



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	March 20, 2018
SUBJECT/REPORT NO:	Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1288 Baseline Road (Stoney Creek) (Ward 11) (PED18038)
WARD(S) AFFECTED:	Ward 11
PREPARED BY:	George T. Zajac (905) 546-2424 Ext. 1024
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Amended Urban Hamilton Official Plan Amendment Application UHOPA-17-029, by Trillium Housing Winona Non-Profit Corporation**, to re-designate the subject lands from “Local Commercial” to “Low Density Residential 3c” within the Urban Lakeshore Area Secondary Plan and to establish a site specific policy area to permit a 60 unit development on a private (condominium) road for lands located at 1288 Baseline Road, and to establish a new street connecting Baseline Road and the North Service Road, as shown on Appendices “A” and “E” to Report PED18030 be **APPROVED**, on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED18038, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed Amendment is consistent with the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe (2017) (Places to Grow).
- (b) That **Amended Zoning By-law Amendment Application ZAC-17-067 by Trillium Housing Winona Non-Profit Corporation** to add the subject lands to Zoning By-law No. 3692-92 and to zone them Multiple Residential “RM3-62” Zone, Modified, to permit a 60 unit development on a private (condominium) road

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for lands located at 1288 Baseline Road, as shown on Appendix “A” to Report PED18038, be **APPROVED** on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED18038, 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 (2017) (Places to Grow) and will comply with the Urban Hamilton Official Plan upon finalization of Official Plan Amendment No. XX.
- (c) That **Amended Zoning By-law Amendment Application ZAC-17-067 by Trillium Housing Winona Non-Profit Corporation** to remove the subject lands located at 1288 Baseline Road from Zoning By-law No. 05-200, as shown on Appendix “A” to Report PED18038, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix “D” to Report PED18038, 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 (2017) (Places to Grow) and will comply with the Urban Hamilton Official Plan upon finalization of Official Plan Amendment No. XX.

EXECUTIVE SUMMARY

The proposed Official Plan Amendment is to re-designate the subject lands from “Local Commercial” to “Low Density Residential 3c” within the Urban Lakeshore Secondary Plan and to establish a site specific policy area in the Urban Hamilton Official Plan to permit a 60 unit (44 maisonette and 16 townhouse units) development on a private (condominium) road with 20 visitor parking spaces at a density between 30 and 53 units per net ha. The proposal also includes a public through road from Baseline Road to North Service Road that will be constructed via an external works agreement at the Site Plan Approval stage. In addition, the applicant is proposing that the development will be for affordable housing units.

The proposed Zoning By-law Amendment to the former City of Stoney Creek Zoning By-law No. 3692-92 is to put the subject lands, 1288 Baseline Road, back into the Zoning By-law No. 3692-92 and to zone them to the Multiple Residential “RM3-62” Zone,

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Modified (to permit site specific modifications, including lot area, lot frontage, side and rear yards) Multiple Residential “RM3” Zone to permit a 60 unit townhouse development on a private (condominium) road.

The proposed Zoning By-law Amendment to the City of Hamilton Zoning By-law No. 05-200 is to remove the subject lands, 1288 Baseline Road, from Zoning By-law No. 05-200.

The proposed Official Plan and Zoning By-law Amendments have merit, and can be supported as they are consistent with the Provincial Policy Statement (2014), conform to the Growth Plan for the Greater Golden Horseshoe (2017) (Places to Grow), and comply with the Urban Hamilton Official Plan, as well as the Urban Lakeshore Secondary Plan, subject to the recommended Amendment.

Alternatives for Consideration – See Page 24

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 amendment to the Official Plan and Zoning By-law.

HISTORICAL BACKGROUND

Proposal

The subject lands, 1288 Baseline Road (Stoney Creek), is currently vacant, has an area of approximately 1.4 ha and is bounded by Winona Road, North Service Road and Baseline Road. The adjacent lands to the east are developed with single detached dwellings along Baseline Road and townhouse units on Marina Point Crescent, accessed from Baseline Road. To the north of the subject lands is John Wilson Park and to the west is Winona Road and single detached dwellings. The proposed development is for 44 three-storey maisonette units and 16 three-storey conventional townhouse units with 21 visitor parking spaces.

The subject development is to be affordable units in accordance with the City of Hamilton’s Municipal Housing Facilities By-law 16-233, in that the subject units are to be at least 10% below the median resale price for a similar unit in the City. The City of Hamilton will enter into a municipal housing project facility agreement with the applicant

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and the agreement may provide for assistance as provided for subsection 110(3) of the *Municipal Act, 2001*, or tax exemptions as provided for in subsection 110(6) of the *Municipal Act, 2001*.

