



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	May 1, 2018
SUBJECT/REPORT NO:	Applications to Amend the Urban Hamilton Official Plan, City of Stoney Creek Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 84, 86, 88, 90, 92, 94, 96 Lakeview Drive (Stoney Creek) (Ward 10) (PED18085)
WARD(S) AFFECTED:	Ward 10
PREPARED BY:	Alana Fulford (905) 546-2424 Ext. 4771
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-17-009, by DeSantis Rose Joint Venture Inc., Owner,** to amend the Urban Hamilton Official Plan to: redesignate the lands from “Arterial Commercial” to “Neighbourhoods” and “Mixed Use – Medium Density”; to add a Site Specific Policy Area for lands designated “Neighbourhoods” to establish a density range of 40 to 100 units per hectare for medium density residential uses; to add Site Specific Policies for the lands designated “Mixed Use – Medium Density” to prohibit drive-through facilities and ground related housing forms; to require that permitted residential uses be located within a mixed use building; to permit a residential development consisting of 94 maisonette dwellings and 42 stacked townhouse dwellings for a total of 136 dwelling units on a private road, and a future mixed-use development, for the lands known as 84, 86, 88, 90, 92, 94, 96 Lakeview Drive (Stoney Creek), as shown on Appendix “A” to Report PED18085, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED18085, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

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- (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).
- (b) That **Amended Zoning By-law Amendment Application ZAC-17-020, by DeSantis Rose Joint Venture Inc., Owner**, for a change in zoning from the Highway Commercial (Holding) “HC(H)” Zone, to the Multiple Residential (Holding) “RM3-64 (H)” Zone, Modified on a portion of the subject lands, and the “Mixed Use Commercial (Holding) “MUC-10 (H)” Zone, Modified, on the remaining portion of the subject lands, in City of Stoney Creek Zoning By-law No. 3692-92, to permit a residential development consisting 94 maisonette dwellings and 42 stacked townhouse dwellings for a total of 136 dwelling units on a private road, and a future mixed-use development for the lands known as 84, 86, 88, 90, 92, 94, 96 Lakeview Drive (Stoney Creek), as shown on Appendix “C” to Report PED18085, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED18085, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the amending By-law, attached as Appendix “C” to Report PED18085, be added to Map No. 2 of Schedule “A” of By-law No. 3692-92;
 - (iii) That the proposed change in zoning complies with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No. __
- (c) That approval be given to add the lands located at 86, 88, 90, 92, and 94 Lakeview Drive and a portion of 84 and 96 Lakeview Drive, Stoney Creek, to Zoning By-law No. 05-200 and zone said lands Mixed Use Medium Density – Pedestrian Focus (C5a, 682, H104) Holding Zone in Zoning By-law No. 05-200, subject to the following:
- (i) That the draft By-law, attached as Appendix “D” to Report PED18085, be held in abeyance until such time as the Commercial and Mixed Use Zones are in force and effect; and,
 - (ii) That staff be directed to bring forward the draft By-law, attached as Appendix “D” to Report PED18085, for enactment by City Council, once

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Zoning By-law No. 17-240, the by-law to establish the Commercial and Mixed Use Zones, is in force and effect.

- (d) That the amending By-law apply the holding provisions of Section 36(1) of the *Planning Act* to the subject lands by introducing the Holding Symbol “H” as a suffix to the proposed zoning; the holding provision Multiple Residential (Holding) “RM3-64 (H)” Zone, Modified, and Mixed Use Commercial (Holding) “MUC-10 (H)” Zone, Modified, shall apply until such time as:

The Ministry of the Environment and Climate Change issues acknowledgement of the submission by the Owner / Applicant of a Record of Site Condition, to the satisfaction of the Director of Planning and Chief Planner, City of Hamilton.

