



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	January 12, 2016
SUBJECT / REPORT NO:	Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 101 Shoreview Place, Stoney Creek (PED16010) (Ward 10)
WARD(S) AFFECTED:	Ward 10
PREPARED BY:	Yvette Rybensky Senior Project Manager (905) 546-2424 Ext. 5134 Stephen 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-15-029 by Urban Solutions Planning and Land Development Consultants Inc.**, to permit two six storey apartment buildings and ten block townhouses with a maximum density of 209 units per net residential hectare, for lands located at 101 Shoreview Place, Stoney Creek, as shown on Appendix “B” to Report PED16010, on the following basis:
- (i) That the draft Urban Hamilton Official Plan Amendment, attached as Appendix “B” to Report PED16010, be adopted by City Council.
- (b) That approval be given to **Zoning By-law Amendment Application ZAR-15-020, by Urban Solutions Planning and Land Development Consultants Inc.**, to further amend the City of Stoney Creek Zoning By-law No. 3692-92 for lands located at 101 Shoreview Place, Stoney Creek, from the Multiple Residential “RM3-40” Zone, Modified, to the Multiple Residential “RM3-55” Zone, Modified, as shown on Appendix “C” to Report PED16010, on the following basis:

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- (i) That the draft By-law, attached as Appendix “C” to Report PED16010, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (PPS) and conform to the Places to Grow – Growth Plan; and,
- (iii) That the proposed changes in zoning will comply with the Urban Hamilton Official Plan upon finalization of the Urban Hamilton Official Plan Amendment No. XX.

EXECUTIVE SUMMARY

The applicant has applied for an Urban Hamilton Official Plan (UHOP) Amendment and a Zoning By-law Amendment for lands located at 101 Shoreview Place in Stoney Creek. The proposal is to permit the development of two six storey apartment buildings (containing a total of 468 residential units) and ten townhouse units, as shown on the Concept Plan attached as Appendix “D”.

The purpose of the UHOP Amendment application is to increase the permitted density on the subject lands from a maximum of 200 units per hectare to a maximum of 209 units per hectare.

Modifications to the City of Stoney Creek Zoning By-law 3692-92 have been requested to reduce the minimum front yard, side yard, and rear yard setback requirements, as well as to increase the minimum density provisions, to increase the maximum building height and to establish site specific parking requirements to permit the proposed development.

A Holding Provision has been included in the amending Zoning By-law, attached as Appendix “C”, which will prohibit the development until such time as the traffic, natural heritage, and servicing concerns have been resolved, as discussed in the Relevant Consultation and Analysis and Rationale for Recommendation Sections of this Report.

The application has merit and can be supported because it is consistent with the Provincial Policy Statement (PPS) and conforms to the Growth Plan for the Greater Golden Horseshoe. The proposal is considered to be compatible with existing and planned development in the area and represents good planning by providing a compact and efficient urban form, including a range of housing types and mix of land uses. Staff find that the proposal will comply with the intent of the UHOP upon finalization of the UHOP Amendment.

Alternatives for Consideration – See Page 30.

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 applications for an Official Plan Amendment and for a Zoning By-law Amendment.

HISTORICAL BACKGROUND

Proposal

The subject lands are located on the north side of Shoreview Place, west of Millen Road, and east of Green Road, in Stoney Creek. The subject lands are irregular in shape, comprising an area of 2.29 ha (22,900 sq m), and are municipally known as 101 Shoreview Place, Stoney Creek (see Appendix “A”).

In 2008, these lands and the surrounding area were subject to Stoney Creek Official Plan Amendment OPA-08-019, Zoning By-law Amendment Application ZAC-08-079 and Plan of Subdivision Application 25T-200809. The proposals were considered at the Planning Committee meeting of February 2, 2010, and were approved by Council on February 10, 2010 (under cover of Staff Report PED10017).

City of Stoney Creek Official Plan Amendment No. 156

The purposes of Official Plan Amendment Application OPA-08-019 (OPA No. 156) was to create “Special Policy Area G (SPA G)” in the Stoney Creek Official Plan for the lands located on the north side of Frances Avenue / Shoreview Place. “SPA G” restricted the use of the subject lands for residential development, but permitted a range of housing types including single detached, semi-detached, townhouse and apartment dwellings. “SPA G” further required that the lands be developed for a minimum of 233 dwelling units.

At the time of adoption, Council requested that the Minister of the Ministry of Municipal Affairs and Housing (MMAH) amend the UHOP, as required, based on the policies and designation of OPA.156. However, this did not occur.

City of Stoney Creek Zoning By-law Amendment (By-law 10-027)

The purpose of Zoning By-law Amendment Application ZAC-08-079 (By-law 10-027) was to amend the zoning from Multiple Residential “RM5-7” Zone, Modified, to the Multiple Residential “RM3-40” Zone, Modified.

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The “RM3-40” Zone, Modified, permits maisonettes, street townhouses, townhouses, apartment dwellings, dwelling groups, home occupations, and accessory uses / buildings with a maximum height of 11 m. The special exception zone permits stacked townhouses as an additional use, subject to a minimum density of 188 units. The “RM3-40” Zone, Modified, was approved by Council on February 10, 2010.

Urban Hamilton Official Plan Amendment UHOPA-15-029

A UHOP Amendment application was received in November, 2015, and is required to increase the permitted density on the subject lands. The proposed form of housing (apartment dwellings and block townhouse dwellings) are considered under High Density Residential policies in the UHOP, and would be required to meet density targets between 100 units per hectare and 200 units per hectare. However, the proposed development in its current form has a density of 208.7 units per hectare, and would therefore not comply with the UHOP. A UHOP Amendment is required to permit the density of the multiple dwelling and townhouse development to be a maximum of approximately 209 units per hectare.

Zoning By-law Amendment Application ZAR-15-020

The current Zoning By-law Amendment application is to amend the City of Stoney Creek Zoning By-law No. 3692-92 to rezone the lands from Multiple Residential “RM3-40” Zone, Modified, to a Multiple Residential “RM3-55” Zone, Modified, as shown on Appendix “C”.

The application is to permit the development of two six storey apartment buildings with 468 residential units (combined), and ten block townhouse units. A total of 598 parking spaces will be provided on site, both in a surface parking lot and underground, with two driveway access points from Shoreview Place. Amenity space is proposed along the northeast and northwest periphery of the property, as shown on Appendix “D”.

