
- To establish a minimum parking requirement of 2.05 spaces for each three-bedroom dwelling unit other than a townhouse or maisonette.

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In review, both Planning staff and Hamilton Municipal Parking System staff note that the resultant reduction, based on the proposed standard, would total a reduction of 16 parking spaces.

Additionally, transportation demand management options (i.e. cycling facilities, car-share programs, etc.) will be implemented through the future Site Plan Control process.

Given the proximity of the development to existing services such as shopping centres, schools and parks, and as additional transit supportive initiatives are to be provided at the Site Plan Control application, the requested reduction is deemed to be minor in nature, and is supportable.

Location of Parking Space – Dwelling Unit on Same Lot:

Where there is a grouping of three or more parking spaces, no parking space is permitted closer than 3.0 m to any dwelling unit located on the same lot. Due to the irregular lot shape and orientation of buildings “A” and “C” at angles as per the concept plan attached as Appendix “D”, a reduction to this requirement from 3.0 m to 0.9 m is required.

Generally, as shown on the concept plan (see Appendix “D”), a setback of 2.34 m or greater is being provided for parking areas to the proposed dwellings, except for the two parking areas on either side of Building “B”. The intent and purpose of this setback is to facilitate a buffer from parking and dwelling units to minimize nuisance affects.

Staff note that the reductions are proposed to the ends of Building “B” and as no elevations have been provided, it is unclear if windows to any residential units will be impacted. Notwithstanding, the proposed setbacks would maintain sufficient width to accommodate landscaping to assist in buffering and mitigating any nuisance impacts, save and except for the north-west corner of Building “B”. However, as this is a corner, it is not anticipated that windows or other design elements would be contemplated at this location.

Staff are of the opinion that the proposed reductions are due to the irregular lot shape and corresponding building alignments, and given the development would be subject to a future Site Plan Control application, provides an opportunity to buffer these parking areas, staff are satisfied with the proposed reductions.

Parking Space Dimensions:

The applicant has requested modifications to the standard and barrier free parking space dimensions. In particular, the applicant seeks a reduction from 2.75 m x 5.8 m to 2.6 m x 5.5 m for a standard parking space and a reduction from 4.4 m x 5.8 m to 4.4 m x 5.5 m for barrier free spaces.

Staff note that the requested parking space dimension reductions reflect the standards of the Comprehensive Zoning By-law for the City of Hamilton, being By-law No. 05-200, and is therefore consistent with other developments, is minor in nature and supportable.

Special Setbacks – Daylight Triangles:

The applicant / owner has requested a reduction to the hypotenuse of a daylight triangle located at Winterberry Drive and Artfrank Drive from 3.0 m to 1.5 m. The required setback is to ensure adequate sight-lines are maintained.

Given the size of the existing daylight triangle, and as a sufficient setback shall be maintained from the hypotenuse of the daylight triangle for the proposed multiple dwelling, while maintaining sufficient sight-lines, staff have no further comments and / or concerns with this reduction.

Yard Encroachments:

The owner / applicant has requested a permission for porches to encroach into a required side yard to a maximum of 1.6 m. Staff note that Section 4.19 “Yard Encroachments”; in particular Sub-section 4.19.1(d) of Zoning By-law No. 3692-92 regulates porch encroachments, currently permitting encroachments of up to 1.5 m into a required front yard and 4.5 m into a required rear yard. Aside from porches of 0.3 m in height or less, which are permitted in any required yard, the By-law is silent with respect to side yards which would be required for Blocks “1” and “3”.

Accordingly, the applicant has requested that the amending By-law permit encroachments of up to 1.6 m into a required side yard. Staff note that the encroachment is minimal in nature with the smallest side yard setback of Block “1” being 7.44 m maintaining 5.84 m of setback from the existing residences to the west. Accordingly, the modification is supportable as sufficient setback to ensure minimal impacts on abutting residential development would be maintained.

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With respect to Winterberry Drive, the smallest side yard setback at the intersection of Artfrank Drive and Winterberry Drive being 3.328 m would provide approximately 1.73 m of setback to Winterberry Drive. This will maintain sufficient setback and will provide for a pedestrianized and animated streetscape.

3. Engineering Details:

There is a public watermain, combined storm and sanitary sewers and a separate storm sewer running along the frontage of the subject lands on Artfrank Drive. Storm and sanitary sewers also flank the property on Winterberry Drive; however, a watermain is not available on this street.