The proposed development will also include a future public street (Street “A” as shown on Appendix “E” to Report PED18038) that will provide a direct connection from Baseline Road to North Service Road. A 15 m berm from North Service Road and the Queen Elizabeth Way is also proposed in keeping with the Ministry of Transportation of Ontario (“MTO”) setback of 14 m.

The purpose and effect of the proposed amended Official Plan Amendment to the Urban Hamilton Official Plan is to re-designate the subject lands from “Local Commercial” to “Low Density Residential 3c” within the Urban Lakeshore Area Secondary Plan of the Urban Hamilton Official Plan to permit a 60 unit development on a private (condominium) road with a density of 53 units per net residential ha, as well as add a public roadway from Baseline Road to North Service Road. The original application for Official Plan Amendment was to re-designate the subject lands from “Local Commercial” to the “Low Density Residential 3” designation. Staff were of the opinion that the “Low Density Residential 3c” designation was more appropriate for the proposed built form of street townhouses and maisonettes.

The purpose and effect of the proposed amended Zoning By-law Amendment to Zoning By-law No. 3692-92 is to add the subject lands to Zoning By-law No. 3692-92 and zone the subject lands to a site specific Multiple Residential “RM3” Zone to permit a 60 unit development on a private (condominium) road within the former City of Stoney Creek Zoning By-law No. 3692-92. The original application for Zoning By-law Amendment was to rezone the subject lands from Neighbourhood Development “ND” Zone to the Multiple Residential “RM2” Zone, however, it was staff’s opinion that the Multiple Residential “RM2” Zone was more appropriate for the proposed built form.

In particular, the site specific modifications to the Multiple Residential “RM3” Zone will include a reduction to the minimum lot area; minimum lot frontage; minimum front yard; minimum side yard; minimum rear yard; minimum privacy area; landscaped open space; visitor parking; and maximum lot coverage, density and building height.

The purpose and effect of the proposed amended Zoning By-law Amendment is to remove the subject lands from Zoning By-law 05-200. In November, 2017, City Council approved new Commercial and Mixed Use Zones for the City of Hamilton, wherein the subject lands were rezoned from Neighbourhood Development “ND” Zone in the former City of Stoney Creek Zoning No. 3692-92 to the Community Commercial (C3) Zone to implement the existing Secondary Plan designation. The approved By-law was subsequently appealed to the Ontario Municipal Board and therefore, the By-law is not yet final and binding.

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Chronology:

- August 3, 2017: Submission of Applications UHOPA-17-029 and ZAC-17-067.
- September 14, 2017: Applications UHOPA-17-029 and ZAC-17-067 deemed complete.
- September 21, 2017: Circulation of Notice of Complete Application and Preliminary Circulation for Applications UHOPA-17-029 and ZAC-17-067, to 88 property owners within 120 m of the subject lands.
- September 29, 2017: Public Notice Sign installed on subject lands.
- February 21, 2018: Public Notice Sign updated with Public Meeting Information.
- March 2, 2018: Circulation of the Notice of Public Meeting to 88 property owners within 120 m of the subject lands.

Details of Submitted Application:

Location: 1288 Baseline Road (see Appendix “A” to Report PED18038).

Owner/Applicant: Trillium Housing Winona Non-Profit Corporation

Agent: IBI Group
(c/o: Tracy Tucker)

Property Description:

<u>Lot Frontage:</u>	111 m (Baseline Road)
<u>Lot Depth:</u>	117.77 m
<u>Lot Area:</u>	1.14 Net Residential Hectares
<u>Servicing:</u>	Existing Municipal Water Available Municipal Sanitary / Storm Available

Existing Land Use and Zoning:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Vacant	Neighbourhood Development “ND” Zone
<u>Surrounding Land Uses:</u>		
North	John Wilson Park	Neighbourhood Park (P1) Zone
South	North Service Road and Queen Elizabeth Way	Major Institutional “I (H)” Zone
East	Single Detached Dwellings and Townhouse Dwellings	Single Residential “R3” Zone and Multiple Residential “RM3” Zone
West	Winona Road and Single Detached Dwellings	Single Residential “R2” Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2014)

The following policies, amongst others, from the Provincial Policy Statement (PPS) are considered to be applicable to the applications.

The proposal provides for an efficient and resilient development and land use pattern that is healthy, liveable and safe as per Policy 1.1. by promoting efficient development and land use patterns, as well as accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons) uses.

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

The subject lands are located within a settlement area where full municipal services are available, and will provide for a complete community through a compact design and contributes to a range and mix of housing types.