Modifications have been requested to reduce the minimum front yard setback requirements for the proposed townhouses, to reduce the minimum side yard setback requirements for the proposed apartment buildings, and to reduce the minimum rear yard setback requirements for the proposed apartment buildings. The proposed amendments also seek to increase the minimum density provisions from the parent zone, to increase the maximum building height, and to establish reduced site specific parking requirements.

Staff are recommending that an ‘H’ Holding Provision be included in the amending Zoning By-law, attached as Appendix “C”, which will prohibit the development until such time as the traffic, natural heritage, and servicing issues have been finalized, as discussed in the Relevant Consultation and Analysis and Rationale for Recommendation Sections of this Report.

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The proposal forms part of the larger “South Shore Estates” Plan of Subdivision (M Plan M-101), registered on December 19, 1972. It also forms part of the “Green Millen Shore Estates” Registered Plan of Subdivision 62M-1211, which was registered in December, 2014.

A development Concept Plan is provided in Appendix “D”.

Chronology:

- January 26, 2015: Waiver of Formal Consultation Requirements letter issued.
- February 25, 2015: Application ZAR-15-020 received.
- March 25, 2015: Notice of Complete Application sent to Owner / Agent.
- March 27, 2015: Application circulated to the relevant departments and agencies for review.
- April 10, 2015: Notice of Complete Application and Preliminary Circulation mailed to all property owners within 120 m of the subject lands.
- May 26, 2015: Public Notice Sign posted on site.
- November 30, 2015: Application UHOPA-15-029 received.
- November 30, 2015: Application UHOPA-15-029 deemed complete.
- December 9, 2015: Public Notice Sign updated to reflect Public Meeting date.
- December 18, 2015: Notice of Public Meeting and Complete Application for the UHOP Amendment mailed to all property owners within 120 m of the subject lands.

DETAILS OF SUBMITTED APPLICATIONS

- Location:** Block 5, Registered Plan 62M-1211
- Owner:** LPF Realty Residential Inc., c/o Chris Mihalovich
- Agent:** Urban Solutions Planning and Land Development Consultants Inc., c/o Sergio Manchia

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2014)

The Provincial Policy Statement, 2014 (PPS) provides overall policy directions on matters of provincial interest related to land use and development in Ontario, and applies to the subject property.

The application has been reviewed with respect to the PPS, and the following policies, amongst others, apply:

“Policy 1.1.3.1 Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

Policy 1.1.3.2 Land use patterns within settlement areas shall be based on:

a) densities and a mix of land uses which:

1. efficiently use land and resources;
2. are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and / or uneconomical expansion;
3. minimize negative impacts to air quality and climate change, and promote energy efficiency;
4. support active transportation;
5. are transit-supportive, where transit is planned, exists or may be developed; and
6. are freight-supportive; and

b) a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

Policy 1.1.3.6 New development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

Policy 1.4.3 Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by:

b) permitting and facilitating:

1. all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs requirements; and
 2. all forms of residential intensification, including second units, and redevelopment in accordance with policy 1.1.3.3;
- c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
- d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed; and
- e) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.”

The applications are consistent with Policy 1.1.3.1 in that the proposal directs growth to Settlement Areas. They implement Policy Nos. 1.1.3.2 and 1.1.3.6 as the proposal encourages a compact form of development that provides for a mixture of housing types to meet the projected requirements of current and future residents. Further, the proposal will satisfy Policy 1.4.3 with respect to the promotion of densities which efficiently use land, infrastructure, and resources upon the removal of the ‘H’ Holding Provision that will be implemented as part of the approval.

Staff note that the proposed UHOP Amendment and Zoning By-law Amendment are consistent and complementary to the existing neighbourhood in terms of dwelling unit types and densities (as implemented through Final Approved Site Plan Control application DA-13-234 and Conditionally Approved Site Plan Control application DA-14-235 on adjacent lands to the east and south, respectively). The proposal is further consistent with the associated Plan of Subdivision (62M-1211) as it envisioned the proposed lot fabric and street configuration.

Additionally, the subject property is identified as being adjacent to a Core Area (Community Beach Ponds Environmentally Significant Area and Lake Ontario). Accordingly, the following policies apply:

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“Policy 2.1.1 Natural features and areas shall be protected for the long term.

Policy 2.1.2 The diversity and connectivity of natural features in an area, and the long-term *ecological function* and biodiversity of *natural heritage systems*, should be maintained, restored or, where possible, improved, recognizing linkages between and among *natural heritage*.”

The Core Areas are located on the adjacent properties, and are protected by an Open Space (P4) Zone and a Conservation / Hazard Lands (P5) Zone. The proposal will further satisfy the above-noted policies with respect to protecting natural features, including the identified migratory bird patterns (as discussed in the Analysis and Rationale for Recommendation Section of this Report) upon the submission of an Environmental Impact Statement (EIS) Addendum. This EIS Addendum will form part of the ‘H’ Holding Provision under the proposed site specific zoning.

The subject property is located within approximately 150 m of the Queen Elizabeth Way (QEW). Accordingly, the following policy applies:

“Policy 1.2.6.1 Long term economic prosperity will be supported by planning so that major facilities (such as airports, transportation corridors, sewage treatment facilities, waste management systems, industries and aggregate activities) and sensitive land uses are appropriately designed, buffered and separated from each other to prevent adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety.”

As a condition of the “Green Millen Shore Estates” Draft Plan of Subdivision (25T-200809), a Noise Study was required. A Noise Study for this development will be required with the future Site Plan Control application, and any recommendations will be implemented through the Site Plan Control process.

Further, the subject property was determined to be of archaeological potential. As such, Policy 2.6.2 applies, which restricts development and site alteration on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved. Accordingly, a Stage 1-2 Archaeological Assessment (PIF # P017-221-2012) was conducted and signed off by the Ministry of Tourism, Culture, and Sport on October 19, 2012. Additionally, as the approval authority, municipal staff concur with the recommendations made in the report, and the municipal interest in archaeology has been met for the subject property.

Based on the foregoing, the proposal is consistent with the policies of the PPS.

Growth Plan for the Greater Golden Horseshoe

The Growth Plan for the Greater Golden Horseshoe (GGH) sets out a vision to 2041 for how growth should occur in the GGH. The subject lands are within the “Designated Greenfield Area” in the Plan. Policy 2.2.7 indicates that new development in Greenfield Areas shall be planned as complete communities, with street configurations, densities and an urban form that is supportive of walking, cycling and transit. The Growth Plan encourages 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.