Public Works has advised that they agree with the recommendations of the Sanitary Servicing Report, prepared by Urbex Engineering, dated January 2015, and are satisfied with the waste water calculation contained within the report.

With respect to minor storm sewer servicing, the applicant should be aware that as a condition of the future Site Plan approval, a storm drainage area plan complete with an illustration of a private piped network, appropriate runoff coefficients, and location of outlet points on the receiving City sewers will be required to supplement the site servicing and grading plans. Figure 2 – Post Development Drainage Areas included in the Storm Water Management Review dated January 21, 2015 by SLA does not satisfy these requirements.

Respecting water servicing of the property the following comments were received from Public Works.

- “• We have noted the change in the total number of dwelling units from 345 (FC-14-041) to 371 units (current application);
- Submission of the Water Servicing Study prepared by WSP, referenced in the letter dated February 11, 2015 by WEBB Planning Consultants, is required; the memo of March 11, 2015 does not list this study as being received and circulated, therefore we assume it is not yet available;
- The proposed development can be serviced for water from the 300 mm municipal water main on Artfrank Drive;
- The proponent is required to provide a professionally-prepared functional servicing report and a water servicing plan/layout outlining the anticipated residential water demands and the needed fire flow calculated per “Water Supply for Public Fire Protection, Fire Underwriters Survey (FUS), 1999” and supplemented where appropriate by the NFPA 13;

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- A water distribution hydraulic analysis may be required to support future applications; and,
- The proponent should ensure that the Fire Department is satisfied with hydrant coverage, accessibility and provisions for firefighting within the development.”

For information and according to their records, the existing road allowance width of the subject section of Artfrank Drive and Winterberry Drive are 20.12 m and as such, no future road allowance widenings are anticipated.

As the stormwater management brief, prepared by S. Llewellyn & Associates Limited, dated January 21, 2015, confirms that the characteristics of the proposed future development will not exceed the original design assumptions approved for the overall development and, in fact, will provide for less intensive development, i.e. lower runoff co-efficient, they have no concerns with the applications.

Any future Site Plan Control Application must reflect these design parameters and / or additional on-site quantity and quality control etc. will be required as a condition of that approval.

Notwithstanding the above, additional discussions with the Public Works Department and the applicant has addressed the above concerns. However, the owner / applicant is advised that the comments dated July 16, 2015, are to be addressed through the future Site Plan Control application.

4. To date, two public submissions have been received, one of which represents four land owners identifying concerns regarding traffic; height and the associated privacy / overview impacts; noise; fragmented development; property values; and the future redevelopment of their individual properties; and potential construction impacts (see Appendix "E").

Traffic:

Public concerns have been raised regarding the potential additional traffic and safety as a result of this development.

In review, staff note that a Traffic Impact Study was submitted as part of the application and was deemed satisfactory, save and except for the potential westerly driveway location, which is to be further analysed and established as part of the future Site Plan Control application. Of note, no concerns were identified with respect to traffic volumes and / or road network capacity. Accordingly, staff have no further comments and / or concerns.

Building Height and Associated Overview / Privacy Issues:

Public submission identified concerns with the proposed building heights and potential associated privacy and overview concerns.

Of note, the Urban Hamilton Official Plan contemplates up to nine storeys under the Mixed Use – Medium Density and Area Specific Policy - Area A-1, and permits up to eight storeys without amendment to the plan, provided the urban design criteria are satisfied. Staff are of the opinion that the applicant has satisfied the criteria in the UHOP with respect to the eight storey multiple dwelling. Accordingly, only the central building of 12 storeys would necessitate an amendment to the Plan and policies.

In review, the proposal included an urban design study and further supporting urban design details demonstrating minimal shadow impacts on adjacent existing residential development to the west through the incorporation of stepping of building heights up to a maximum of eight storeys, and has also provided an increased setback of 7.4 m to these residences. Additionally, the larger building mass has been located central to the site and backs onto a stormwater management pond, minimizing any potential overview / privacy issues.

Lastly, these adjacent lands are zoned as Multiple Residential “RM4-5(H)” Zone, Modified – Holding, as per City of Hamilton By-law No. 06-164, and the future re-development of these lands would permit a multiple dwelling up to 25 m in height, being approximately six storeys, which would be consistent with and complementary to the seven-storey multiple dwelling proposed adjacent to the existing single detached dwellings on Upper Mount Albion Road.

Based on the foregoing, staff are of the opinion that the buildings have been sited in appropriate locations onsite, with appropriate stepping and heights to minimize any potential shadow, privacy and / or overview issues.

