



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	February 28, 2017
<b>SUBJECT/REPORT NO:</b>	Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 325 Highway No. 8 (Stoney Creek) (Ward 10) (PED17034)
<b>WARD(S) AFFECTED:</b>	Ward 10
<b>PREPARED BY:</b>	Valeria Maurizio (905) 546-2424 Ext. 1024
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That **Amended Urban Hamilton Official Plan Amendment (OPA) Application UHOPA-16-012, by LJM Developments Inc. (Owner)**, for OPA No. XX, to redesignate the subject lands from “Low Density Residential 3c” to “Medium Density Residential 3” in the Western Development Area Secondary Plan; and to amend Site Specific Policy A of the Western Development Area Secondary Plan to permit a multiple dwelling with a maximum of 93 dwelling units and a maximum height of six storeys within the Medium Density Residential 3 designation, for the lands known as 325 Highway No. 8 (Stoney Creek), as shown on Appendix “A” to Report PED17034, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED17034 be adopted by City Council;
  - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe;
- (b) That **Amended City of Stoney Creek Zoning By-law Amendment Application ZAC-16-030, by LJM Developments Inc. (Owner)**, for a change in zoning from the General Commercial “GC-13” Zone, Modified to the Multiple Residential “RM4-8” Zone, Modified, in order to permit a six storey multiple dwelling

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**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 325 Highway No. 8, (Stoney Creek) (Ward 10) (PED17034) - Page 2 of 35**

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consisting of 93 units with 129 parking spaces, for lands located at 325 Highway No. 8 (Stoney Creek), as shown on Appendix “A” to Report PED17034, be **APPROVED** on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED17034, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and will comply with the Urban Hamilton Official Plan, upon finalization of Urban Hamilton Official Plan Amendment No. XX;
- (c) That the Poplar Park Neighbourhood Plan be amended to redesignate the subject lands from the “Local Commercial” to “Medium Density Residential”, upon final approval of the Zoning By-law Amendment.

## **EXECUTIVE SUMMARY**

The purpose and effect of the proposed Official Plan Amendment is to amend the Western Development Area Secondary Plan of Volume 2 of the Urban Hamilton Official Plan (UHOP) by changing the land use designation of the subject lands located at 325 Highway No. 8 from “Low Density Residential 3c” to “Medium Density Residential 3” and to establish a site specific policy to permit a multiple dwelling with a maximum of 93 units and a maximum height of six storeys.

The purpose and effect of the proposed Zoning By-law Amendment to the City of Stoney Creek Zoning By-law 3692-92 is to rezone the subject lands from the General Commercial “GC-13” Zone, Modified, to the Residential Multiple “RM4-8” Zone, Modified, and to introduce site specific performance standards in order to permit the development of a six storey multiple dwelling containing 93 units and 129 parking spaces. The parking spaces are provided underground, with the exception of three parking spaces which will be provided at grade.

The proposed Official Plan Amendment and Zoning By-law Amendments have merit, and can be supported, since the proposal is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow) and complies with the Urban Hamilton Official Plan, subject to the recommended amendment.

### ***Alternatives for Consideration – See Page 35***

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## **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 amendments to the Official Plan and Zoning By-law.

## **HISTORICAL BACKGROUND**

### **Proposal**

The subject lands, 325 Highway No. 8, totalling approximately 0.27 hectares, are located at the northwest corner of Highway No. 8 and Ellington Ave., with a frontage of approximately 50.5 metres along Highway No. 8 and a frontage of approximately 54 metres along Ellington Ave. Please see Appendix “A” to Report PED17034 for a location map.

The applications for an Official Plan Amendment and a Zoning By-law Amendment, as first submitted, proposed a nine storey, 128 unit multiple dwelling, with a total 146 parking spaces located in an underground garage (with the exception of three visitor parking spaces at grade). The proposed parking rate was 1.14 parking spaces per unit, including visitor parking. The proposed density was 474 units per net residential hectare.

Further to discussions with staff and the first neighbourhood meeting hosted by the Ward Councillor on June 9, 2016 (discussed further below under the Analysis and Rationale for Recommendation Section), the applicant submitted a revised application in October 2016 for a six storey, 93 unit multiple dwelling with a proposed density of 344 units per net residential hectare. The residential building is to be comprised of 75 one bedroom units and 18 two bedroom units. The average unit size is approximately 63.6 square metres for the one bedroom units and 85 square metres for the two bedroom units. One hundred and seventy-eight (178) square metres of outdoor amenity area at grade and 179 square metres of indoor amenity area, directly connected to the outdoor amenity area, is also provided. Majority of the units will also have enclosed balconies. The rooftops of Floors 4, - 6 will include terraces. A living green wall will be included along the westerly façade of the proposed building, from the third to the sixth floor, where a variety of green plants will be grown. The grade level units fronting along Highway No. 8 and Ellington Ave. are proposed to have direct street level entrances via a walkway to each unit from the sidewalk. Each of these units will also have a terrace

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**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 325 Highway No. 8, (Stoney Creek) (Ward 10) (PED17034) - Page 4 of 35**

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at the entrance with a raised planter box separating the private terraces from the public right-of-way. Please see Appendix “D” to Report PED17034 for the concept site plan and elevations.

The number of parking spaces proposed totals 129 parking spaces (at an increased parking rate of 1.39 parking spaces per unit, including visitor parking, from the original proposal of 1.10 parking spaces, including visitor parking). The majority of the parking is provided for in two levels of underground parking, with the exception of three visitor parking spaces provided at grade. One hundred and twenty eight (128) bicycle parking spaces are also provided, including 30 short term / visitor bicycle parking spaces at grade. Access to the subject lands is provided via a driveway accessed from Ellington Ave., to the rear of the proposed building.

The six storey building is “L” shaped in form. The first four floors are set back approximately 9 metres from the rear lot line, a minimum of 2.2 metres along the east side lot line, a minimum of 2.06 metres to the front lot line and a minimum of 3.2 metres to the west side lot line. The fourth floor is partly recessed by 3 metres for the portion of the building closest to the rear lot line. Floors 5 - 6 are terraced and progressively step back at the rear of the building so that the fifth floor is approximately 12 metres from the rear lot line and the sixth floor is set back 15 metres from the rear lot line. Along the west side, Floors 4 – 6 have recessed corners and step back 4.26 metres to 6.14 metres and 6.860 metres from the west side lot line (see Concept Site Plan attached as Appendix “D” to Report PED17034).

The application for an Official Plan Amendment is to amend the Western Development Area Secondary Plan (Volume 2 of the Urban Hamilton Official Plan) by redesignating the subject lands from “Low Density Residential 3c” to “Medium Density Residential 3” and to repeal and replace the Site Specific Policy - Area “A” to permit the development of a six storey multiple dwelling with a maximum of 93 units.

The Zoning By-law Amendment application is to change the zoning from the General Commercial “GC-13” Zone, Modified to a Multiple Residential “RM4-8” Zone, Modified, and to establish site specific zoning regulations, in order to permit the proposed six storey residential building on the subject lands. The proposed modifications to the zoning regulations include: minimum lot area, minimum lot frontage, minimum front yard setback, minimum side yard setback, minimum rear yard setback, increased yards, maximum lot coverage, maximum residential density, maximum building height, minimum landscaped open space, minimum amenity area, and minimum number of parking spaces and minimum parking space size. The proposed modifications are to be implemented as part of a site specific By-law to accommodate the proposal and are further discussed under the Analysis and Rationale for Recommendation Section below.