The Growth Plan Policy 2.2.7 further identifies that density targets of not less than 50 people and jobs combined per hectare should be a minimum density target for Designated Greenfield Areas. The proposed development assists in achieving the Growth Plan’s density targets by establishing a density of 341 people per hectare for the entire development on the subject parcel (101 Shoreview Place).

The subject UHOP Amendment and Zoning By-law Amendment Applications seek to implement a compact form of growth. The proposal is to extend existing services into the site in an effort to capitalize on current infrastructure investment. The proposal also seeks to introduce a variety of housing types, utilizing land in an efficient manner, which contributes to the development of a complete community. Based on the foregoing, the proposed development conforms to the Growth Plan for the Greater Golden Horseshoe.

Urban Hamilton Official Plan (UHOP)

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure of the UHOP, and are designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations. They are also located outside of the Built-up Area on Appendix “G” of the UHOP, but are located within the Urban Boundary.

Accordingly, the following policies, amongst others, apply to the proposal.

High Density Residential

- “E.3.6.1 High density residential areas are characterized by multiple dwelling forms on the periphery of neighbourhoods in proximity to major and minor arterial road.
- E.3.6.2 Uses permitted in high density residential areas include multiple dwellings, except street townhouses.
- E.3.6.4 High density residential uses shall be located within safe and convenient walking distance of existing or planned community facilities / services, including public transit, schools, and active or passive recreational facilities.”

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The proposal for two six-storey apartment buildings and ten townhouse units satisfies the above-noted policies because they are considered ‘multiple dwellings’. The subject property is located approximately 150 m from the QEW (designated a Provincial Highway (Controlled Access) on Schedule C – Functional Road Classification in the UHOP). It is also within approximately 250 m of Millen Road (designated a Minor Arterial south of the QEW), and within approximately 400 m of Green Road (designated a Collector Road south of the QEW).

Further, the subject property is located in direct proximity to community facilities / services, including the North Service Road proposed park (located south of Frances Avenue), as well as open space directly north of the subject site. Conservation / hazard lands (passive recreation) are located directly to the west. Staff note that there is no direct access to public transit in the area; however, there is access to the Stoney Creek Trans-Cab service, which utilizes taxi service to extend public transit routes to areas not serviced by public transit.

The following policy relating to scale applies:

“E.3.6.6 In high density areas, the permitted net residential densities, identified on Appendix “G” – Boundaries Map (of the UHOP) shall be:

- b) Greater than 100 units per hectare and not greater than 200 units per hectare in all other Neighbourhoods designation areas.”

Staff note that Stoney Creek Official Plan Amendment No. 156 required a minimum of 233 dwelling units to be constructed on the subject lands. At the time of UHOP adoption, Council requested that the Minister of the MMAH amend the UHOP to include “SPA G”. However, this did not occur, and therefore “SPA G” did not form part of the UHOP.

Staff note that the proposal includes two apartment buildings containing a combined total of 468 residential units. The proposal also consists of ten block townhouse units (see Appendix “D”). Accordingly, since the high density policies permit multiple dwellings, the site in its entirety would be contemplated as having a net residential density of approximately 209 residential units per hectare.

As the proposed density for this housing form is above the maximum density requirement of 200 units per hectare, the applicant has been advised that a UHOP Amendment is required. Accordingly, a UHOP Amendment was submitted in November, 2015, and is supported by staff.

The noted block is well-suited to the proposed housing form given its location in proximity to the QEW, North Service Road, and other arterial and collector roads, as well as its proximity to similar recent developments and decades-old developments

(namely along Green Road north of the QEW). Accordingly, the proposal is characteristic of the existing and planned built form, and can be considered appropriate. The following policies relating to design, amongst others, apply:

“E.3.6.7 Development within the high density residential category shall be evaluated on the basis of the following design criteria:

- a) *Development* should have direct access to a collector or major or minor arterial road. If direct access to such a road is not possible, the development may be permitted direct access to a collector or major or minor arterial roads via a local road upon which abut only a small number of low density residential category dwellings.
- b) High profile *multiple dwellings* shall not generally be permitted immediately adjacent to low profile residential uses. A separation distance shall generally be required and may be in the form of a suitable intervening land use, such as a medium density residential use. Where such separations cannot be achieved, transitional features such as effective screening and / or design features shall be incorporated into the design of the high density development to mitigate adverse impact on adjacent low profile residential uses.
- c) High profile *development* may be considered appropriate, subject to the other policies of this Plan, where it would result in the preservation of natural heritage system features or public view corridors which may otherwise be compromised by more dispersed, lower profile *development*.
- d) *Development* shall:
 - i) Provide adequate landscaping, amenity features, on-site parking, and buffering where required;
 - ii) Be *compatible* with existing and future uses in the surrounding area in terms of heights, massing, and an arrangement of buildings and structures; and,
 - iii) Provide adequate access to the property, designed to minimize conflicts between traffic and pedestrians both on-site and on surrounding streets.
- e) In accordance with the policies of Section B.3.3 – Urban Design Policies, *development* shall contribute to an attractive public realm by minimizing the view of the following elements from the abutting public streets (excluding public alleys):

- i) surface parking areas;
 - ii) parking structures;
 - iii) utility and service structures such as garbage enclosures; and,
 - iv) expanses of blank walls.
- f) The City may require studies, in accordance with Chapter F Implementation Policies, completed to the satisfaction of the City, to demonstrate that the height, orientation, design and massing of a building or structure shall not unduly overshadow, block light, or result in the loss of privacy of adjacent residential uses.
- g) The orientation, design, and massing of a building or structure higher than six storeys shall take into account the impact on public view corridors and general public views of the area of the Niagara Escarpment, waterfront, and other parts of the City as identified through secondary plans or other studies.”

The subject proposal for two six-storey apartment buildings and ten townhouse units satisfies the above noted policies. Namely, although the property is located on a local road (Shoreview Place), the local road provides direct access to Green and Millen Roads, as well as North Service Road and the QEW. No low density dwelling forms (except street townhouses) are permitted along Frances Avenue or Shoreview Place (ensuring that any high profile residential uses will not interfere with low profile uses).

With respect to Policy E.3.6.7 d) ii) above, the proposal is in keeping with the final approved four-storey apartment building, the two-storey townhouse blocks and the three-storey back to back townhouse blocks located at 311 Frances Avenue (to the west of the subject site). The subject proposal is further in keeping with the final approved nine-storey retirement residence located at 8 Shoreview Place (to the east of the subject site). The current proposal provides an adequate transition between building heights and residential densities between the lands to the west and to the east.