“2.6.2 *Development and site alteration* shall not be permitted on lands containing *archaeological resources* or *areas of archaeological potential* unless *significant archaeological resources* have been *conserved*.”

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Accordingly, a Stage 1-2 Archaeological Assessment (P346-0063-2015), dated August 5, 2015 concludes the Stage 2 did not result in the identification of any archaeological sites and that no further archaeological assessments are recommended within the study area. An acknowledgement from the Ministry of Tourism, Culture and Sport that the aforementioned assessment was entered into the Ontario Public Register of Archaeological Reports will be required at the Site Plan Control application stage. For the subject applications, staff are satisfied that archaeological concerns have been addressed.

Based on the foregoing, as the subject lands are located within a settlement area, are proposed to be affordable units, and the subject proposal is to be developed with appropriate infrastructure, while also protecting the Provincial interest with respect to cultural heritage resources, the subject proposal is therefore, consistent with the PPS.

Growth Plan for the Greater Golden Horseshoe (2017)

As of July 1, 2017, the policies of the Growth Plan for the Greater Golden Horseshoe (2017) apply to any Planning decision. Therefore, development proposed in this application conforms to the plan as follows.

The Growth Plan supports intensification within built-up urban areas, particularly in proximity to transit. As noted in Section 2.1 of the Plan.

“To support the achievement of *complete communities* that are healthier, safer, and more equitable, choices about where and how growth occurs in the *GGH* need to be made carefully. Better use of land and *infrastructure* can be made by directing growth to *settlement areas* and prioritizing *intensification*, with a focus on *strategic growth areas*, including *urban growth centres* and *major transit station areas*, as well as *brownfield sites* and *greyfields*. Concentrating new development in these areas provides a focus for investments in transit as well as other types of *infrastructure* and *public service facilities* to support forecasted growth, while also supporting a more diverse range and mix of housing options. However, to protect public safety and prevent future flood risks, growth should generally be directed away from hazardous areas, including those that have been identified as Special Policy Areas in accordance with the PPS.”

Furthermore as noted in Section 2.2.1.2 (d):

“Development will be directed to settlement areas, except where the policies of this Plan permit otherwise.”

In review, the subject lands are located within a settlement area where it will be developed with full municipal services, will provide for a complete community through a

compact design that includes an additional housing type and form for the area and is in close proximity to the Queen Elizabeth Way. Therefore, the proposal conforms to the policies of the Growth Plan for the Greater Golden Horseshoe (2017) (Places to Grow).

Urban Hamilton Official Plan (UHOP)

The subject property is identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated as “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the UHOP and “Local Commercial” on Map B.7.3-1 – Land Use Plan – Urban Lakeshore Area Secondary Plan. The following policies, amongst others, are applicable to the subject applications.

Policy Goals

The following goals of the “Neighbourhoods” designation apply to the proposed applications:

- “E.3.1.1 Develop compact, mixed use, transit-supportive, and active transportation friendly neighbourhoods.
- E.3.1.2 Develop neighbourhoods as part of a *complete community*, where people can live, work, shop, learn, and play.
- E.3.1.3 Plan and designate lands for a range of housing types and densities, taking into account affordable housing needs.
- E.3.1.4 Promote and support design which enhances and respects the character of existing neighbourhoods while at the same time allowing their ongoing evolution.
- E.3.1.5 Promote and support *residential intensification* of appropriate scale and in appropriate locations throughout the neighbourhoods.”

Per Section E.3.2.1, areas designated “Neighbourhoods” shall function as *complete communities*, including the full range of residential dwelling types and densities as well as supporting uses intended to serve the local residents.

- “E.3.2.3 The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations:
 - a) residential dwellings, including second dwelling units and *housing with supports*.”

The proposed development complies with the above-noted policy goals as the proposed form of townhouses contributes to a compact urban form and complete community and contributes to a range of housing types, respects the existing character of the neighbourhood and provides an appropriate scale and location for the development.

Residential Intensification

“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 relation 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;
- 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.”

The existing neighbourhood is comprised of single detached dwellings and a park to the north, townhouses to the east, Winona Road to the west and North Service Road to the south. The proposed 60 dwellings will be of a size and scale that is compatible with the existing scale of development in the area.

The proposed development is appropriate in respect to the transition in scale to the neighbouring buildings which maintain a height of one and predominantly two and a half storeys, and the development is massed to respect the existing street proportions and lot patterns. The street townhouses are proposed to be approximately 9.6 m in height, while the maisonettes are proposed to be 12 m in height, which is in keeping with the adjacent townhouse development.