- (e) That the Bayview Neighbourhood Plan be amended by redesignating the subject lands from “Highway Commercial” to “Medium / High Density Residential” (Block 1 of Schedule “A” to the draft By-law attached as Appendix “C” to Report PED18085), and to “General Commercial” (Block 2 of Schedule “A” to the draft By-law attached as Appendix “C” to Report PED18085), upon finalization of the Zoning By-law Amendment as shown as Appendix “C” attached to Report PED18085.

EXECUTIVE SUMMARY

The purpose of the applications is: to amend the Urban Hamilton Official Plan (UHOP) to redesignate the subject lands from “Arterial Commercial” to “Neighbourhoods” and “Mixed Use – Medium Density” on Schedule E-1 – Urban Land Use Designations; to add a number of site specific policies; to rezone the subject lands from the Highway Commercial (Holding) “HC(H)” Zone, to the Multiple Residential (Holding) “RM3-64 (H)” Zone, Modified on a portion of the subject lands, and the “Mixed Use Commercial (Holding) “MUC-10 (H)” Zone, Modified, on the remaining portion of the subject lands. The applications have been submitted to permit a residential development consisting of 94 maisonette dwellings and 42 stacked townhouse dwellings for a total of 136 dwelling units, and a future mixed-use development. Two hundred and seventy-two parking spaces (two spaces per unit) are proposed along with 42 spaces for visitor parking (0.3 spaces per unit), along with a number of site specific modifications to implement the proposed development for the Multiple Residential portion of the site.

A Holding “H” symbol is required on the subject lands as the Owner / Applicant must submit a Record of Site Condition (RSC) to the City of Hamilton and Ministry of the Environment and Climate Change (MOECC). The Holding symbol may be removed by

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City Council and development may proceed at such time as the MOECC issues acknowledgement of the submission of the RSC.

The applicant intends to develop the proposal over two phases. The residential development comprised of stacked townhouse dwellings and maisonette dwellings represents Phase One of the proposal and is illustrated on the Site Plan attached as Appendix “E” to Report PED18085. Phase Two represents a proposed future mixed use or residential development and comprises the remaining portion of the subject lands. The subject lands are identified on the Location Map attached as Appendix “A” to Report PED18085. No concept plan has yet been submitted for these additional lands.

The applicant is proposing to rezone the Phase Two lands to permit the potential future development of a six storey mixed use or stand-alone residential building. While staff can support the applicant’s Official Plan and Zoning By-law amendments for this second phase, any future development should include a local commercial component to support the existing and expanding residential population base that is proposed for the subject lands and surrounding areas and have thus recommended a site specific requirement to permit residential only in conjunction with a commercial use.

The amended proposal has merit and can be supported as it is consistent with the Provincial Policy Statement, conforms to the Growth Plan for the Greater Golden Horseshoe (Growth Plan) and complies with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No. ___.

Alternatives for Consideration – See Page 67

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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

HISTORICAL BACKGROUND

Proposal (as amended):

The subject lands are predominantly vacant. 84 & 96 Lakeview Drive were used for agricultural purposes in the past, while 86 – 94 Lakeview Drive contained single family dwellings at one time. The only dwelling currently remaining is at 86 Lakeview Drive.

The applicant intends to develop the subject lands in two phases: the first phase consisting of 94 maisonette dwellings and 42 stacked townhouse dwellings for a total of 136 dwelling units; and, the second phase will be a future mixed use or residential development.

All of the dwelling units proposed in Phase One will be three storeys in height, as shown on the Elevation drawings attached as Appendix “F” to Report PED18085. Two hundred and seventy-two parking spaces along with 42 spaces for visitor parking are proposed. Site access is proposed in two locations off of North Service Road, with access to the dwelling units via private internal roads. The proposed stacked townhouses are located along North Service Road, with primary access to the dwelling units via entrances along North Service Road. Parking and secondary access to the dwellings is proposed via an internal private road. The applicant is proposing a pedestrian connection across North Service Road, to provide a more direct connection between the proposed development and the nearby Bayview West Park, located on the west side of North Service Road. The proposed Site Plan is appended as Appendix “E” to Report PED18085. As well, the applicant has identified 36 additional visitor parking spaces which are located within MTO’s required 14 m setback. These proposed visitor parking spaces are provided in addition to the required visitor parking spaces. This matter is discussed further under Item No. 8 to the Analysis and Rationale for Recommendation section of the Report.