The subject proposal will not interfere with natural heritage system features or public view corridors as the lands containing natural heritage system features (to the north and west of the subject site) are appropriately zoned Conservation / Hazard Lands (P5) Zone to reflect the required protection.

Further, the proposed development contains on site amenity area around the periphery of the property, and onsite parking is provided. The concept plan shows a circular vehicular movement and internal sidewalks, minimizing conflict between vehicles and pedestrians.

Lastly, the proposed development minimizes views of surface parking and utility / service structures by locating these uses internal to the site. The proposal also reduces expanses of blank walls by locating residential dwelling façades along the street edge of Shoreview Place.

Residential Greenfield Design

The proposal is located within the Urban Boundary but is identified on Appendix “G” – Boundaries Map as being located outside of the Built-up Area. Therefore, in addition to the previously noted “Neighbourhoods” policies, the policies for Residential Greenfield Design also apply.

“E.3.7.1 New greenfield communities shall be designed with a unique and cohesive character. Buildings, streetscapes, street patterns, landscaping, open spaces and infrastructure shall be designed to contribute to this character.

E.3.7.2 New greenfield communities shall be designed to create a focal point. All elements of the design of the community including the layout of streets, trails, pedestrian connections, and transit routes as well as the location of land uses and transit stops, shall contribute to the creation of a community focal point.

E.3.7.4 The City may consider alternative development standards in new residential development in greenfield areas. Such alternative development standards may include:

- a) reduced right-of-way widths.
- c) use of public lands, private lanes, and on-street parking to promote more compact residential development and to provide more attractive streetscapes.”

The proposed development area is bounded by the Built-up Area on the south, east, and west sides. Therefore, the establishment of this development is considered the logical extension of the Built-up Area.

As discussed above, the proposed UHOP Amendment and Zoning By-law Amendment are consistent with existing development in the neighbourhood in terms of height, transition between densities, and design (mid-rise, multi-residential development and street hierarchy). It will therefore be cohesive with and will enhance the existing character of the Green Millen Shore Estates community. The proposed development will directly connect with the existing surrounding Built-up Area, including the open spaces and proposed public parks, which will contribute to establishing focal points in the area. Therefore, the subject proposal is a logical extension of the Built-up Area that is identified on Appendix “G” of the UHOP.

“E.3.7.5 New residential development in greenfield areas shall generally be designed and planned to:

- a) Minimize changes to existing topography;
- b) Preserve existing trees and natural features; and,
- c) Be compatible with, and maintain public views and vistas to prominent City features and landmarks, including the Niagara Escarpment, the waterfronts of Lake Ontario and Hamilton Harbour, Cootes Paradise, and Dundas Valley, or as identified through secondary plans, cultural heritage conservation plan statements, or other studies.

E.3.7.6 New development or redevelopment adjacent to open spaces shall:

- a) Minimize the impacts on natural heritage features;
- b) Maintain or enhance public access to trails, bikeways, and parks within these features;
- c) Preserve or enhance public views to these features; and,
- d) Use native plant material adjacent to these features.”

The proposed midrise development would have minimal impact on surrounding existing topography and natural features, as the natural features in the area are off site and zoned to provide the required level of protection. As discussed in the Analysis and Rationale for Recommendation Section of this Report, any potential conflicts with natural features, including migratory bird patterns, will be required to be addressed prior to the removal of the ‘H’ Holding Provision.

Further, the proposal seeks to preserve natural views of Lake Ontario by providing landscaped open space on site, adjacent to the existing public open space, and therefore enhancing the landscape abutting Lake Ontario.

Urban Design

Chapter B, Section 3.3 of the UHOP outlines the City’s goals and policies as related to urban design. Staff note Policy B.3.3.2.3:

“B.3.3.2.3 Urban design should foster a sense of community pride and identity by:

- a) respecting existing character, development patterns, built form, and landscape;

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- b) promoting quality design consistent with the locale and surrounding environment;
- e) conserving, maintaining, and enhancing the natural heritage and topographic features of the City and its communities;
- f) demonstrating sensitivity toward community identity through an understanding of the character of a place, context and setting in both the public and private realm;
- g) contributing to the character and ambiance of the community through appropriate design of streetscapes and amenity areas.”

Further, the following policies apply:

“B.3.3.2.4 Quality spaces physically and visually connect the public and private realms. Public and private *development* and *redevelopment* should create quality spaces by:

- a) organizing space in a logical manner through the design, placement, and construction of new buildings, streets, structures, and landscaping;
- b) recognizing that every new building or structure is part of a greater whole that contributes to the overall appearance and visual cohesiveness of the urban fabric;
- c) using materials that are consistent and compatible with the surrounding context in the design of new buildings;
- d) creating streets as public spaces that are accessible to all;
- e) creating a continuous animated street edge in urban environments;
- f) including transitional areas between the public and private spaces where possible through use of features such as landscaping, planters, porches, canopies, and / or stairs;
- g) creating public spaces that are human-scale, comfortable, and publicly visible with ample building openings and glazing;
- h) creating, reinforcing, and emphasizing important public vistas and view corridors; and,

- i) minimizing excessive street noise and stationary noise source levels through the design, placement, and construction of buildings and landscaping.”

The subject development proposes a continuous street edge along Shoreview Place. Further, the development is compatible with the surrounding area, including the four-storey apartment building and townhouses at 311 Frances Avenue to the west and the nine-storey development at 8 Shoreview Place to the east in terms of height and built form. The landscaped open space on the subject property is located so as to create a connection with the open space to the northeast.

With respect to Policy B.3.3.2.4 i) above, a Noise Study is required to be submitted with a future Site Plan Control Application, and the recommendations of the Noise Study will be implemented through the Site Plan Control process.

Policies B.3.3.3.1 and B.3.3.3.2 identify the importance of built form that fits with surrounding development:

“B.3.3.3.1 New development shall be located and organized to fit within the existing or planned context of an area as described in Chapter E – Urban Systems and Designations.

B.3.3.3.2 New development shall be designed to minimize impact on neighbouring buildings and public spaces by:

- a) creating transitions in scale to neighbouring buildings;
- b) ensuring adequate privacy and sunlight to neighbouring properties; and,
- c) minimizing the impacts of shadows and wind conditions.

B.3.3.3.3 New development shall be designed to respect existing and planned street proportions.”

Staff note that the proposed development achieves many of the urban design principles identified above. The proposal is organized to generally fit within the existing and planned context of the area within the Green Millen Shore Estates Registered Plan of Subdivision 62M-1211.