The proposed townhouses have a reverse frontage along Winona Road, however, there are existing reverse frontage lots on the west side of Winona Road and therefore, they are consistent with the existing character of the neighbourhood. In addition, due to the grade of Winona Road and the proposed setback, there are no adverse impacts with respect to streetscape. Similarly, the proposed maisonettes along Baseline Road are directly across from the existing park and will have direct access onto Baseline Road, which is consistent with the existing character of the street and therefore, no adverse impacts with respect to streetscape patterns.

Since there are surrounding residential uses, as well as an existing neighbourhood park, directly across the street from the subject lands, the proposed residential development is a more efficient land use to take advantage of this existing amenity feature.

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Since Winona Road is a flyover roadway over the Queen Elizabeth Way, the proposed new (Street “A”) will also provide residents of the neighbourhood a convenient connection to North Service Road.

Visitor parking is proposed within the development and sufficient amenity area is also proposed. Adequate servicing will also be made available. In addition, there are no anticipated shadowing, overlook, noise, lighting, and traffic issues. Finally, there are no cultural heritage resource concerns.

The proposed residential intensification of the property is an appropriate height, massing, and density, and therefore, is compatible with the existing neighbourhood.

Archaeological Assessment

With respect to archaeological concerns, the UHOP identifies the applicable policy under Section B.3.4.4.2:

“B.3.4.4.2 In *areas of archaeological potential* identified on Appendix F-4 – Archaeological Potential, an archaeological assessment shall be required and submitted prior to or at the time of application submission for the following planning matters under the *Planning Act*:

- a) official plan amendment or secondary plan amendment unless the *development* proposed in the application in question or other applications on the same property does not involve any *site alteration* or *soil disturbance*;
- b) zoning by-law amendments unless the *development* proposed in the application in question or other applications on the same property does not involve any site alteration or soil disturbance; and,
- c) plans of subdivision.

B.3.4.4.4 Archaeological assessments shall be prepared in accordance with any applicable guidelines and Policy F.3.2.4 - Archaeological Assessments.”

As noted on page 7 of this Report, an Archaeological Assessment was prepared and concluded that the assessment did not result in the identification of any archaeological sites and that no further archaeological assessments are recommended within the study area. Staff are satisfied that the Archaeological Assessment Requirement policies of the UHOP have been met.

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Noise Attenuation

The UHOP contains relevant policies with respect to noise. Section B.3.6.3 indicates:

- “B.3.6.3 Noise, vibration, and other emissions such as dust and odours from roads, airports, railway lines and stationary sources have the potential to negatively impact the quality of life of residents. The objective of the following policies is to protect residents from unacceptable levels of noise, vibration, and other emissions and to protect the operations of transportation facilities, commercial, and employment (industrial) uses.
- B.3.6.3.1 *Development of noise sensitive land uses*, in the vicinity of provincial highways, parkways, minor or major arterial roads, collector roads, truck routes, railway lines, railway yards, airports, or other uses considered to be noise generators shall comply with all applicable provincial and municipal guidelines and standards.
- B.3.6.3.2 Any required noise or vibration study shall be prepared by a qualified professional, preferably a professional engineer with experience in environmental acoustics, in accordance with recognized noise and vibration measurement and prediction techniques, to the satisfaction of the City, and in accordance with all applicable guidelines and standards.”

In regard to the above applicable policies, a noise feasibility study was submitted with the subject applications entitled, “Environmental Noise Feasibility Study – 1288 Baseline Road”, prepared by Valcoustics Canada Ltd., and dated August 4, 2017. Due to the subject lands close proximity to the Queen Elizabeth Way, the aforementioned Study was reviewed by City staff and based on the results of the Study, all units will require air conditioning, noise warning clauses, a sound barrier and specific building materials.

City staff further notes that a detailed noise study / addendum will be required to be submitted with a future Site Plan Control and Draft Plan of Condominium applications to confirm Sound Transmission Class (STC) requirements based on floor plans and exterior wall design; ensure the appropriate noise warning clauses are implemented on the appropriate agreements; and, review the sound barrier details.

Based on the foregoing, the proposed development meets the overall intent of the UHOP policies and therefore, complies with Volume 1 of the UHOP.

Urban Lakeshore Area Secondary Plan

The subject lands are within the Urban Lakeshore Secondary Plan provided in Volume 2 of the UHOP and are currently designated “Local Commercial” on Map B.7.3-1 – Urban Lakeshore Area Secondary Plan – Land Use Plan. The following policies, amongst others, apply to the applications.