The applicant intends to subdivide the Phase One portion of the subject lands and establish tenure through future Draft Plan of Subdivision, Part Lot Control, and Draft Plan of Condominium applications.

The applicant is proposing to amend the UHOP to redesignate the Phase One portion of the subject lands from “Arterial Commercial” to “Neighbourhoods” and the Phase Two portion from “Arterial Commercial” to “Mixed Use – Medium Density” on Schedule E-1 – Urban Land Use Designations, to implement the proposed residential development and permit a future mixed use or stand-alone residential development on the remainder of the subject lands. The applicant is proposing a modified Multiple

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Residential “RM3” Zone in City of Stoney Creek Zoning By-law No. 3692-92, with site specific modifications, to implement the proposed residential development.

The Phase Two lands of these applications are proposed for a future mixed use or residential development, with the applicant proposing an amendment to Zoning By-law No. 3692-92 to accommodate a potential six storey mixed use or stand-alone residential building. The applicant has submitted a draft By-law which proposes a modified Mixed Use Commercial “MUC” Zone in Zoning By-law No. 3692-92, with site specific modifications to expand the uses permitted to include additional commercial uses, as well as to permit apartment dwelling units as a stand-alone use, whereas the “MUC” Zone requires apartment dwelling units to be located above commercial uses in a mixed use built form.

New Commercial and Mixed Use (CMU) Zones in Zoning By-law No. 05-200 have been adopted by Council. However, the implementing By-law (By-law No. 17-240), has been appealed to the Ontario Municipal Board. Certain lands, including the subject lands, were excluded from the CMU Zones as they were subject to existing planning applications. A draft By-law has been prepared with this Report (attached as Appendix “D” to Report PED18085) to add a portion of the subject lands into Zoning By-law No. 05-200 at such time as the CMU Zones are in force and effect. The draft By-law will be held in abeyance until the CMU Zones are in force and effect, at which time the by-law will be brought forward to City Council for enactment. The applicant is proposing a Mixed use Medium Density (C5) Zone in Zoning By-law No. 05-200 to implement the proposed development for the Phase Two lands. In addition to commercial uses, the C5 Zone permits dwelling units as a stand-alone use.

Staff note that at the time of application submission, the applicant had not assembled all the lands subject to the application, although they have received authorization from the owner of 92 – 94 Lakeview Drive to include these lands in the subject applications. The owner of the one remaining property, at 86 Lakeview Drive, has also since given authorization for the applicant to act as their agent in preparing and submitting applications for these lands. Thus, the Phase Two lands include both the lands identified as “additional lands of the applicant” on the Site Plan attached as Appendix “E” to Report PED18085, and 86 Lakeview Drive.

Proposed Official Plan Amendment:

Staff are recommending approval of the applicant’s proposal to redesignate the Phase One portion of the subject lands from “Arterial Commercial” to “Neighbourhoods” and the Phase Two portion of the subject lands from “Arterial Commercial” to “Mixed Use – Medium Density”.

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A site specific policy is required for the Phase One portion of the subject lands that are to be designated “Neighbourhoods”, as the proposed development does not meet the minimum density requirement of 60 units per hectare for medium density residential uses. The proposed development has a density of 49 units per hectare.

Staff are recommending further site specific policies for the Phase Two portion of the subject lands to be designated “Mixed Use – Medium Density”, to modify three policies in Chapter E, Section 4.6 Mixed Use – Medium Density Designation, to prohibit drive-through facilities and ground related housing forms, and to require that permitted residential uses be located within a mixed use building, given staff’s recommendation to retain a commercial component on the Phase Two lands.

The proposed redesignation of the subject lands and staff’s recommendation to establish site specific policies, is further discussed in the Analysis and Rationale for Recommendation section of the Report.