As discussed above, the proposal will not interfere with the abutting natural heritage system features or public view corridors as the lands containing natural heritage system features (to the north and west of the subject site) are appropriately zoned Open Space (P4) Zone and Conservation / Hazard Lands (P5) Zone to reflect the required protection. The proposal provides adequate transitions in scale between

neighbourhood buildings because the area is characterized by a mixture of building heights and dwelling types. As such, the proposal will not have a negative impact on any lower density housing in terms of privacy or shadowing.

Cultural Heritage

As per Appendix “F-4” of Volume 1, the subject lands have been identified as containing archaeological potential. Policy B.3.4.4 of Volume 1 states: “The City shall require the protection, conservation, or mitigation of sites of archaeological value and areas of archaeological potential as provided for under the *Planning Act*, the *Environmental Assessment Act*, the *Ontario Heritage Act*, the *Municipal Act*, the *Cemeteries Act*, or any other applicable legislation.” As previously noted, a Stage 1-2 Archaeological Assessment (PIF P017-221-2012) was completed for the subject lands and was signed off by the Ministry of Tourism, Culture, and Sport on October 19, 2012. Additionally, as the approval authority, municipal staff concur with the recommendations made in the report, and the municipal interest in archaeology has been met for the subject property.

Servicing

The following policies are applicable for servicing:

- “C.5.3.5 All new development and redevelopment within the Urban Area shall be connected to the City’s water and waste water system.
- C.5.3.11 The City shall ensure that any change in density can be accommodated within the municipal water and wastewater system.
- C.5.3.15 The City shall be satisfied that adequate infrastructure services can be provided prior to any development or intensification proceeding, and where technically and economically possible, the City shall require such services to be located underground.”

With respect to site servicing, Growth Management staff have indicated that municipal sewers and a watermain were constructed by the developer along the frontage of the subject lands in conjunction with the previous 1972 South Shores Subdivision development (M-101), but that the City is presently dealing with capacity issues in the existing municipal system at this location.

Accordingly staff require an “H” Holding Provision over the subject lands until the proponent can demonstrate that the existing municipal system can support the proposed density on the site and that there are no negative impacts on the existing water users within the pressure district by submitting a watermain hydraulic report prepared by a qualified professional to the satisfaction of the Senior Director of Growth

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Management. Further discussion on servicing is provided in the Analysis and Rationale for Recommendation Section of this Report.

RELEVANT CONSULTATION

The following departments and agencies had no comments or objections:

- Recreation Planning, Community and Emergency Services Department.

The following departments submitted comments:

Corridor Management, Public Works Department has reviewed this application to construct two six-storey buildings and ten townhouses providing 478 dwelling units, and offer the following conditions and comments:

Through Applications ZAC-08-079 and 25T-200809, a Traffic Impact Study was submitted for the Green Millen Shores area including the subject lands. As part of the Draft Plan of Subdivision review, it was determined that the development of this subject block of land would be reviewed again in future from a traffic perspective. It is the understanding of Corridor Management staff that the original Traffic Impact Study identified these lands at a much lower density than the proposed 478 units, and therefore staff require that the development of these lands include a Traffic Impact Study Addendum. The intent of this additional review is to identify if upgraded intersection control (stop sign vs. traffic signal) is warranted at the intersection of Millen Road at North Service Road and Green Road at North Service Road.

Therefore, as a condition of approval, Corridor Management staff require that the Applicant submit and receive approval of a Traffic Impact Study Addendum prepared by a qualified traffic engineering consultant for the development of the lands at 101 Shoreview Place. The Addendum must include all the residential developments approved / proposed for Shoreview Place east of the Environmentally Significant Area lands, and further include the build-out of the new development at 311 Frances Avenue on the north side of Frances Avenue at Green Road.

The traffic analysis must include the following:

- AM and PM peak weekday hours;
- Existing level of service for the intersections of Shoreview Place at Millen Road Overpass (will be all-way stop controlled), Millen Road at North Service Road, and Green Road at North Service Road;
- Full build-out level of service including the developments on the north and south sides of Shoreview Place, and development at 311 Frances Avenue east of Green Road. Intersections include Shoreview Place at Millen Road Overpass, Millen Road at North Service Road, and Green Road at North Service Road; and,

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- Traffic signal warrant analysis for Millen Road at North Service Road and Green Road at North Service Road based on full build-out of all the lands on the north and south sides of Shoreview Place and 311 Frances Avenue.

The requirement for a Traffic Impact Study Addendum submission will be addressed through the implementation of an 'H' Holding Provision. The above information will be required prior to the removal of the 'H' Holding Provision.

Future Site Plan Comments:

The required width of the site driveways at the road allowance limit is 7.0 m in width with 7.5 m radii. The width of the driveways should be increased.

The easterly driveway should intersect Shoreview Place at as much of a 90° angle as possible. As submitted, it does appear possible to modify the angle of the driveway with minimal impact on the adjacent townhouse units.

It is the understanding of Corridor Management staff that on-street parking will be made available on the north side of Shoreview Place. As such, the ten units fronting Shoreview Place will not have direct driveway access to Shoreview Place.

Garbage pickup areas have not been identified on the plan. Sufficient area must be provided on site for the six-storey building garbage and moving truck access.

For new development applications, the minimum vision triangle dimensions are 5.0 m x 5.0 m. Any objects or vegetation within the vision triangle must be maximum 0.7 m in height at maturity.

As a condition of future Site Plan Control approval, the Applicant / Owner must apply for and receive an Access Permit from the Public Works Department for any new or proposed changes to an existing driveway (the fee is \$108.80). Prior to commencing any work within the road allowance, Corridor Management staff recommend that the Applicant / Owner contact all the respective utilities. Any costs for utility relocation or other items are the sole responsibility of the Applicant / Owner.

All access works within the road allowance must be completed by a contractor bonded by the City of Hamilton. Prior to completing any access work, a site meeting between the Applicant's contractor and City staff will be required.

A minimum of 1.2 m separation must be provided within the City's road allowance area between an access and any utility, fire hydrant, tree, sign, etc. Any costs for traffic sign or utility relocation are the sole responsibility of the Applicant / Owner.

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The above-noted design criteria, including Access Permit requirements, will be addressed through a future Site Plan Control application.

Hamilton Municipal Parking System (HMPS), Planning and Economic Development Department is concerned that the Applicant is showing a plan with a reduced number of parking spaces that do not meet the parking requirements of the Zoning By-law, and note that the Applicant should ensure that all parking requirements are met on site. HMPS will require a detailed parking plan, to scale, identifying all the parking spaces and garages if proposed, appropriately dimensioned to ensure their proper use for parking. A detailed parking plan will be reviewed at the Site Plan Control stage.