“7.3.2 Local Commercial Designation

7.3.2.1 Sections E.3.8 – Local Commercial shall apply to the lands designated Local Commercial on Map B.7.3-1 – Urban Lakeshore Area – Land Use Plan.

7.3.2.2 Notwithstanding Section E.3.8.6 of Volume 1, on lands designated Local Commercial on Map B.7.3-1 – Urban Lakeshore Area – Land Use Plan, the maximum gross floor area of any individual commercial establishment shall be 500 square metres and the maximum gross floor areas of any grouping of local commercial uses shall be 1,500 square metres.”

An Amendment to the Urban Lakeshore Area Secondary Plan is required from the “Local Commercial” to the “Low Density Residential 3c” designation to permit the proposed development, as well as the proposed density of 53 units per ha.

The Secondary Plan provides the following applicable residential policies.

“B.7.3.1.6 Low Density Residential 3c Designation

Notwithstanding Policies E.3.4.3 and E.3.4.4 of Volume 1, the following policies shall apply to the lands designated Low Density Residential 3c on Map B.7.3-1 – Urban Lakeshore Area – Land Use Plan:

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

As the development proposal meets the intent of the policies of Volume 1 of the UHOP regarding intensification and built form and is consistent with the higher densities contemplated in current Provincial policies, the proposed re-designation can be supported. The analysis of the Amendment is discussed in greater detail in the Analysis and Rationale for Recommendations section of this Report.

City of Stoney Creek Zoning By-law No. 3692-92

An Amendment to the Zoning By-law is required to add the subject lands to Zoning By-law No. 3692-92 and zone the lands to a site specific Multiple Residential “RM3” Zone in order to permit a total of 60 dwellings on a private condominium road. In addition, a number of site specific technical modifications are required to allow for the units to be freehold fronting onto a private (i.e. condominium) road, including:

- modification to recognize the condominium road as a public street;
- modification to the required lot area;
- modification to the required lot frontage;
- modification to the required side yard;
- modification to the required front yard;
- modification to the required rear yard;
- modification to the required privacy area;
- modification to the required visitor parking;
- modification to the maximum density;
- modification to the maximum building height;
- modification to the required landscaped open space; and,
- modification to the maximum lot coverage.

These modifications are technical to recognize the lot configuration and housing form. An analysis of the site specific modifications is included in the Analysis and Rationale for Recommendation section of this Report.

City of Hamilton Zoning By-law No. 05-200

The subject lands are zoned Community Commercial (C3) Zone within the City of Hamilton Zoning By-law No. 05-200. The Community Commercial (C3) Zone permits a variety of local commercial uses, including a medical clinic, a micro brewery, motor vehicle gas bar and motor vehicle service station. An Amendment to the Zoning By-law is required to remove the subject lands from Zoning By-law No. 05-200.

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RELEVANT CONSULTATION

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

- Recreation Planning.

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

Capital Budgets and Development provided that the applicant pay the Municipal Act Sanitary Sewer Frontage Charge of \$27,337.81 under By-law No 01-116 as at Oct. 31, 2017 to the satisfaction of the Capital Budgets Section of Corporate Services, which will be required at the Site Plan Control application stage.

Housing Services Division, Community and Emergency Services Department noted that the proposed units will be affordable in accordance with the Municipal Housing Facilities By-law 16-233, at least 10% below the median resale price for a similar unit in the City. At the time of sale, the City will provide a threshold home value for the affordable units and the applicant will provide documentation that the sale prices were below the threshold.

Forestry & Horticulture Section, Public Works Department requires that a detailed Landscape Planting Plan prepared by a Registered Landscape Architect, showing the placement of trees on internal / external City property be provided at the Site Plan Control application stage.

Hamilton Conservation Authority provided the opinion that the proposed development is consistent with the Natural Hazards policies of the Provincial Policy Statement (2014) and that they have no objection to the approval of the subject Official Plan and Zoning By-law Amendment applications. They recommended functional servicing and stormwater management reports be submitted with a future Site Plan Control application.

Environmental Services Division, Public Works Department commented that the proposed development is eligible for municipal waste collection service subject to meeting the City's requirements.

Transportation Planning Services, Planning and Economic Development commented that a future road widening will be required for Baseline Road and that a full TDM Report and sidewalks will be required, as well as consider AODA regulations. These items will be addressed at the Site Plan Control stage. Transportation Planning does not support two driveway access points for the subject development. In addition, traffic calming measures are also recommended for proposed Street "A". The

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applicants will also require an Access Permit at the Site Plan Control stage. The location and number of access points will be finalized at the Site Plan stage.