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**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 325 Highway No. 8, (Stoney Creek) (Ward 10) (PED17034) - Page 5 of 35**

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**Chronology**

- April 25, 2016: Applications UHOPA-16-012 and ZAC-16-030 received.
- May 10, 2016: Applications UHOPA-16-012 and ZAC-16-030 deemed complete.
- May 17, 2016: Public Notice Sign installed on subject lands.
- May 20, 2016: Circulation of Notice of Complete Application and Preliminary Circulation for Applications UHOPA-16-012 and ZAC-16-030 to 126 property owners within 120 metres of the subject lands.
- October 6, 2016: Revised Applications UHOPA-16-12 and ZAC-16-030 received.
- February 1, 2017: Public Notice Sign updated with Public Meeting Information.
- February 10, 2017: Circulation of the Notice of Public Meeting to 126 property owners within 120 metres of the subject lands.

**Details of Submitted Applications:**

- Location:** 325 Highway No. 8, Stoney Creek
- Owner / Applicant:** LJM Developments (c/o L. Mian)
- Agent:** Weston Planning Consultants (c/o Martin Quarcoopome)
- Property Description:**
- |                      |                             |
|----------------------|-----------------------------|
| <u>Lot Frontage:</u> | 50.5 metres                 |
| <u>Lot Depth:</u>    | 56.39 metres                |
| <u>Lot Area:</u>     | 2,686 square metres         |
| <u>Servicing:</u>    | Existing Municipal Services |

**Existing Land Use and Zoning**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b><u>Subject Lands</u></b>	Single Detached Dwelling	General Commercial “GC-13” Zone, Modified
<b><u>Surrounding Land Uses</u></b>		
<b>North</b>	Street Townhouses and Townhouse Dwellings	Multiple Residential “RM3” Zone
<b>East</b>	Nursing Home (three storey building)	Major Institutional “I3” Zone
<b>South</b>	Cenotaph Park	Neighbourhood Park “P1” Zone
	Place of Worship (Church)	Community Institutional “I2” Zone
<b>West</b>	Apartment Dwelling (Condominium)	Multiple Residential “RM4-6” Zone, Modified

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Provincial Policy Statement (2014)**

The applications have been reviewed with respect to the Provincial Policy Statement (PPS). Policy 1.1.3.1 states that Settlement Areas are to be the focus of growth and development. Policies 1.1.3.2, 1.1.3.4, and 1.4.3 speak to the promotion of densities which efficiently use land and resources, infrastructure and public service facilities, the promotion of appropriate intensification and redevelopment, and to providing an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area.

Policy 1.1.3.3 states the following:

“Planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

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Intensification and redevelopment shall be directed in accordance with the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.”

As discussed further below, the subject lands are located within a Settlement Area, and along a major arterial corridor, where intensification is to be directed.

The proposal is consistent with the general intent of the PPS which encourages a range of housing types and densities, compact urban form and efficient use of land and resources.

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

The Growth Plan outlines the following policies to manage future growth:

- “2.2.2.1 Population and employment growth will be accommodated by –
- a) directing a significant portion of new growth to the built-up areas of the community through intensification;
  - b) focusing intensification in intensification areas;
  - c) reducing dependence on the automobile through the development of mixed-use, transit-supportive, pedestrian-friendly urban environments;
  - d) providing convenient access to intra- and inter-city transit.”

The subject lands are located within the built-up area of Hamilton, along a Secondary Corridor where the City directs intensification. The subject lands are located where full municipal services are available, along an existing transit route, and contribute to creating complete communities by providing an additional housing form for the area, with access to local stores and services.

The proposal conforms to the Growth Plan for the Greater Golden Horseshoe.

### **Urban Hamilton Official Plan**

The subject lands are identified as “Secondary Corridor” on Schedule E – Urban Structure of the UHOP, and are designated “Neighbourhoods” on Schedule E-1- Urban Land Use Designations. The lands are also designated “Low Density Residential 3c” on Map B.7.1-1 – Western Development Area Secondary Plan - Land Use Plan.

The following policies, amongst others, are applicable to the subject lands and the proposal:

**Urban Corridors**

- "E.2.4.3 Urban Corridors shall be the location for a range of higher density land uses along the corridor, including mixed uses where feasible, supported by higher order transit on the Primary Corridors.
- E.2.4.5 Secondary Corridors shall serve to link nodes and employment areas, or Primary Corridors.
- E.2.4.10 The built form along the Urban Corridors shall generally consist of low to mid rise forms, but will vary along the length of the corridors with some areas permitted to accommodate high density and high rise built form. The Primary Corridors shall have a greater proportion of the corridor length in retail and mixed use forms, while the Secondary Corridors shall generally accommodate retail and mixed use forms in small clusters along the corridors with medium density housing located between the clusters.
- E.2.4.11 Urban Corridors shall be a focus for intensification through the Neighbourhoods which they traverse. However, it is anticipated that intensification will also occur within the surrounding Neighbourhoods, particularly on sites along other arterial roads that are not designated as Urban Corridors.
- E.2.4.12 Secondary Corridors are currently characterized, in large measure, by single use buildings. The intent of this Plan is to evolve the Secondary Corridors to an increasing proportion of multiple storey, mixed use buildings in small cluster locations with at grade retail and service commercial uses.
- E.2.4.15 New development shall respect the existing built form of adjacent neighbourhoods where appropriate by providing a gradation in building height. New development shall locate and be designed to minimize the effects of shadowing and overview on properties in adjacent neighbourhoods.
- E.2.4.16 Reductions in parking requirements shall be considered in order to encourage a broader range of uses and densities to support existing and planned transit routes."

The subject lands are located on a Secondary Corridor. As outlined in the aforementioned policies, the subject lands are located along Highway No. 8 and the Official Plan directs higher densities and residential intensification along Highway No. 8, as it is a Secondary Corridor. The lands are serviced by No. 55 and No. 58 Stoney Creek bus routes, with a transit stop directly in front of the subject lands. Highway No. 8 is also a potential future high order transit corridor, specifically the potential future extension of the B-Line rapid transit line. At six storeys in height, the proposed built form is a mid rise built form, and the ground floor units contain at-grade walk out entrances which contribute to a comfortable pedestrian experience along the corridor. As per Policy E.2.4.12, the intent of UHOP is to evolve the Secondary Corridors to an increasing proportion of multiple storey, mixed use buildings in small cluster locations with at-grade retail and service commercial uses, recognizing that the Secondary Corridors are largely in single use buildings at the time of the plan. The proposal does provide for additional multiple storey buildings, clustered between other multiple storey developments, however there is no retail / service uses at grade.

The proposed building has been designed to respect the existing built-form of the adjacent neighbourhoods, and provide a gradation in building height. Along Highway No. 8, there is a seven storey residential building directly to the west of the subject lands, as well as a three storey building to the east of the subject lands, on the other side of Ellington Ave., allowing for the proposed six storey building to fit within the existing gradation of building heights and provide a graduated interface between existing development. In addition, the proposed building provides a transition in height with respect to the adjacent low rise residential neighbourhood to the north of the subject lands by stepping down to four storeys at the rear and by providing a 9 metre rear yard setback. The fifth and sixth storeys are further stepped back.

### **Neighbourhoods - Designation**

The policy goals for the Neighbourhoods designation include developing neighbourhoods as complete communities that are compact, mixed use, transit supportive, and active transportation friendly.

The following policies apply to the subject lands:

“E.3.2.4 The existing character of established Neighbourhoods designated areas shall be maintained. *Residential intensification* within these areas shall enhance and be *compatible* with the scale and character of the existing residential neighbourhood in accordance with Section B.2.4 – Residential Intensification and other applicable policies of this Plan.