In addition, should a reduced number of parking spaces be approved, it is recommended that as part of the purchase and sale agreement, a warning clause be implemented. Suggested wording is as follows:

“It is the responsibility of the Owner to ensure that parking provided on the site is appropriate for their needs. On-street, over flow parking may not be available and cannot be guaranteed in perpetuity.”

The above clause will be addressed as a note at the Site Plan Control stage and a warning clause for a future Plan of Condominium application, if applicable.

Operations Support, Business Programs, Operations Division, Public Works Department has determined that the development is eligible for waste collection service. The following note should be placed on the 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.”

The following criteria must be adhered to:

- “1. Construction material will not be collected: collection arrangements must be made with a private contractor.
2. Road layout must be designed to permit the continuous forward movement of collection vehicles, including the radius of a cul-de-sac turning circle.
3. A drive through access route, a 13 m radius turning circle or a turnaround area allowing for a maximum three-point turn of not more than one truck length are all acceptable options for accommodating continuous forward movement.

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4. Internal roads must have a pavement width not less than 6.0 m.
5. Adequate manoeuvring space for the collection vehicle must be provided exclusive of any on-site parking spaces and stored snow.
6. The City of Hamilton is committed to providing safe and effective waste collection service and will fully comply with the Ontario Occupational Health and Safety Act's (OHSA) regulations at all times. Regulation 213/91 section 104(1) of the 2012 OHSA Consolidated Edition states: 'Every project shall be planned and organized so that vehicles, machines and equipment are not operated in reverse or are operated in reverse as little as possible.'
7. A site visit by City staff is required prior to the start of waste collection service. The City will not grant municipal waste collection if the design criterion is not met and the site is determined to be inaccessible for our waste collection vehicles to maneuver safely on site.
8. The City of Hamilton will provide waste collection service in a development only when Consistent Service can be offered.
9. Waste collection service will commence when the site is substantially completed and there is free and clear access. The developer or Owner is required to contact the City (905-546-2489) to request the start of waste collection service.
10. Prior to the commencement of municipal waste collection service, the developer is responsible for the collection of all waste (garbage, recycling, organics, etc.) from any and all occupied units.
11. Participation in the City's waste diversion programs – recycling and organics is mandatory. Recycling is unlimited.
12. For collection of waste on Private Roads, an Agreement for On Site Collection of Municipal Solid Waste must be executed and submitted to the City prior to the start of waste collection service.
13. When Curbside collection cannot be offered by municipal forces the potential purchaser must be informed before purchasing the unit that they will be responsible for the disposal of household waste. When this is the case, the drawing and any purchase, rental, or lease agreement must contain the following declaration:

“Purchasers or tenants are advised that municipal waste collection vehicles will not enter the property to collect any waste (Garbage, Recycling, Organics, Leaf and Yard, Bulk). All Waste must be managed privately.”

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Operations staff note that although this development is eligible for waste collection, as are all residential developments, Operations staff cannot determine the serviceability based on the current Concept Plan. More detailed dimensions for the internal roads are required to assess the feasibility for the garbage vehicle to enter this site. Serviceability is different from eligibility and service by the City can only be guaranteed if the site meets Operations' design criteria.

The serviceability of the subject site will be reviewed and determined during the future Site Plan Control application stage.

Hamilton Conservation Authority staff have reviewed the above noted application and offer the following.

It is noted that the application has been reviewed pursuant the HCA's responsibilities under the *Conservation Authorities Act*; the Memorandum of Understanding between the Ontario Ministry of Natural Resources, the Ontario Ministry of Municipal Affairs and Housing and Conservation Authorities relating to provincial interests for natural hazards; and the Memorandum of Agreement between the HCA and the City of Hamilton relating to Natural Heritage and Engineering issues and the Hamilton Harbour Remedial Action Plan.

Proposal

The Applicant proposes to change the permitted maximum density and zoning from an "RM3-40" Zone, Modified to an "RM3-55", Zone Modified to permit two six-storey apartment buildings and ten townhouse units.

Memorandum of Agreement Hamilton Conservation Authority and City of Hamilton

Natural heritage and natural hazard setback issues, as well as general stormwater management for this property were addressed in previous comments on the related Registered Plan of Subdivision 25T-200809 (62M-1211). Detailed lot grading and drainage, sediment and erosion control and site specific stormwater management issues can be addressed at the future Site Plan Control application stage.

The current application involves the proposed construction of two six-storey buildings. These are higher than previously proposed and there is a concern regarding the possibility of bird strikes.

It was noted in the Community Beach Ponds EIS (Dougan and Associates 2008) that migrating songbirds use portions of this property during spring migration. This will likely continue with development as the birds will land in landscape trees. The original EIS recommended high rise buildings south of Frances Avenue / Shoreview Place to protect migrating birds. All designs are recommended to include bird friendly designs, including

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the use of window applications, window shades, visual markers and lighting controls. Such controls can include measures to reduce light trespass, avoid constant light sources that attract birds at night, and modify time of use.

Based on the above, HCA has no objection to the approval of the subject Zoning By-law Amendment Application. HCA advises that the above noted comments related to the implementation of appropriate site stormwater management, sediment and erosion control measures, and building design elements for migratory birds will need to be satisfactorily addressed during the Site Plan Control approval process.

Ontario Regulation 161/06

Lands within the flood and erosion hazards of Lake Ontario and regulated under *Ontario Regulation 161/06 (HCA's Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses)* made under the *Conservation Authorities Act, R.S.O. 1990* are located north of the current RM3-40 Zone and are appropriately identified as hazard land. Therefore, no regulatory approval will be required for the proposed development of the subject lands.

Planning staff advise that measures to address migratory bird stopover functions will be included in the 'H' Holding Provision, and that detailed building design as it relates to migratory birds will be further evaluated at the Site Plan Control stage.

Ontario Ministry of Transportation (MTO) note the following:

With respect to the Zoning By-law Amendment, the Ministry does not have any general concerns. Staff advise that the Ministry will require a Building and Land Use Permit prior to construction. As well, the Ministry will require the review of a Traffic Impact Study and Stormwater Management Report during Site Plan Control approval.

Planning staff have included the requirement for a Traffic Impact Study within the 'H' Holding Provision to identify if upgraded intersection control is warranted at the intersection of Millen Road and North Service Road, and at Green Road and North Service Road. Additionally, a Land Use Permit will be required by the Ministry as a condition of Site Plan Control approval.