Noise:

Public concerns were raised regarding existing noise from the existing adjacent commercial development and the additional noise incurred by this proposal and its construction.

Staff note that the existing commercial developments do not form part of the subject applications, and were subject to previous noise requirements through their development. The existing commercial developments are therefore not part of the review of the development of the subject lands.

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With respect to potential noise due to construction of the proposed development, the development would be subject to standard municipal regulations governing noise and vibration for construction, and any exceedances would be subject to enforcement in the normal manner. Further, construction noise, while challenging, is temporary.

Finally, as for future noise of owner and / or tenants, the development has been sited 7.4 m from the adjacent residential lands to the west and would represent a typical setback / rear yard, thereby resulting in noise that would be within the range expected for any form of residential development.

Fragmented Development:

The public submission identifies that, with the existing adjacent plaza to the west and this proposed development, the properties on Upper Mount Albion Road would result in a fragmented re-development, leaving their properties in the middle of these two developments.

The proposed development implements the vision of the West Mountain Area (Heritage Green) Secondary Plan. Of further note, the area was planned comprehensively through the adoption of the Secondary Plan and, as per City of Hamilton By-law No. 06-164, the lands identified by the public along Upper Mount Albion have already been zoned for future re-development, in accordance with the Multiple Residential “RM4-5(H)” Zone, Modified – Holding, allowing for either a multiple dwelling or a stormwater management pond.

As with the redevelopment of any private lands, until such time as the owners are ready for redevelopment there will be a transition period whereby the surrounding development would appear out of character and fragmented.

However, as identified above, the lands identified by the public, including the subject lands were planned comprehensively and will be complementary to the proposed development upon their redevelopment.

Property Values:

The public submissions identified concerns with respect to significant reductions of property values as result of the proposed development.

Staff are not aware of any supporting information or documentation that would substantiate this concern, or any empirical data with respect to property devaluation.

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Redevelopment of their Individual Properties:

Public concerns were also raised with respect to the possible difficulty in the re-sale of properties along Upper Mount Albion Road and the future land assembly required for any future developer.

Staff note that these lands do not form part of the subject applications, and the future disposition of these lands are not pertinent to the development of the subject lands.

Additionally, these adjacent lands were included as part of the West Mountain Area (Heritage Green) Secondary Plan and City of Hamilton Zoning By-law No. 06-164 to ensure a comprehensive development of this area. Accordingly, land assembly would be subject to potential future developers pursuing redevelopment of these lands in the normal manner.

However, staff note that the existing residences would be deemed to be a legal non-conforming use, which would not preclude individuals from selling their holdings as a legal non-conforming single detached residential dwelling.

Potential Construction Impacts:

Public concerns were also raised with respect to debris and access during construction of the proposed development.

Staff note that the proposed development will be subject to a future Site Plan Control application, at which time conditions of approval can be applied with respect to erosion and sediment control, construction management plan, and / or arterial lane closures.

ALTERNATIVES FOR CONSIDERATION

If the application is denied, the applicant would be able to redevelop the lands in accordance with the existing Residential Multiple (Holding) “RM3-27(H)” Zone, Modified, which would permit a home occupation; multiple dwellings; dwelling groups; live / work units; maisonettes; townhouses; and uses, buildings and / or structures accessory to a permitted use.

Of note, the existing site-specific zoning would also require that a minimum of one block of live / work units shall be provided and maintained immediately east of the lands zoned “MUC-1 (H)” and fronting onto the south lot line.

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.

Strategic Objective

- 1.1 Continue to grow the non-residential tax base.
- 1.2 Continue to prioritize capital infrastructure projects to support managed growth and optimize community benefit.
- 1.4 Improve the City's transportation system to support multi-modal mobility and encourage inter-regional connections.
- 1.6 Enhance Overall Sustainability (financial, economic, social and environmental).

Strategic Priority #2

Valued & Sustainable Services

WE deliver high quality services that meet citizen needs and expectations, in a cost effective and responsible manner

Strategic Priority #3

Leadership & Governance

WE work together to ensure we are a government that is respectful towards each other and that the community has confidence and trust in

APPENDICES AND SCHEDULES ATTACHED

- Appendix "A": Location Map
- Appendix "B": Urban Hamilton Official Plan Amendment
- Appendix "C": Zoning By-law No. 3692-92 Amendment
- Appendix "D": Concept Plans
- Appendix "E": Public Submissions

:AC/yr