Ministry of Transportation of Ontario commented that the subject lands are within the Ministry's permit control area and therefore, permits will be required. In addition, the Ministry commented that nothing essential to the operation or viability of the site should be placed in the 14 m setback, so that if the lands are required for highway improvements, the site can still continue to operate.

PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 88 property owners within 120 m of the subject property on September 28, 2017, for the proposed Official Plan Amendment and Zoning By-law Amendment applications.

A Public Notice Sign was posted on the property on September 29, 2017, and updated on February 21, 2018, with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on March 2, 2018.

Public Consultation Strategy

The applicant submitted a Public Consultation Strategy as required under the *Planning Act*, which resulted in a Public Information Meeting held on December 13, 2017. Five residents attended and expressed concerns regarding traffic, parking, loss of green space and intensification.

To date, one phone call and one e-mail from nearby residents have been submitted, expressing concerns regarding the proposed development. These concerns are discussed further in the Analysis and Rationale for Recommendation.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposed Official Plan and Zoning By-law Amendments 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 (2017);
 - (ii) The addition of 60 dwelling units is supportable, as they will permit additional residential uses that are compatible with the character of the area;

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- (iii) The proposed development represents good planning by, among other things, providing a compact and efficient urban form. In addition, the subject proposal is an efficient use of infrastructure.

2. Urban Lakeshore Area Secondary Plan Amendment

The subject lands are designated “Local Commercial” on Map B.7.3-1 – Urban Lakeshore Area Secondary Plan – Land Use Plan.

Local Commercial uses permitted are retail and services uses such as a craftsperson shop, day nursery, commercial school, financial establishment, office, motor vehicle service station, personal service, place of worship, repair service, restaurant, studio, art gallery, tradesperson shop, and veterinary service.

Land Use

An Amendment to the Urban Lakeshore Area Secondary Plan is required to re-designate the subject lands from the “Local Commercial” designation to the “Low Density Residential 3c” designation to permit the proposed townhouse and maisonette development and a density of 53 units per net residential ha.

Since there are surrounding residential uses, as well as an existing neighbourhood park, directly across the street from the subject lands, the proposed residential development is a more efficient land use to take advantage of this existing amenity feature and is also more compatible with the existing neighbourhood. In addition, since the approval of the Urban Lakeshore Area Secondary Plan, commercial development has focused on the south side of the Queen Elizabeth Way. Further, there are existing local commercial uses in close vicinity, just to the east of Fifty Road, along North Service Road, which currently contain a salon and spa, daycare centre, dental centre, a small food market and take-out restaurants, all of which can serve the day-to-day needs of the neighbourhood. There are also “Local Commercial” designated lands to the north of the subject lands, along Winona Road, as well as to the west at Dartmouth Gate and North Service Road. Staff are of the opinion that there is sufficient “Local Commercial” designated lands to support the neighbourhood population. In addition, a local commercial use would require additional road network improvements. Therefore, staff feel that there is sufficient existing and zoned lands for local commercial needs for the area to support the loss of these local commercial lands and support the re-designation to “Low Density Residential 3c”.

Proposed Roadway (Street “A”)

The proposed development will also include a public roadway (shown as Street “A” on Appendix “E” to Report PED18038) that will provide a direct connection from Baseline Road to North Service Road. A 15 m berm from North Service Road and the Queen Elizabeth Way is also proposed in keeping with the Ministry of Transportation of Ontario (“MTO”) setback of 14 m. Since Winona Road is a flyover roadway over the Queen Elizabeth Way, proposed Street “A” will also provide residents of the neighbourhood a convenient connection to North Service Road.

Proposed Density

The proposed development has a density of 53 units per net residential ha and therefore, an Amendment for a site specific policy area is required. The proposed density can be supported as it is a result of the proposed new street and the MTO setback requirements which effectively reduce the net developable area of the subject lands and that the proposed density is similar to that of other multiple dwelling/block townhouse developments within the Urban Lakeshore Secondary Plan area. As the development proposal meets the intent of the policies of Volume 1 of the UHOP regarding intensification and built form, meets the existing character of the neighbourhood, is compatible with the surrounding uses, and is consistent with the higher densities contemplated in current Provincial policies, the proposed re-designation and density can be supported.

Based on the foregoing, staff support the proposed Amendment to the Urban Lakeshore Area Secondary Plan.

3. **Zoning By-law Amendment**

An Amendment to the Zoning By-law is required to add the subject lands to Zoning By-law No. 3692-92 and zone the lands to a site specific Multiple Residential “RM3” Zone in order to permit a total of 60 dwellings (maisonettes and townhouses), including a private condominium road. Site specific modifications are required in order to permit the following:

- modification to recognize the condominium road as a public street;
- modification to the required lot area;
- modification to the required lot frontage;
- modification to the required front yard;

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- modification to the required side yard;
- modification to the required rear yard;
- modification to the required privacy area;
- modification to the minimum required landscaped open space;
- modification to the maximum building height;
- modification to the maximum density;
- modification to the required visitor parking; and,
- modification to the maximum lot coverage.