Public Consultation:

In accordance with Council's Public Participation Policy, the Zoning By-law Amendment proposal was circulated as part of the Notice of Complete Application to six properties within 120 m of the subject lands on April 10, 2015. The Notice of Complete Application for the UHOP Amendment was circulated on December 18, 2015, in conjunction with the Notice of Public Meeting for both the UHOP Amendment and Zoning By-law Amendment.

Staff have received verbal inquiries about the proposal, including resident concerns related to traffic patterns and safety. Staff also received written inquiries regarding premature clearing of vegetation. Staff note that traffic patterns will be evaluated through the future Traffic Impact Study, and safety elements related to site design will be evaluated through the future Site Plan Control process. Staff have confirmed that no formal order has been issued to-date with respect to the premature clearing of vegetation and grading.

Additionally, staff received inquiries about the location of the subject Public Notice sign in front of an adjacent property; accordingly, the sign was relocated to the appropriate location by the Applicant on May 26, 2015.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposed UHOP Amendment and Zoning By-law Amendment application have merit and can be supported for the following reasons:
 - (i) They are consistent with the Provincial Policy Statement and conform to the Growth Plan for the Greater Golden Horseshoe, as the proposal represents an opportunity for growth within settlement areas;
 - (ii) They comply with the general intent of the UHOP subject to the approval of the UHOPA;
 - (iii) The proposed development is considered to be compatible with the existing and planned development in the immediate area; and,
 - (iv) The proposed development represents good planning by, among other things, providing a compact and efficient urban form, including a range of housing types and a mix of densities.
2. Urban Hamilton Official Plan Amendment

As discussed in the Policy Implications and Legislated Requirements Section of this Report, an amendment to the UHOP is required to implement the proposal to address the overall density. The proposal is for two six-storey apartment buildings with a combined total of 468 residential units, as well as ten block townhouse units. These housing forms are considered under the High Density Residential policies of the UHOP, and are required to be within the range of 100 units per hectare to 200 units per hectare, pursuant to Chapter E, Policy 3.6.6 b) of the UHOP.

While staff recognize that the proposed density of 209 units per hectare is higher than envisioned in the UHOP, staff have reviewed the proposed development

concept and are satisfied with the development as proposed (Appendix “D”). The proposed development is in proximity to the QEW, North Service Road, Green Road, and Millen Road, and will not have any adverse impact on low density housing forms (as none are permitted in the immediate area). The proposal will be compatible in terms of form and function with existing and planned development in the neighbourhood, and accordingly, staff support the UHOP Amendment.

3. The implementing By-law will have the effect of repealing the current site specific “RM3-40” Zone, Modified, and implementing the new site specific “RM3-55” Zone, Modified. The implementing By-law will include the regulations of the existing parent Multiple Residential “RM3” Zone and the following site specific special provisions:

Minimum Front Yard Setbacks for Townhouse Units

The Applicant is requesting modifications to Subsection 6.10.3(c) to permit a minimum front yard of 4.0 m with a 1.0 m unenclosed front porch encroachment for townhouse dwellings, whereas the City of Stoney Creek Zoning By-law No. 3692-92 requires a minimum front yard setback of 7.5 m for all dwelling types.

The proposed modifications to the minimum building setbacks are considered minor in nature because the amendment only seeks to modify the requirement for townhouse dwellings. The proposal will not negatively impact the scale of development envisioned for the area since similar modifications have been recently proposed throughout the Registered Plan of Subdivision (62M-1211) area, which provides consistency in the scale of development in the area. Further, these modifications will provide flexibility in the design of the site and will aid in achieving the City’s urban design goals.

Staff note that although the Applicant requested a 1.0 m unenclosed front porch encroachment, Section 4.19.1 of Stoney Creek By-law No. 3692-92 permits a 1.5 m encroachment as of right. Staff confirmed that the intent of the amendment is not to reduce the permitted encroachment. The Applicant is satisfied with the original provisions of 1.5 m as permitted in the Section 4.19.1 of the By-law.

Accordingly, staff are supportive of the reduced front yard setback requirements for townhouses.

Minimum Side Yard Setbacks for Apartment Buildings

The Applicant is requesting modifications to Subsection 6.10.3(e) to permit a minimum side yard setback requirement of 8 m for apartment buildings whereas the By-law requires half the height of the building, but in no case less than 6 m,

except for 7.5 m for a flankage yard, and 9 m abutting a zone for single detached and semi-detached dwellings.

Staff note that the subject site does not abut a zone for single detached and semi-detached dwellings, but rather, abuts conservation / hazard lands zones and lands zoned "RM3-52" Zone, Modified, which permits maisonettes, street townhouses, townhouses, apartment dwellings, dwelling groups, and home occupations. Staff also note that under the current requirements, the setback would be within a range of 9 m to 12 m (according to a six-storey dwelling at 18 m, or the requested 24 m of height).

The proposed modifications to the minimum side yard setbacks will not negatively impact the scale of development envisioned for the area since similar modifications are proposed throughout the Registered Plan of Subdivision (62M-1211) area. Further, there will be no impact on abutting existing and proposed development since the subject lands are surrounded by open space and a public street. The proposal provides consistency in the scale of development in the area and will provide flexibility in the design of the site. Accordingly, staff are supportive of the requested modification.

Minimum Rear Yard Setbacks for Apartment Buildings

The Applicant is requesting modifications to Section 6.10.3(g) of the City of Stoney Creek Zoning By-law No. 3692-92 in order to permit a minimum rear yard setback of 14 m for the proposed apartment buildings, whereas the By-law requires a minimum rear yard setback of 15 m for apartment buildings.

Since this amendment is minor in nature and will not have any impact on adjacent residential development (the subject rear yard abuts passive and active open space), staff are supportive of the requested amendment.

Minimum Density Provisions

The Applicant is requesting modifications to Subsection 6.10.3(i) of the City of Stoney Creek Zoning By-law No. 3692-92 to permit a minimum density of 188 units per hectare, whereas the By-law requires a maximum of 40 units per hectare, or a maximum of 49 units per hectare if 100 percent of the tenant parking is underground or enclosed within the main building.

The proposed amendment is appropriate for the subject property as it complies with the High Density Residential provisions in Section E.3.6 of the UHOP specifically with respect to location, compatibility and design. The proposal provides for an appropriate density range, as the proposed Zoning By-law Amendment is in keeping with the UHOP Amendment to permit a maximum

density of 209 units per hectare. Accordingly, staff are supportive of the requested Zoning By-law Amendment to permit a minimum density of 188 units per hectare.