- E. 3.2.7 The City shall require quality urban and architectural design. Development of lands within the Neighbourhoods designation shall be designed to be safe, efficient, pedestrian oriented, and attractive, and shall comply with the following criteria:
- a) New development on large sites shall support a grid system of streets of pedestrian scale, short blocks, street oriented structures, and a safe and attractive public realm.
  - b) Garages, parking areas, and driveways along the public street shall not be dominant. Surface parking between a building and a public street (excluding a public alley) shall be minimized.
  - c) Adequate and direct pedestrian access and linkages to community facilities/services and local commercial uses shall be provided.
  - d) Development shall improve existing landscape features and overall landscape character of the surrounding area.
  - e) Development shall comply with Section B.3.3 – Urban Design Policies and all other applicable policies.”

The subject lands are located within the Western Development Area Secondary Plan area, and the neighbourhood character includes a variety of low rise and mid-rise housing forms, ranging from single detached housing to street townhouses and multiple dwellings. At six storeys, the proposed building would be considered a mid rise multiple dwelling, which is in character with the surrounding neighbourhood. Access to the parking garage and surface parking area are not visible from the public street. Direct pedestrian access is provided via the public sidewalk, as well as direct walkways from the ground level units along Highway No. 8 and Ellington Ave.

### **Residential Uses**

The Neighbourhoods designation also provides specific direction on Residential uses, including low density, medium density, and high density residential uses.

### **Medium Density Residential**

The subject lands are designated Low Density Residential 3c in the Western Development Area Secondary Plan. The proposed density would be considered a High Density Residential use. However, the Secondary Plan’s highest density category is Medium Density Residential. Therefore it is proposed to redesignate the subject lands

to the Medium Density Residential category with a site specific policy to permit the proposed density. The following policies, amongst others are applicable to this proposal and are to be read in conjunction with the Medium Density Policies of the Western Development Area Secondary Plan:

- “E.3.5.1 Medium density residential areas are characterized by multiple dwelling forms on the periphery of neighbourhoods in proximity to major or minor arterial roads, or within the interior of neighbourhoods fronting on collector roads.
- E.3.5.4 Local commercial uses may be permitted on the ground floor of buildings containing multiple dwellings, provided the provisions of Section E.3.8 – Local Commercial are satisfied.
- E.3.5.5 Medium density residential uses shall be located within safe and convenient walking distance of existing or planned community facilities, public transit, schools, active or passive recreational facilities, and local or District Commercial uses.
- E.3.5.6 Medium density residential built forms may function as transitions between high and low profile residential uses.
- E.3.5.9 Development within the medium density residential category shall be evaluated on the basis of the following criteria:
- a) Developments should have direct access to a collector or major or minor arterial road. If direct access to such a road is not possible, the development may gain access to the collector or major or minor arterial roads from a local road only if a small number of low density residential dwellings are located on that portion of the local road.
  - b) Development shall be integrated with other lands in the Neighbourhoods designation with respect to density, design, and physical and functional considerations.
  - c) Development shall be comprised of sites of suitable size and provide adequate landscaping, amenity features, on-site parking, and buffering if required. The height, massing, and arrangement of buildings and structures shall be compatible with existing and future uses in the surrounding area.

- d) Access to the property shall be designed to minimize conflicts between traffic and pedestrians both on-site and on surrounding streets.
- e) 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.”

The subject lands are on the periphery of the neighbourhood, fronting on a major arterial road, and are located within walking distance to a bus stop, schools, and passive recreation facilities. The subject lands are in proximity to local and District Commercial uses along Highway No. 8.

As noted in Policy E.3.5.9, the development is to be integrated with other lands in the Neighbourhoods designation with respect to density, design, and physical and functional considerations. Immediately abutting the rear of the subject lands is the side and back yard of the townhouse fronting along Ellington Ave. and the backyards of a row of townhouses. As previously noted, the building is “L” shaped and so approximately half of the rear of the building is more than 20 metres away from the rear lot line. The other part of the building that is closest to the rear lot line is setback 9 metres from the rear property line for the first four storeys, and the fifth and sixth storeys of the building are stepped back further so as to provide a transition to the low rise dwellings. The stepping back of the building is, generally in keeping with a transition of a 45 degree angular plane. Staff acknowledge that a small portion of the upper floors project through this 45 degree angular plane.

The majority of parking is provided underground, with only 3 surface visitor parking spaces proposed at grade (the remaining 30 visitor parking spaces are in the underground garage). These surface parking spaces are located in the interior of the subject lands, and will not be visible from Highway No. 8. Utility and service areas, such as garbage enclosures, are located inside the building and are not visible from the street, nor are there any expanses of blank walls that would be visible.

### **Residential Intensification**

As the proposal is for a more intense use than its current permissions allow, the residential intensification policies of the UHOP apply:

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

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

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

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

- f) the provision of amenity space and the relationship to existing patterns of private and public amenity space;
- g) the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;
- h) the ability to complement the existing functions of the neighbourhood;
- i) the conservation of cultural heritage resources; and,
- j) infrastructure and transportation capacity and impacts.”

As previously noted, the subject lands are located along Highway No. 8, a major arterial road, and the boundary of the neighbourhood to the north of the subject lands. The interior of the neighbourhood contains a variety of low rise house forms such as single detached dwellings and townhouse dwellings, while along Highway No. 8 there is a three storey retirement and nursing home to the east, as well as a seven storey multiple dwelling immediately to the west of the subject lands. A variety of retail, open space and institutional uses are also located along Highway No. 8, in the immediate vicinity, including the St. Francis Xavier Church and St. Francis Xavier elementary school on the south side of Highway No. 8, and the Church of Jesus Christ of Latter Day Saints further east along Highway No. 8.

At six storeys, the proposed building provides an appropriate transition to the townhouses to the rear and between the seven storey building to the west and the three storey building to the east, along Highway No. 8, ensuring that the proposed height and massing of the building are in keeping with other established buildings in the immediate area. Furthermore, the proposal contributes to providing a range of dwelling types and tenures in the neighbourhood and complements the supporting uses in the neighbourhood, such as the retail and institutional uses. The building has been designed to ensure that there is compatible integration into the surrounding area by introducing a rear yard stepback that transitions down in height to four storeys to meet the two storey residential dwellings to the north and their side and rear yards. The rear of the 4 storey portion of the building is set back 9 metres from the low rise residential dwellings, while the upper floors step back at approximately 3 metre increments, so that the sixth storey is setback 14.9 metres away from the low rise dwellings to the north. The proposed development has also been designed to be at the same front yard setback as the multiple dwelling to the west of the subject lands, thereby contributing to a consistent street edge which enhances the streetscape pattern of Highway No. 8.

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The proposed development includes 179 square metres of indoor amenity space and 178 square metres of outdoor amenity space, which is greater than required by the Zoning By-law. Furthermore, the proposed building and site layout has been designed to be compatible with the adjacent land uses with respect to matters such as shadowing, overlook, noise, lighting, and traffic. As further discussed below under the Analysis and Rationale for Recommendation Section, the applicant has submitted a sun / shadow study which demonstrates that there is no new net shadow on the rear backyards of the adjacent low rise townhouses during the spring and fall equinoxes. Matters of overlook have been addressed by providing the living green wall (e.g. a living wall of green plants, also known as a vertical garden) and recessed windows along the westerly façade. Furthermore, the balconies for these units at the western edge of the building are oriented north and south, and do not face the apartment building to the west. At the rear of the building, the balconies are recessed and the steeping back of the rear building addresses matters of overlook to the townhouses to the rear, and as such there is no impact. A traffic study was also submitted that demonstrated that the anticipated vehicle trips can be accommodated on the road network.