Proposed Zoning By-law Amendment:

For the Phase One lands, staff are recommending approval of the applicant’s proposed Zoning By-law Amendment application to rezone the lands from the Highway Commercial (Holding) “HC(H)” Zone, to the Multiple Residential (Holding) “RM3-64 (H)” Zone, Modified, to permit the proposed residential development. As discussed in more detail in the Analysis and Rationale for Recommendation section of the Report, site specific modifications are proposed with respect to:

- Permitted uses;
- Minimum front yard and side (flankage) requirements;
- Minimum distance required between buildings on the same lot;
- Maximum density permitted;
- Maximum building height permitted;
- Privacy area minimum depth;
- Minimum landscaped open space requirements;
- Permitted yard encroachments; and,
- Parking regulations.

For the Phase Two lands, staff are recommending approval of an amended Zoning By-law Amendment to rezone the lands from the Highway Commercial (Holding) “HC(H)” Zone, to the “Mixed Use Commercial (Holding) “MUC-10 (H)” Zone, Modified, to permit a future mixed use development. As discussed in more detail in the Analysis and

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Rationale for Recommendation section of the Report, site specific modifications are proposed to:

- Front yard, side yard and rear yard setbacks;
- Maximum residential density;
- Landscape strips; and,
- Parking and loading requirements.

Staff are also proposing an amending By-law for Zoning By-law No. 05-200, attached as Appendix “D” to Report PED18085, for a modified Mixed Use Medium Density – Pedestrian Focus (C5a) Holding Zone in order to recognize site specific zoning permissions established through the proposed “Mixed Use Commercial (Holding) “MUC-10 (H)” Zone, Modified, and in recognition of the intended mixed use function of the lands, rather than stand-alone residential, as proposed by the applicant, who is proposing the Mixed use Medium Density (C5) Zone. The draft By-law will be held in abeyance until the CMU Zones are in force and effect, at which time the by-law will be brought forward to City Council for enactment.

Chronology:

<u>January 19, 2017:</u>	Submission of Official Plan Amendment Application UHOPA-17009 and Zoning By-law Amendment Application ZAC-17-020 by IBI Group, on behalf of DeSantis Rose Joint Venture Inc.
<u>February 16, 2017:</u>	Official Plan Amendment Application UHOPA-17-009 and Zoning By-law Amendment Application ZAC-17-020 deemed complete.
<u>February 21, 2017:</u>	Neighbourhood Information Meeting
<u>March 3, 2017:</u>	Circulation of Notice of Complete Application and Preliminary Circulation for Applications UHOPA-17-009 and ZAC-17-020 to 66 property owners within 120 m of the subject lands.
<u>March 16, 2017:</u>	Public Notice sign erected on the subject property.
<u>April 4, 2018:</u>	Public notice sign updated with Public Meeting Information.

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April 13, 2018: Circulation of the Notice of Public Meeting to 66 property owners within 120 m of the subject lands.

Details of Submitted Application:

Location: 84, 86, 88, 90, 92, 94, 96 Lakeview Drive, Stoney Creek (see Appendix “A” to Report PED18085)

Owner/Applicant: DeSantis Rose Joint Venture Inc. (Applicant)

Agent: IBI Group (c/o John Ariens)

Property Description: Lot Frontage: + / - 290 m (North Service Road)

Lot Depth: 135 m (irregular)

Lot Area: + / - 3.3 ha

Servicing: Full Municipal Services

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Vacant / Residential	High Commercial (Holding) “HC(H)” Zone
<u>Surrounding Land Uses:</u>		
North	Residential	Single Residential “R2” Zone
South	Provincial Highway / Business Park	QEW, Prestige Business Park (M3) Zone
East	Vacant, Residential	Highway Commercial (Holding) “HC(H)” Zone (Note: these lands have been zoned Arterial Commercial (C7, 327) Zone in Zoning By-law No. 05-200), Multiple Residential “RM3-19” Zone.