Maximum Building Height for Apartment Buildings

The Applicant is requesting modifications to Subsection 6.10.3(j) of the City of Stoney Creek Zoning By-law No. 3692-92 in order to permit a maximum of six storeys, or 24 m, whereas the By-law permits a maximum of 11 m. The proposed modifications to the maximum building height will not negatively impact the scale of development envisioned for the area since similar heights are proposed throughout the Registered Plan of Subdivision (62M-1211) area (including a four-storey apartment building to the west and a nine-storey retirement residence to the east). Therefore, there is consistency in the scale of development in the area.

The proposal further meets the intent of the UHOP policies with respect to height and compatibility, as discussed in the Policy Implications and Legislated Requirements Section of this Report. The proposed height increase is desirable for the proposal, subject to the removal of the 'H' Holding Provision as it relates to the required EIS Addendum and bird friendly design (discussed below).

Staff are supportive of the increase in height.

Site Specific Parking Space Rates

The Applicant is requesting modifications to Subsection 6.10.5 of the City of Stoney Creek Zoning By-law No. 3692-92 to permit one parking space and 0.3 visitor parking spaces for each townhouse dwelling unit, and one parking space and 0.25 visitor parking spaces per unit for apartment buildings, whereas the By-law requires the following:

- Two parking spaces and 0.5 visitor parking spaces for each townhouse dwelling unit;
- 1.25 parking spaces and 0.35 visitor parking spaces for each bachelor or one-bedroom dwelling unit other than a townhouse or maisonette;
- 1.5 parking spaces and 0.35 visitor parking spaces for each two-bedroom dwelling unit other than a townhouse or maisonette; and,
- 1.75 parking spaces and 0.35 visitor parking spaces for each dwelling unit other than a townhouse or maisonette.

Staff are of the opinion that the requested reduction in parking requirements is appropriate for the proposed development because the proposed rates are consistent with other Zoning By-laws in the City. The proposal also achieves a greater parking rate than the City of Hamilton's Consolidated Zoning By-law No. 05-200, which requires for areas outside of Downtown Zones 1.0 space per

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multiple dwelling unit over 50 sq m in gross floor area, and 0.3 spaces per multiple dwelling unit under 50 sq m. The City of Hamilton Zoning By-law No. 05-200 does not include provisions for visitor parking.

Further, the Applicant will be required to implement Transportation Demand Management (TDM) measures through the future Site Plan Control process, which will introduce alternative modes of travel, and consequently reduce the demand for parking.

Staff note that the Applicant proposes 408 one-bedroom apartment units and 60 two-bedroom apartment units, and are accordingly satisfied that each dwelling unit will contain a minimum of one parking space. Additionally, a total of 120 visitor parking spaces will be provided on site. As such, staff are accordingly supportive of the amendment.

4. Staff identified that a change from townhouse dwellings (as contemplated through previous development concepts for the subject site) to apartment buildings may not account for an appropriate amount of water flowing from rooftops into the Community Beach Ponds Environmentally Significant Area (ESA). Accordingly, staff require further clarification on how the change in housing type will impact the hydrologic function of the ESA.

Further, staff note that since the Community Beach Ponds ESA is an important stopover for migratory birds, an investigation of bird friendly design elements is required in order to ensure that existing migratory bird patterns are not affected. As the recommendations will relate to building materials (ex. glazing, etc.), these matters will be implemented at the Site Plan Control stage.

Accordingly, staff require that an Environmental Impact Statement (EIS) Addendum be submitted to address the foregoing. The requirement for an EIS will form part of the 'H' Holding Provision, as shown in Appendix "C". The subsequent removal of the 'H' Holding Provision is required prior to Site Plan Control being issued.

Further, staff note that details of design concepts are likely to evolve and any required design elements will be addressed through the future Site Plan Control process to ensure that there are no changes in water flow on and abutting the site.

5. The application has been reviewed by Growth Management staff, who note that no road widenings are required on Shoreview Place.

Further, Shoreview Place west of the Millen Road Overpass will be constructed by the Owner / Developer LPF Realty Residential Inc., as a municipal roadway. Municipal sewers and a watermain were constructed by the developer along the

frontage of these lands in conjunction with the previous South Shores Subdivision development (M-101). The City's records indicate that there is an existing 300 mm dia. ductile iron municipal watermain and 975/1050 mm dia. storm sewer along this section of Shoreview Place. A new 300 mm PVC sanitary sewer will be constructed to replace the existing 300 mm dia. vitrified clay sanitary sewer. Private sewer and water stubs will also be constructed to the property line.

These lands are captured within the overall limits of the lands shown on the approved stormwater and sanitary drainage plans for the Green Millen Shores Estates development.

The City is presently dealing with capacity issues in the existing municipal system at this stage.

A watermain hydraulic analysis has not been submitted with the application to demonstrate that the existing municipal system has capacity to support the proposed density on the site under the current scenario and the future scenario at the 2031 year horizon.

Therefore, staff require the proposed zoning establish an 'H' Holding Provision over the subject lands until the proponent can demonstrate that the existing municipal system can support the proposed density on the site and that there are no negative impacts on the existing water users within the pressure district by submitting a watermain hydraulic report prepared by a qualified professional, to the satisfaction of the Senior Director of Growth Management. Accordingly, the 'H' Provision is included in Appendix "C".

ALTERNATIVES FOR CONSIDERATION

Should the applications be denied, the lands could be developed in accordance with the Multiple Residential "RM3-40" Zone, Modified provisions without the proposed site-specific amendments.

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN

Strategic Priority #1

A Prosperous and 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

- 1.2 Continue to prioritize capital infrastructure projects to support managed growth and optimize community benefit.
- 1.5 Support the development and implementation of neighbourhood and City wide strategies that will improve the health and well-being of residents.
- 1.6 Enhance Overall Sustainability (financial, economic, social and environmental).

Strategic Priority #

Valued and Sustainable Services

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

Strategic Objective

- 2.2 Improve the City's approach to engaging and informing citizens and stakeholders.

Strategic Priority #3

Leadership and 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.

Strategic Objective

- 3.1 Engage in a range of inter-governmental relations work that will advance partnerships and projects that benefit the City of Hamilton.

APPENDICES AND SCHEDULES ATTACHED

- Appendix "A": Location Map
- Appendix "B": Draft Urban Hamilton Official Plan Amendment
- Appendix "C": Draft Zoning By-law Amendment
- Appendix "D": Preliminary Concept Plan

:MG/th