### **Noise**

The following policies speak to matters of compatibility with respect to noise:

- “B.3.6.3.7 A noise feasibility study, or detailed noise study, or both, shall be submitted as determined by the City prior to or at the time of application submission, for development of residential or other noise sensitive land uses on lands in the following locations:
- a) 100 metres of a minor arterial road, as identified on Schedule C – Functional Road Classification;
  - b) 400 metres of a major arterial road, as identified on Schedule C – Functional Road Classification;”

As the subject lands are for a sensitive land use abutting a major arterial road, the applicant has submitted a Noise Impact Study to address the impact of the vehicular road traffic noise on the proposed residential development. A range of warning clauses and air conditioning requirements are needed. A Detailed Noise Study will be required at the time of Site Plan Control in order to implement noise protection measures for the proposed residential development.

## **Urban Design**

The following policies regarding Urban Design, amongst others, apply to this proposal.

“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;
- b) promoting quality design consistent with the locale and surrounding environment;

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; and,
- c) 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.”

The proposed multiple dwelling has been designed to respect the existing character, development patterns and built-form and provides for an appropriate building typology along a major arterial road, which will contribute to the evolution of the Secondary Corridor into higher order, multiple storey buildings. The site is organized so that the building is close to the street and is visually connected to the public realm via municipal sidewalks and proposed landscaping.

## **Western Development Area Secondary Plan**

As previously noted, the subject lands are designated Low Density Residential 3c in the Western Development Area Secondary Plan. The following policies from the Western Development Area Secondary Plan apply to the proposal:

“7.1.1.3 Notwithstanding Policies E.3.4.3 and E.3.4.4 of Volume 1, the following policies shall apply to the Low Density Residential 3c designation identified on Map B.7.1-1– Western Development Area - Land Use Plan:

- a) the permitted uses shall be low rise apartments, and town house dwellings and,
- b) the density shall range from 30 to 49 units per net residential hectare.

7.1.5.1 Area and Site Specific Policies Site Specific Policy – Area A

For the lands located at 325 Highway No. 8, identified as Site Specific Policy – Area A on Map B.7.1-1 – Western Development Area – Land Use Plan, mixed residential / commercial uses shall also be permitted.”

The Secondary Plan permits low rise apartments and townhouse dwellings to a maximum density range of 49 units per hectare. Furthermore, the site specific policy for the lands permits mixed commercial and residential uses.

While a density range of 344 units per net residential hectare would be characterized as High Density Residential, the Secondary Plan does not contain a High Density Residential category (even though High Density Residential uses currently exist). The Highest Density Category in the Western Development Secondary Plan is the Medium Density Residential 3 Category.

Medium Density Residential 3

“7.1.1.4 Medium Density Residential 3 Designations

Notwithstanding Policies E.3.5.2, E.3.5.7, and E.3.5.8 of Volume 1, the following policies shall apply to the Medium Density Residential 3 designation identified on Map B.7.1-1– Western Development Area - Land Use Plan:

- a) the permitted uses shall be predominantly apartment dwellings in buildings not exceeding a height of nine stories; and,
- b) the density shall range from 50 to 99 units per net residential hectare.”

A multiple dwelling to a maximum height of six storeys is a permitted use in the Medium Density Residential 3 designation. The maximum permitted density in the Medium Density Residential designation is 99 units per net residential hectare. The proposed development does not comply with the Secondary Plan as the proposed density is 344 units per hectare and therefore an amendment to the UHOP and a redesignation is required.

The proposed amendment is appropriate as the area is evolving from a low rise typology to include medium and higher density uses along the major arterial corridor, in keeping with the policy direction of Volume 1 of the UHOP regarding the Secondary Corridor structure, medium density residential uses and residential intensification in the Neighbourhoods designation. Although no ground floor commercial uses are proposed, policy E.3.5.4 of Volume 1 of the UHOP permits local commercial uses on the ground floor without requiring an Official Plan Amendment should it be desirable to add ground floor commercial uses in the future. The subject lands are located on a major arterial road with transit services existing today and planned higher order transit service proposed as part of future expansions. Community services, parks and retail facilities as well as other high density residential uses are located nearby. Therefore, staff support the proposed Official Plan Amendment.

### **Stoney Creek Zoning By-law 3692-92**

The subject lands are currently zoned General Commercial “GC-13” Zone, Modified in the former City of Stoney Creek Zoning By-law 3692-92. This zoning permits retail stores (but excluding a convenience store), banks, financial institutions, professional or business offices and personal service shops (but excluding an automatic laundromat), provided these commercial uses are established at the same time or after the establishment of the residential use. The commercial uses are only to be located on the ground floor of the building to be erected, and subject to a maximum gross floor area of 35% of the building’s gross floor area. The maximum height permitted on the subject lands is three storeys. The applicant is proposing residential development only and no commercial uses are proposed.

The purpose of the application is to amend the City of Stoney Creek Zoning By-law from the General Commercial “GC-13” Zone, Modified, to a site specific Multiple Residential “RM4-8” Zone, Modified.

The effect of the Zoning By-law Amendment will be to allow for the development of a six storey apartment dwelling (condominium tenure) with 93 units, 129 parking spaces within two levels of underground parking and three visitor parking spaces located at grade, and at grade, indoor and outdoor amenity space. Site specific modifications will be required to implement the proposal, and are further discussed in the Analysis and Rationale for Recommendation Section of Report PED17034.

### **Poplar Park Neighbourhood Plan**

The subject lands are designated “General Commercial” in the Poplar Park Neighbourhood Plan. A redesignation to “Medium Density Residential” would be required to reflect the proposed development. As per Policy F.1.2.8 of the UHOP,

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amendments to the Neighbourhood Plan are to be evaluated against Policies F.1.1.3 and F.1.1.4 of the UHOP.

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

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

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

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

As staff are supportive of the proposed Official Plan Amendment, an amendment to the Neighbourhood Plan would also be required.

## **RELEVANT CONSULTATION**

The following internal Departments and external agencies had no comments or objections to the applications:

- Trails, Parks and Open Space Section, Public Works Department; and,
- Corporate Assets and Strategic Planning Division, Public Works Department.

The following Departments and Agencies submitted the following comments:

**Horizon Utilities** advises that the relocation, modification, or removal of any existing hydro facilities shall be at the owner’s expense and that Horizon Utilities should be contacted in order to facilitate this work and that the applicant shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.

**Recreation Planning Section, Emergency and Community Services Department** encourages the applicant to provide active and passive, indoor and outdoor recreation amenity space for future residents of the development. Planning staff advise that the

applicant is proposing 179 square metres of indoor amenity space and 178 square metres of outdoor amenity space. Although the applicant has not specified what will be provided in this amenity area, the amount of space will be secured in the implementing zoning by-law amendment, thus ensuring that there will be amenity space as part of the proposal.

**Hamilton Street Railway** has advised that the No. 55 Stoney Creek Central and No. 58 Stoney Creek Local bus routes provide direct service to the subject lands and that street orientation, pedestrian entrances, short walking distances between buildings and transit service are preferable, and that establishing high density residential development within an easy walk of transit service will contribute positively to the long term sustainability of the Stoney Creek transit operations.