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West	Neighbourhood Park (Bayview West Park), Open Space, Residential	Open Space (OS) Zone, Neighbourhood Park (P1) Zone, Single Residential "R3" Zone
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POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Policy Framework

The applications have been reviewed with respect to the Provincial Policy Statement 2014 (PPS) policies. The following policies, amongst others, apply.

The applications contribute to the development of healthy, liveable, and safe communities as per Policy 1.1.1, as discussed below.

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

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

With respect to settlement areas, the following policies apply:

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

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

- a) densities and a mix of land uses which:
 - 1. efficiently use land and resources;

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2. are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
 3. minimize negative impacts to air quality and climate change, and promote energy efficiency;
 4. support *active transportation*;
 5. are *transit-supportive*, where transit is planned, exists or may be developed; and,
 6. are *freight-supportive*; and,
- b) a range of uses and opportunities for *intensification* and *redevelopment* in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.”

With respect to employment, the following policy is applicable:

- “1.3.1 Planning authorities shall promote economic development and competitiveness by:
- c) Encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities;”

Finally, the following housing policy is applicable to the proposed development:

- “1.4.3 Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the *regional market area* by:
- b) permitting and facilitating:
 1. all forms of housing required to meet the social, health and well-being requirements of current and future residents, including *special needs* requirements; and,

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

The proposed residential development is consistent with Policy 1.1.3.1 in that the proposal directs growth to Settlement Areas and implements Policy Nos. 1.1.3.2 and 1.4.3 with respect to the promotion of densities which efficiently use land and resources. The proposal encourages a more compact form of development that provides for a mix of housing types in the neighbourhood to meet the requirements of current and future residents. The proposed mixed use development contributes towards the liveable and resilient community objective of Policy 1.3.1.

Staff note the Cultural Heritage policies have not been updated within the UHOP in accordance with the PPS (2014). The following policy of the PPS also applies:

“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.”

The subject land meets three of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential:

- 1) Within 300 m of a primary watercourse or permanent waterbody, 200 m of a secondary watercourse or seasonal waterbody, or 300 m of a prehistoric watercourse or permanent waterbody;
- 2) In an area of sandy soil in areas of clay or stone; and,

3) Along historic transportation routes.

A Stage 1 - 2 archaeological report (P064-071) was submitted to the City of Hamilton and Ministry of Tourism, Culture and Sport. Staff concur with the recommendations made in the report, and the archaeology condition for the subject application has been met to the satisfaction of Municipal Heritage Planning staff. Through a letter dated November 30, 2005, Provincial interest has been signed off by the Ministry. The City has no further interests with respect to archaeology.

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

Growth Plan for the Greater Golden Horseshoe (2017)

The subject lands are located within the built-up area, as defined by the Growth Plan. The proposal conforms to the Guiding Principles, Section 1.2.1, as it provides higher densities to make efficient use of land and infrastructure, supports a mix of housing options, and contributes to the achievement of complete communities.

The Growth Plan is focused on accommodating forecasted growth in complete communities and provides policies on managing growth. The following policies, amongst others, apply:

- “2.2.1.4 Applying the policies of the Growth Plan will support the achievement of *complete communities* that:
- a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and *public service facilities*;
 - c) provide a diverse range and mix of housing options, including second units and *affordable* housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes; and,
 - d) expand convenient access to:
 - iii. an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities;

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- 2.2.2.4 All municipalities will develop a strategy to achieve the minimum intensification target and *intensification* throughout *delineated built-up areas*, which will:
- a) encourage *intensification* generally to achieve the desired urban structure; and,
 - d) ensure lands are zoned and development is designed in a manner that supports the achievement of *complete communities*;

The proposal will contribute to achieving a complete community by providing a mix of housing types that vary in built form and that complement the existing built forms in the surrounding residential neighbourhood. The potential future mixed use development contributes to the provision of a diverse mix of land uses and is intended to provide more convenient access to commercial uses for surrounding residents.