A number of these modifications are technical to recognize the lot configuration and housing form.

Condominium Road

A private common element condominium road is proposed to be deemed a street for the purposes of the proposed development and that permits landscaping and visitor parking within the common element condominium road. Staff consider this a minor modification, as this is typical for condominium developments. Therefore, this modification can be supported by staff.

Minimum Lot Area

The proposed modifications are to reduce the minimum lot area requirements for the street townhouses from 180 sq m (Interior) to 170 sq m (Interior), 250 sq m (Corner), 240 sq m (End) for the townhouses and from 4,000 sq m to 80 sq m (Interior) and 118 sq m (Corner) for the maisonette townhouses. The proposed unit areas will maintain adequate space on site to permit the establishment of appropriately sized dwelling units and amenity space, and are compatible with the adjacent existing townhouse development. The proposed modification has merit and can be supported.

Minimum Lot Frontage

The applicant is requesting modifications to reduce the minimum lot frontages for the street townhouses from 6.0 m (Interior), 9.0 m (Corner), 8.0 m (End Unit) to 5.5 m (Interior), 7.25 m (End Unit) and 8.5 m (Corner Unit) and from 50 m to 6.45

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m (Interior Unit) and 8.1 m (Corner Unit) for the maisonette townhouses. Staff consider these minor modifications, as they permit a more compact urban form, maintain the intent of the UHOP, maintain the intent of the By-law and are consistent with other development in the area. Therefore, staff can support the proposed modifications.

Minimum Front Yard

The applicant is requesting modifications to reduce the minimum front yard from 7.5 m to 6.0 m for the townhouses and 4.0 m to the dwelling face and 6.0 m to the attached garage for the proposed maisonette units. Staff can support this modification, as it is compatible with the neighbourhood, is minor, maintains the intent of the UHOP, and maintains the intent of the By-law.

Minimum Side Yard

The proposed modifications to reduce the minimum side yard requirements for the street townhouses from 2.0 m (End) and 3.0 m (Corner) to 1.5 m (End Unit) and 1.75 m (Corner Unit) and from 6.0 m (7.5 m for a flankage yard) to 2.75 m (Corner Unit) for the proposed maisonettes. Staff consider these minor modifications, as they are interior to the proposed development and will have no adverse impacts on adjacent properties. In addition, they will permit a more compact urban form, maintain the intent of the UHOP and maintain the intent of the By-law. Therefore, staff support the modifications.

Minimum Rear Yard

The applicant has requested a minimum rear yard setback of 3.0 m to the daylight triangle for one of the street townhouses (all other townhouses will maintain the required 7.5 m rear yard), whereas the By-law requires a minimum of 7.5 m. The applicant has also requested a 0.0 m rear yard setback instead of the required 6.0 m for the proposed maisonettes. Staff are satisfied that these are minor modifications in that they permit the built form for the maisonettes, and create a satisfactory amenity space in the rear yard of each unit for the street townhouses. They maintain the intent of the UHOP and maintain the intent of the By-law and can be supported by staff.

Maximum Density

The applicant has requested a maximum density of 53 units per net ha for the proposed townhouses and maisonettes, whereas the By-law requires a maximum density of 40 units per ha for maisonettes. Staff are satisfied that this is a minor modification as it is comparable to the adjacent townhouse

development, permits compact urban form and meets the intent of the UHOP. Therefore, the proposed modifications are supported by staff.

Minimum Privacy Area

The applicant has requested 36 sq m privacy area for the townhouses and 4.0 sq m privacy area per unit for the proposed maisonettes, whereas the By-law requires a privacy area with a minimum depth of 4.5 m. Due to their built form, the proposed maisonettes are intended to have a balcony amenity area of 4.0 sq m. Maisonettes are back to back units and therefore, a rear yard amenity area is not possible. A large landscaped area is proposed on the southerly portion of the development and John Wilson Park is located in close proximity north of Baseline Road, which can also be utilized by future residents of the proposal. Staff consider this a minor modification, as it permits a more compact urban form, maintains the intent of the UHOP and maintains the intent of the By-law.