**Transportation Management Section, Public Works Department** has advised that the Transportation Demand Management Initiatives included are very well aligned with the City's Transportation Demand Management (TDM) objectives, as both short and long term bicycle parking spaces are proposed. Transportation Management recommends that on-site pedestrian facilities be well lit, and that benches be included as part of the design. It is also recommended that annual transit passes be included with the purchase of a new condominium unit, and that travel planning resources be made available in a central location, such as a lobby or office, and be provided to all new condominium owners as part of a welcome package. Transportation Management also advises that providing no more than the minimum number of motor vehicle parking spaces is strongly supported by TDM. At the time of Site Plan Control, the applicant is to prepare a further Transportation Demand Management brief to outline the site plan details of the transportation demand management features, such as type of bike parking rack proposed, the provision of benches and other on-site pedestrian amenities, and the details relating to the transit passes for the units.

**Operations Support, Business Programs, Public Works Department** has advised that the proposed development is eligible for waste collection service and advises that vertical multi residential buildings with six or more dwelling units are required to have front-end bin garbage collection service.

**Forestry and Horticulture Section, Public Works Department** advises that the Tree Management Plan is approved upon receipt of payment of \$282.50. The Landscape Plan is also approved in principle and compensation will be required for the removal and replanting of street trees, estimated to cost \$10,780.20 (2016 fees). This payment will be required as a condition of Site Plan approval.

**Corridor Management Section, Public Works Department** has reviewed the Transportation Impact Study and advises that no queueing issues are anticipated at the

site driveway and Ellington Ave. During construction, all vehicles, equipment and materials must be kept on private property and cannot occupy the municipal sidewalk or roadway. A Road Occupancy permit must be obtained from Corridor Management should occupancy of the roadway be required. The applicant will also require an access permit to change the access from the existing access on Highway No. 8 to the proposed access on Ellington Ave. The applicant must also restore the boulevard at their expense. A 5 metre by 5 metre visibility triangle is required between the driveway limits and the road allowance limits and the applicant must ensure that the areas adjacent to the driveways at the municipal roadways are clear of visual encumbrances. A minimum of 1.2 metre separation must be provided within the City's road allowance area between an access and any utility, fire hydrant, tree, sign etc. and if any relocation is required it will be at the applicant's sole responsibility. These items will be reviewed at the Site Plan Control stage.

## **PUBLIC CONSULTATION**

In accordance with the provisions of the *Planning Act* and Council's Public Participation Policy, Notice of Complete Application and Preliminary Circulation was circulated to 126 property owners within 120 metres of the subject lands on May 20, 2016. A Public Notice sign was also posted on the property on May 17, 2016 and updated with the Notice of the Public Meeting February 1, 2017.

In addition, the local ward Councillor hosted two neighbourhood information meetings, one on June 9, 2016, on the original application for a nine storey, 128 unit proposal, and a second meeting, on September 15, 2016, regarding the revised application for the six storey, 93 unit proposal. Staff were present at both neighbourhood information meetings where concerns regarding visitor parking, number of units, traffic and safety were expressed by neighbouring residents. Based on the sign-in sheets, 17 people attended the first information meeting and 21 people attended the second meeting.

To date, three letters and two petitions, one from each of the condominium boards of the condominium developments that abut the subject lands (i.e. the building to the west of the subject lands and the townhouse condominium development to the north of the subject lands), and one phone call were received from local residents, expressing concerns relating to the density, traffic, safety, shadow, scale / height and density of the proposed development and privacy concerns of adjoining uses. One of the letters requested notice of the statutory public meeting. The written submissions are appended as Appendix "E" to Report PED17034. A review of these concerns, including those raised in the neighbourhood information meeting, is contained in the Analysis and Rationale for Recommendation Section of this Report.

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## **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;
  - (ii) The proposal is considered to be compatible with the existing and planned neighbourhood; and,
  - (iii) The proposal is a form of compatible residential intensification, fulfilling key UHOP policies regarding the creation of complete communities and promoting compact and efficient urban form of development and an efficient use of existing infrastructure.
2. The purpose of the proposed Official Plan Amendment is to redesignate the lands from the “Low Density Residential 3c” designation to the “Medium Density Residential 3” designation with a site specific policy to permit a multiple dwelling with 93 dwelling units.

As previously noted, the lands are located on a Secondary Corridor, on the periphery of the neighbourhood, on a major arterial road, where there is a mix of residential and institutional uses, including a high density residential development immediately to the west of the subject lands. The subject lands are in close proximity to schools, places of worship, parks, institutional and community uses, retail and services uses, and are also located only about 1 km south from the Stoney Creek Business Park. Two bus routes currently service the subject lands, and the bus stop is located on the municipal right-of-way in front of the subject lands.

The BLAST network, as shown on Appendix “B” of Volume 1 of the UHOP, identifies Highway No. 8 as part of the B-Line. Phase 1 of the B-Line, which will extend to the Queenston traffic circle, has committed funding and is expected to commence construction in 2019. Phase 2 of the B-Line, to be constructed to Eastgate Square, will be a continuation of the LRT line. As per the BLAST network in the UHOP, it is intended to continue this rapid transit corridor along Highway No. 8 to Fruitland Road.

At six storeys, the proposed building provides an appropriate transition between the seven storey building to the west and the three storey building to the east along Highway No. 8. Furthermore, a rear yard setback of 9 metres for Floors 1 - 4 and the increased step-backs at the rear of the fifth and sixth storeys provide an

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appropriate transition to the low rise residential dwellings to the north of the subject lands, and are setback 11.9 metres and 14.9 metres respectively from the north lot line. A landscape strip and tree plantings are also proposed along the rear lot line, which will provide additional visual screening.

On the west side of the proposed building, Floors 1 – 3 are setback a minimum of 3.24 metres, increasing to 3.81 metres (on account of the angled property line) and Floors 4 – 6 are stepped back approximately 0.9 metres, bringing the overall setback from the west side lot line to the closest part of these floors to 4.26 metres. The proposed massing of this building is focused towards the frontage along Highway No. 8, away from the residential uses to the north. The applicant has submitted a sun / shadow study which demonstrates that shadows have been minimized onto neighbouring land uses. The building has been designed so that there is no new net shadow on the rear backyards of the adjacent low rise townhouses to the north of the subject lands.

Parking, loading, and garbage collection will take place within the building and, as such, is screened from view. Furthermore, in order to minimize overlook issues on the west side, only a small portion of the upper floors, which are set back 6.1 and 6.8 metres respectively, have windows facing the west side; the majority of this façade is comprised of a living green wall and the unit windows are directed towards the north and south lot lines. The units on the western side of the building are located more than 20 metres from the north (rear) lot line, and the south lot line faces Highway No. 8 and so overlook issues to the north and south are not a concern.

Regarding the rear elevation of the building closest to the rear lot line, the building steps back and the amount of windows proposed on those portions of Floors 4 - 6 that penetrate the 45 degree angular plane have been minimized.

With respect to amenity area, the proposed development includes 179 square metres of indoor amenity space and 178 square metres of outdoor amenity space, which is greater than required by the Zoning By-law. The majority of the units facing Highway No. 8 and Ellington Ave. will also have private balconies while the ground floor units propose walk-out terraces. The units located at the rear of the building also have terraces, located a minimum of 10 metres from the rear lot line, and at the Site Plan Approval stage appropriate landscaping will be secured to provide enhanced screening.

The proposal meets the residential intensification policies of the UHOP, which direct a minimum of 40% of the residential intensification target to the built-up area and along Secondary Corridors, and the proposal has been designed to be a compatible

built form with the neighbouring land uses, maintaining and respecting the character of the neighbourhood. The proposal is consistent with the pattern of development being introduced in the area, and is contributing to providing a range of housing types and therefore staff are in support of the proposed Official Plan Amendment.

3. The proposed Zoning By-law Amendment is required in order to implement the development. As part of this proposed site specific amendment, enhancements to the zoning regulations are also proposed in order to capture the development concept as submitted. The following modifications are proposed:

#### Minimum Lot Area

The Multiple Residential “RM4” zone requires a minimum of 4,000 square metres of lot area, whereas the site is 2,686 square metres. As the property is a corner lot and the only property to the west has been consolidated and recently developed, there is no opportunity to expand the lot area. This lot area also represents the net lot area of the subject lands, after the required road widening dedication of 18.7 square metres, at the southwest corner of the property. Staff also note that the sizes of the properties along Highway No. 8 vary in size, and the property immediately to the west at 3,350 square metres is also smaller than the required 4,000 square metres.

The Stoney Creek Zoning By-law does recognize that existing lots of record that do not meet the minimum lot area or lot frontage requirements may be used for a use in conformity with the zone provided all other requirements of the Zoning By-law are met. However, as part of this proposal other modifications to the zoning requirements are being proposed, and therefore this modification is required. The applicant has demonstrated that the existing lot area can accommodate an appropriate development and therefore staff are supportive of the modification.

#### Minimum Lot Frontage

The Multiple Residential “RM4” zone requires a minimum of 45 metres of Lot Frontage. For a corner lot where a daylighting triangle has been established, the Stoney Creek Zoning By-law 3692-92 calculates the Lot Frontage along the front lot line after the side lot line and the front lot line have been extended to the point of intersection of the two streets. If the front lot is not a continuous line then the lot frontage is calculated by measuring the longest line segment that intersects with the side lot line at the end of the daylight triangle. In the case of a corner lot, the shorter lot line(s) abutting the street shall be deemed to be the front lot line and the longer lot line abutting the street shall be deemed a side lot line. The submitted survey shows the lot lines abutting lot lines abutting Highway No. 8 measure less than the

lot line abutting Ellington Avenue; as such, the front lot lines are abutting Highway No. 8.

In the case of the subject lands, the front lot line is not continuous but made up of a number of angled line segments along Highway No. 8. As such, the lot frontage appears to be a small number as the longest straight line segment that abuts the daylight triangle is only 10.85 metres, and when extended to the lot line along Ellington Ave., this segment is 18.19 metres.

However, this modification is required as a technicality only, given the definition of the lot frontage, as the actual horizontal width of the subject lands, measured from side lot line to side lot line, is approximately 50.5 metres, which exceeds the lot frontage requirement of the RM4 zone.

#### Definition of Lot Frontage

A site specific definition of lot frontage for the subject lands is also included, for the sake of clarity, given the irregular front lot line. This is only a modification for technical reasons and the width of the subject lands actually exceeds the By-law requirement, therefore this modification is considered minor and is supported by staff.

#### Minimum Front Yard Setbacks

The proposed building design is comprised of floor to ceiling glass windows and walls based on a modular grid pattern facing Highway No. 8 and Ellington Ave. Based on this proposed building design pattern, the front yard setback varies from 1.46 and 2.06 metres (rounded to 1.4 metres and 2 metres respectively for the proposed Zoning By-law) at the narrowest point of the building to 4.9 metres at the widest point of the building. , whereas the Zoning By-law requires a minimum front yard setback of 10.5 metres (7.5 metres plus an additional 1 metre for every 3 metre (or part thereof) increase in building height (including mechanical penthouse) above a height of 15 metres).

The proposed building design pattern proposes a 1.4 metre setback relating to a portion of the front wall above the ground level, from the second storey to the fourth storey. The ground floor units are setback 2.06 metres from Highway No. 8 and are “walk-out” units with raised planter boxes, marking the edge of the private terraces. As these amenity spaces, provide for some privacy and screening, as well as additional consistent landscaping along the street, the reduced front yard setbacks are appropriate and supported by staff.

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These proposed setbacks are appropriate as they address the City's Urban Design Policies and Site Plan Guidelines to achieve a prominent street edge with buildings located close to the street, and no parking in the front yard. The front of the building is also in line with the front of the apartment building to the west, thereby further establishing a consistent street edge. The proposed building is oriented towards the street, which also enhances the existing streetscape.

#### Daylight Triangle

The Stoney Creek Zoning By-law also requires a setback of 3 metres from the hypotenuse of the daylight triangle on a corner lot. In this case the proposed canopy is 0.34 metres and the building is setback 0.75 metres from the daylight triangle thereby requiring a modification to the Zoning By-law. It appears that a 7.5 metre by 7.5 metre daylight triangle was already established at this corner and so staff are supportive of this modification.

#### Minimum West Side Yard Setback

The Zoning By-law requires a minimum side yard setback of 10.5 metres, which is determined using a standard zone requirement of 7.5 metres plus an additional 1 metre for every 3 metre increase (or part thereof) in building height above a height of 15 metres. For the purpose of calculating side and rear yards, the building height is measured from the lowest finished grade elevation along the lot line in question to the uppermost point of the building, which in this case is the mechanical penthouse located towards the southwestern corner of the roof. The required side yard would be 9.5 metres if the height was measured to the top of the sixth storey.

The applicant is requesting a minimum westerly side yard of:

- 3.24 metres for storeys one to three; and,
- 4.26 metres for storeys four to six.

The minimum of 3.24 metres on the west side yard applies to that portion of the building from Floors 1 - 3, closest to the west side yard, see Appendix "D" to Report PED17034. Because of the angled lot lines, the middle section of the west façade (Floors 1 - 3) is set back 3.70 metres from the west lot line and at the widest part is setback 3.80 metres from the west lot line.

Floors 4 - 6 along this western facade are partly recessed at the corners and so the western façade closest to the west lot line is setback 4.26 metres from the west lot line (Floors 4 - 6) and the recessed edges are setback 6.14 metres to 6.86 metres from the west lot line (Floors 4 - 6).

The more eastern “L” shaped portion of the building is setback approximately 25 metres from the west lot line. At the closest point, the distance between the building face of the proposed development and the building face of the multiple dwelling to the west is 11.38 metres.

As such staff are supportive of this setback, given the irregular lot shape and that adequate separation between the multiple dwellings will be achieved.

#### Minimum East Side Yard Setback

With respect to the east (flankage) side yard, the applicant has requested a minimum side yard setback of 0.95 metres and 2.20 metres along the Ellington Ave. property line whereas the by-law requires a minimum of setback of 12 metres (9 metres plus an additional 1 metre for every 3 metre (or part thereof) increase in building height) above a height of 15 metres).

Based on the proposed modular grid design of the building, the 0.95 metre setback relates to a portion of the east façade from the second to the fifth storey. The majority of the east façade, as well as all of the ground floor units are setback 2.20 metres from the side lot line.

To the north of the subject lands, Ellington Ave. is curved and then straightens as it intersects with Highway No. 8. As such, the townhouses that abut the subject lands are not aligned along the same street segment. Across the street, the subject lands face the side wall of the three storey retirement / nursing home and its associated driveway access. As with the front yard setback, by locating buildings closer to the street there is a more defined streetscape and the creation of a pedestrian friendly environment, which is in keeping with the design goals and objectives of the Official Plan. As the ground floor contains walk-out units with terraces and planters, the residential character of the area is enhanced.