Minimum Landscaped Open Space

A minimum landscaped open space of 50% of the lot area for the maisonettes, which may include the privacy area is required. The applicant has proposed that this requirement not apply for the proposed maisonettes. The maisonettes are back to back dwellings and therefore, the housing form does not lend itself to provide open space and the front yard includes the driveway. Nevertheless, there is a proposed amenity area of approximately 250 sq m within the MTO setback, which can be utilized for passive recreation use by the residents of the proposed development and therefore, provides the necessary function of landscaped open space. Staff can support this modification as it permits the built form, maintains the intent of the UHOP and maintains the intent of the By-law.

Maximum Building Height

The maximum height has been increased from the permitted 11.0 m to 12.0 m for the maisonettes to reflect the existing and proposed grading of the site. There are sufficient setbacks from other developments, including to the north and east and, therefore, the proposed height modification can be supported by staff.

Maximum Lot Coverage

The maximum lot coverage for maisonettes is 50%, however, the applicant has requested that this not apply for the maisonettes. The maisonettes are back to back dwellings and the front yard and side yard setbacks establish a building footprint that is appropriate for this form of development. Staff can support this

modification as it permits the built form, maintains the intent of the UHOP and maintains the intent of the By-law.

Minimum Visitor Parking

The minimum number of visitor parking spaces required is 0.5 spaces for each maisonette and townhouse dwelling unit, but would not include street townhouses. There are a proposed 60 units in total and therefore, 30 visitor parking spaces would be required. The applicant is providing 20 internal visitor parking spaces. As well there would be 12 on-street parking spaces along Street “A”. Staff are of the opinion that the combined visitor and on-street parking will be sufficient to support the proposal, the modification is minor and therefore, staff can support the modification.

4. The subject lands are zoned Community Commercial (C3) Zone within the City of Hamilton Zoning By-law No. 05-200. The Community Commercial (C3) Zone permits a variety of local commercial uses, including a medical clinic, a micro brewery, motor vehicle gas bar and motor vehicle service station. An Amendment to the Zoning By-law is required to remove the subject lands from Zoning By-law No. 05-200 as a housekeeping amendment to reflect the proposed change in land use.

5. There is a 375 mm diameter storm sewer, 250 mm sanitary sewer and a 300 mm watermain fronting the property on Baseline Road, which are available to service the subject lands. An External Works Agreement with the City to the satisfaction of the Manager of Development Engineering Approvals will be required as a condition of Site Plan Approval for the proposed municipal works, including roadway improvements, as well as for the construction of Street “A”. Baseline Road was fully urbanized during the construction of the Marina Point Crescent of the Baseline Subdivision development immediately to the east of the subject lands. As a condition of future Site Plan Approval, the applicant will be required to pay their fair share of the “as-constructed costs” for the construction of the above ground costs along Baseline Road, which directly benefit the subject lands. Baseline Road is designated as a collector road in accordance with Schedule “C-2” of the UHOP and is to have an ultimate right of way of 26.213 m. The existing roadway width from the centreline of this roadway measures approximately 10.048 m along the frontage of the subject lands. As a condition of future Site Plan Approval, the applicant / owner will be required to dedicate to the City of Hamilton sufficient lands across the frontage of the subject property adjacent to this roadway. This is to achieve a right of way width of 13.1 m from the original centreline of the roadway. In addition, the existing daylighting triangle at the intersection of Winona Road and Baseline Road is to be reconfigured to the ultimate widened limit of Baseline Road. Engineering staff

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are generally satisfied with the applications, however, all outstanding servicing, stormwater management, grading, water servicing, watermain hydraulic analysis, etc. will be reviewed in more detail at the Site Plan Control application stage.

6. Concerns were raised by nearby residents regarding traffic congestion, parking and intensification and loss of green space created by the proposed development. With respect to traffic congestion, it is staff's opinion that the proposed 60 units is of a size and scale that will not impact the existing traffic levels. The applicants have provided 20 internal visitor parking spaces and there will also be 12 on-street spaces available along Street 'A' for a total of 33 visitor parking spaces. Finally, regarding the concern for the loss of green space, it should be noted that the subject lands are not designated for a park. In addition, a tree protection plan will be required at the Site Plan Control stage and a large landscaped area / berm is proposed for the subject development.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Official Plan and Zoning By-law Amendment applications be denied, the property could be utilized in accordance with the Community Commercial (C3) Zone of Zoning By-law No. 05-200.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation

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Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

- Appendix “A”: Location Map
- Appendix “B”: Urban Hamilton Official Plan Amendment
- Appendix “C”: Zoning By-law No. 3692-92 Amendment
- Appendix “D”: Zoning By-law No. 05-200 Amendment
- Appendix “E”: Concept Plan
- Appendix “F”: Public Submissions

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