#### Rear Yard Setback

Regarding the rear yard setbacks, the closest portion of the “L” shaped building to the rear yard setback is 9 metres for the first four storeys, which maintains the intent of the parent RM4 zone, which requires a minimum of 10.5 metres. The fifth storey is setback 11.9 metres and the sixth storey is setback 14.9 metres, which exceed the RM4 zone requirements. Staff are proposing to include these setbacks for increased yards in the implementing Zoning By-law, as the increased yards were evaluated with the proposal and are considered by staff to be appropriate. These setbacks contribute to achieving a reduced massing and bulk for the subject properties, and minimize overlook on the adjacent properties. They allow for an

appropriate transition between the low rise residential uses in the interior of the neighbourhood to the higher density uses along the major arterial road therefore staff are supportive of the modifications.

#### Maximum Lot Coverage

The applicant is requesting a maximum lot coverage of 56% while the Zoning By-law requires a maximum lot coverage of 35%. This modification is considered appropriate as adequate landscaping and outdoor amenity area are being provided at grade. In addition, the site layout achieves important policy goals relating to achieving an active street presence, minimizing surface parking, and providing bicycle parking opportunities, further making the increased lot coverage appropriate. As such, staff are supportive of this modification.

#### Maximum Residential Density

To accommodate the proposed 93 units, the applicant is requesting an increase in the permitted density from the maximum permitted 100 units per hectare in the "RM4" zone to a maximum of 344 units per hectare. Staff considers the increase appropriate as it reflects the fact that the majority of the units are one bedroom units, with an average approximate size of 66.9 square metres. Furthermore, adequate parking, transportation and infrastructure capacity, and amenity areas are being provided for the proposed development. The proposed development has been designed to be compatible with the surrounding uses and is maintaining and enhancing the character of the neighbourhood, therefore staff are supportive of the modification.

#### Maximum Building Height

The Residential Multiple "RM4" zone permits a maximum building height of 25 metres, however, as the proposed building is being rezoned to a site specific zone, the proposed height of the proposal has been evaluated with a six storey height limit as an appropriate height. The Zoning By-law calculates building height from grade to the uppermost point of the building but not including any mechanical penthouse or other features such as chimney, smokestack, fire wall, stair tower, elevator bulkhead, or parapet. Based on this, the height of the building is 18.4 metres. To the top of the mechanical penthouse the height of the building is 21.4 metres. As such, the site specific zoning will only permit a maximum height of 18.4 metres and six storeys. Therefore, staff are supportive of this modification.

Minimum Landscaped Open Space and Landscaped Strip

The RM4 zone requires that a minimum of 50% of the lot area be landscaped, of which at least 25% shall be in one area which is not the front yard. Furthermore, a landscaped strip of at least 4.5 metres in width is required for every portion of the yard that abuts a street. In this case the applicant is proposing a minimum of 27% of landscaped open space and no landscaped strips abutting the street. Staff are including a provision to require a landscaped strip along the north and west side yards in order to provide additional screening and buffering between the residential uses. Due to the angled lot lines, the landscaped strip along the west lot line will be a minimum of 1 metre, but will maintain an average of 2 metres, while the rear yard landscaped strip will be a minimum of 1.5 metres and maintain an average of 2.25 metres. Given the definition of landscaped strip, which only permits grass, trees and shrubs, a site specific definition is proposed to include the hydro transformer, underground parking vents, a proposed 1.5 metre high retaining wall along the north of the property, and pedestrian walkways / pathways. These features can be mitigated with appropriate plantings and landscape elements.

In addition to the landscaped open space on the ground floor, the concept plan submitted with the application proposes a green roof on the top of the third storey along the west side wall, as well as a living wall on the upper portion of this west side wall. This living green wall feature will be provided adjacent to the residential uses to the west of the subject lands. This additional landscaping will further contribute to providing green space and an attractive visual feature. All landscaping details will be further reviewed at the Site Plan Control stage. Staff considers the modifications appropriate as there will be adequate landscaping on the subject lands.

Amenity Area

With respect to amenity space, the “RM4” zone requires a minimum of 2 square metres for each one bedroom unit and a minimum 3 square metres for each 2 bedroom unit, of which at least 10% of the total or a minimum of 93 square metres, whichever is greater, must be located indoors. For the proposed development, that would require a total of 204 square metres of total amenity space. The applicant is providing more amenity space than the Zoning By-law requires, as the proposed development includes a total of 357 square metres of amenity space, 179 square metres (rounded to 175 square metres) of which will be indoors and 178 square metres (rounded to 175 square metres) will be outdoors. It is proposed that the amending Zoning By-law secure this additional amenity space since it is part of the comprehensive development by including this greater provision in the site specific zoning for the subject lands.

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### Minimum Number of Parking Spaces

The Stoney Creek Zoning By-law requires 1.25 parking spaces for each one bedroom unit and 1.5 parking spaces for each two bedroom unit, plus 0.35 parking spaces per dwelling unit, for a total of 1.6 parking spaces for a one bedroom unit and 1.85 parking spaces for a two bedroom unit. Based on the concept plan provided, this equates to 154 parking spaces. The applicant is proposing 126 parking spaces which is based on a parking rate of 1.04 parking spaces per dwelling unit, plus the by-law requirement of 0.35 parking spaces per visitor parking (for a total of 1.39 parking spaces per unit).

A Transportation Impact and Parking study was submitted in support of this ratio, demonstrating that the parking supply is expected to be adequate for the subject lands, as there is a greater proportion of one bedroom units compared to two bedroom units. One bedroom units typically have smaller household sizes. Staff are supportive of the reduction of the number of parking spaces, as the subject lands are served by transit and alternative modes of transportation is encouraged by the UHOP policies. Travel Demand Management measures such as the provision of transit passes and the provision of bicycle parking spaces will encourage alternative modes of transportation to the automobile. In order to ensure that the transit passes are implemented, through the Condominium and Site Plan processes, subsidized transit passes will be required to be provided to all owners of the units for a period of two years. The proposed development is providing the required amount of visitor parking spaces so as to prevent overflow visitor parking from infiltrating the neighbourhood and parking on the residential streets. Staff feel that the parking ratio being proposed, along with the alternate transportation measures to be secured at the Site Plan stage is satisfactory and are supportive of the modification.

### Parking Space Dimensions

The Stoney Creek Zoning By-law requires a minimum parking space size of 2.75 metres wide and 5.8 metres in length and a minimum size of 4.4 metres by 5.8 metres for barrier free parking spaces. For the standard parking spaces, the applicant is proposing parking space sizes of 2.6 metres wide by 5.6 metres long and for the barrier free parking spaces, the applicant is proposing a minimum size of 4.4 metres by 5.6 metres. This space size has been considered by planning staff and deemed to be sufficient for this residential use. This modification is minor in nature and is considered appropriate as the parking space sizes remain adequate in size and allows for sufficient space for vehicle parking and vehicle entry and exit. As such, staff is supportive of this modification.

### Underground Parking Above Grade

The Stoney Creek Zoning By-law requires that underground parking shall not be bound by setback requirements, however, underground parking above grade is to be setback a minimum of 3 metres from any lot line. As noted above, the applicant is providing the majority of parking underground. Part of this structure will form the retaining wall at the rear of the property, and will be setback 0.79 metres (rounded to 0.8 metres in the proposed Zoning By-law) from the rear lot line, and does not contain any parking spaces. This modification is supported by staff and proposed to be included for clarification purposes, to prevent any misinterpretation about the location of the above ground retaining wall / underground parking structure. The three parking spaces that are proposed at grade are not located near this retaining wall and are setback 9.89 metres from the rear lot line and 11.17 metres from the west lot line, therefore staff are supportive of the modification.

### Planter Box Encroachment

As identified in Section 4.19 of the Zoning By-law, all yards are to be clear and unobstructed, with the exception of certain permitted encroachments that are outlined in Section 4.19 (such as balconies, canopies, unenclosed porches and decks). Planter boxes are not explicitly mentioned in the Zoning By-law. As discussed above, the front and side property lines for the subject lands are not a straight line and is irregular in shape. However, the proposed building is in a horizontal line and does not follow this irregularly shaped front and side lot lines. Therefore, where the front lot line is narrowest the planter boxes for some of the ground floor walk out units are encroaching into the front yard setback, to a maximum of 2.06 metres and into the east (flankage) yard by 2.5 metres. As the planter boxes are connected to the main building, it may be interpreted to be part of the proposed building and not landscaping, and requires this modification. This modification is technical in nature to address the irregular lot lines and the physical connection to the main building and will allow the proposed building to maintain consistent street edges. Therefore staff are supportive of this modification.

4. With respect to engineering details, Development Engineering advises that they have no concerns with the Official Plan or Zoning amendment applications proceeding to approval. All outstanding servicing, stormwater management, grading, municipal road improvements, etc. will be reviewed in more detail at the Site Plan application review and approval stage. The following information applies:

The subject location is within the delineation of the Intake Protection Zone for Hamilton's Municipal Water Intake. The proposed land use is acceptable within this regulated area. If dewatering is required for construction activities, the proponent is

reminded that any dewatering discharge leaving the site must conform to City of Hamilton sewer bylaws.

The applicant is proposing that the subject property drain into the Ellington sanitary sewer system. Engineering staff originally indicated that a Special Sanitary Sewer Agreement would be required to connect to the existing system on Ellington Ave. since the sewer terminates short of the property line and does not front along the easterly property line, as required by the Sewer Use By-Law. Staff have determined that an Agreement will not be required, based on the close proximity of the nearest manhole, and that the existing Ellington Ave. system is designed to capture sanitary drainage for the subject lands.

Separated systems are available on both Highway No. 8 and Ellington Ave. for collection of storm from the redevelopment. Runoff controls will be implemented and a private connection is being proposed directly to the Ellington Ave. trunk system. A storm drainage area plan is required to supplement the site servicing and grading plans and for inclusion in the LSP inventory.

The proponent shall ensure that the Fire Department / Building Department is satisfied with the hydrant coverage, accessibility and provisions for firefighting within the development.

5. This proposal will be subject to Site Plan Control. As part of the applications the applicant submitted a Tree Protection Plan and Landscape Plan. These plans will be revised at the time of Site Plan Control to address the landscaping provisions of the draft Zoning By-law amendment. In addition, additional design matters will be further reviewed at the Site Plan Control stage relating to pedestrian access / circulation, barrier-free accessibility, grading, drainage, living green wall, stormwater management, adequate signage / site details for the visitor parking spaces and architectural design and materials. Furthermore, should any encroachment agreements be required to permit the landscaping and walkway features on the City right-of-way, these would also be secured through the Site Plan Control process.
6. To date, three submissions as well as two petitions from the neighbouring condominium corporations have been received. In addition, City Planning staff were in attendance at two neighbourhood meetings where comments and concerns were raised. One of the letters received requested notice of the public meeting. The letters and petition received are attached as Appendix "E" to Report PED17034 and the concerns are discussed further below.

#### Height, Density, Compatibility and Intensification

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*OUR Vision: To be the best place to raise a child and age successfully.*

*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

*OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.*

The submissions identify concerns with the density and height, suggesting that the proposed development should meet the current requirements. Staff feel that the proposal meets the intent of the Official Plan policies, which speak to locating higher density uses along arterial roads, along the periphery of the neighbourhood. As discussed above, the character of the area already includes some high density uses, and the proposed building has been designed to provide an appropriate transition and no conflicts with the neighbouring residential uses.

With respect to the height of the building, the proposal has been revised so that the height of the building is six storeys and 18.4 metres, and including the top of the mechanical penthouse, the building measures 21.4 metres. This proposed building is lower in height than the multiple dwelling next door (Treviso), which is 21 metres to the top of the seventh floor and 24.8 metres to the top of the mechanical penthouse.

#### Loss of Sunlight / Lack of Privacy

Some residents expressed concern with the shadow impact of the proposed building on the rear yards of the existing townhomes to the north of the property. The applicant has submitted a sun / shadow study which demonstrates that there is no permanent shadowing on the rear yards of the townhomes to the north. Given the "L" shape of the proposed building, only a portion of the building is located near the rear lot line. Privacy and overlook concerns have been addressed through the use of the stepped building design at the rear, as well as the requirement for frosted windows for that portion of the rear building that will be outside of the 45 degree angular build-to plane. With respect to the west side of the building, the revised proposal removes the majority of the windows from this wall, and introduces a living green wall, to provide greater visual interest than solely having a blank wall.

#### Traffic and Safety

Concerns about increased traffic and safety were also raised in the petitions, submissions and at the neighbourhood meetings. The applicant has provided a Traffic Impact Study which advises that the road network can accommodate the anticipated vehicle trips from the proposed development. Furthermore, Corridor Management has not identified any concerns with this proposal on the road network. The Traffic Impact Study concludes that the proposed driveway would have sufficient sightlines to function safely. Additionally, the site driveway will be required to have 5.0 x 5.0 metres visibility triangles at the access limit with Ellington Ave. in order to ensure sight lines for vehicles entering and exiting the subject lands.

### Overflow Parking

Concerns were also raised regarding the amount of parking provided. It appears that many of the concerns with traffic and parking also relate to the apparent insufficient parking being provided at the seniors / nursing home. This development is not anticipated to exacerbate this issue as the applicant is providing sufficient parking. The applicant's revised proposal includes a revision to the parking rate and supply and the applicant is now meeting the visitor requirements of the Stoney Creek Zoning By-law. Appropriate signage will be secured at the Site Plan Control stage to secure the parking spots for visitor use only.

### Fencing

The residents have asked that any new fence adjoining the lands be discussed with the community prior to construction. There is an existing wood fence along the property line that is to remain, and no new fence is anticipated to be constructed. Fences must comply with the requirements of the City of Hamilton's Fence By-law.

### Construction Issues

Concerns were also raised about construction impacts such as foundation cracking issues, dust / dirt and debris, property damage etc. The applicant has agreed to provide a construction management plan to detail how the site construction will be managed and how issues such as dust, dirt, noise etc. will be mitigated. This will be a requirement of Site Plan Approval.

### Loss of Trees

The site currently has a number of mature trees and concern about the loss of these trees and the ability to provide green space was raised in the petition. The applicant has submitted a tree preservation plan that identifies which trees will be kept and which are to be removed. As noted above, the applicant will be required to provide additional trees and landscaping for the site, and this will be reviewed in further detail at the Site Plan Approval stage.

### Operational Issues

Concerns were raised about operational matters such as garbage collection, snow removal, etc. As noted above, garbage collection and loading facilities are located internal to the building, and will be addressed further at the Site Plan Control stage. The applicant advises that snow will not be stored on site but removed by a third party contractor.

## **ALTERNATIVES FOR CONSIDERATION**

Should the applications be denied, the subject lands could be developed in accordance with the existing General Commercial “GC-13” Zone, Modified provisions.

## **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

### **Community Engagement & Participation**

*Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.*

### **Economic Prosperity and Growth**

*Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.*

### **Built Environment and Infrastructure**

*Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.*

## **APPENDICES AND SCHEDULES ATTACHED**

- Appendix “A” – Location Map
- Appendix “B” – Draft Official Plan Amendment
- Appendix “C” – Draft Zoning By-law Amendment
- Appendix “D” – Concept Site Plan and Elevations
- Appendix “E” – Public Submissions