Based on the foregoing, the proposal conforms to the policies of the Growth Plan for the Greater Golden Horseshoe (2017).

Urban Hamilton Official Plan (UHOP)

The subject lands are identified as “Neighbourhoods” on Schedule E – Urban Structure and designated “Arterial Commercial” on Schedule E-1 – Urban Land Use Designations.

The following policies are applicable to the subject applications.

Arterial Commercial

- “E.4.8.1 The range of permitted uses is intended to cater to the traveling or drive-by consumer. As well, the designation is intended to accommodate a limited range of land extensive retail stores which require outdoor storage or sales.
- E.4.8.2 The following uses shall be permitted on lands designated Arterial Commercial on Schedule E-1 – Urban Land Use Designations:
- a) commercial uses including banquet halls, restaurants, garden centres, furniture stores, building and lumber supply establishment, home improvement supply store, and retail primarily for the sale of building supplies;

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- b) automotive related uses primarily for vehicle sales, service and rental, parts sales, gas bars, car washes, and service stations;
- c) commercial recreational uses, commercial entertainment uses, excluding theatres;
- d) industrial supply and service and contractor sales;
- e) accommodation, excluding residential uses;
- f) enclosed storage including mini warehousing; and,
- g) *accessory uses.*”

The subject lands were designated Arterial Commercial in the previous City of Stoney Creek Official Plan and were subsequently carried over into the current Urban Hamilton Official Plan as “Arterial Commercial”. The lands on the east side of Fruitland Road, directly opposite the subject lands, are also designated “Arterial Commercial” in the UHOP. While commercial uses of this nature serve an important function in the commercial landscape, the type and function of commercial uses is undergoing significant change due to changes in consumer preferences and shopping patterns. With the prominence of large format “big box” retailers like Walmart and Costco, a shrinking number of retail players in the marketplace, an increasing percentage of online sales, and the cost of land in urban areas, there is less need for large commercial sites. Further, with respect to the subject lands, the abutting residential uses and adjacent park make residential a compatible land use. Accordingly, in evaluating the merits of this application, staff are satisfied that appropriate arterial commercial designated lands exist in the broader community, including in the vicinity of the subject lands and on this basis, support the redesignation of the subject lands to Neighbourhoods and Mixed Use – Medium Density in the UHOP.

However with the removal of the subject lands from the Arterial Commercial designation, staff strongly support retaining a more local scale commercial component to the overall development proposal, and are recommending the Mixed Use – Medium Density designation on a portion of the subject lands, including site specific modifications to ensure that any future residential uses on these lands are developed in conjunction with a commercial use, thereby ensuring a commercial intent is maintained. This recommendation is in line with the broader goal of planning for complete communities.

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SUBJECT: Applications to Amend the Urban Hamilton Official Plan, City of Stoney Creek Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 84, 86, 88, 90, 92, 94, 96 Lakeview Drive (Stoney Creek) (Ward 10) (PED18085) - Page 16 of 68

In terms of compatibility, the proposed residential development and the specific housing forms proposed are considered compatible with the surrounding predominantly residential neighbourhood context, which is discussed in further detail in the policy review that follows.

Phase One Lands

As noted previously, the applicant proposes to develop the lands in phases. The Phase One lands are proposed to be redesignated from “Arterial Commercial” to “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations.

The following policies, amongst others, are applicable to this portion of the subject applications.

Neighbourhoods

“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*;
- b) open space and parks;
- c) local *community facilities / services*; and,
- d) local commercial uses.”

Intensification

The subject lands are considered residential intensification as the proposed development is located on vacant and / or underutilized lots within previously developed areas. The following policies thus apply:

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

SUBJECT: Applications to Amend the Urban Hamilton Official Plan, City of Stoney Creek Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 84, 86, 88, 90, 92, 94, 96 Lakeview Drive (Stoney Creek) (Ward 10) (PED18085) - Page 17 of 68

- 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;

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SUBJECT: Applications to Amend the Urban Hamilton Official Plan, City of Stoney Creek Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 84, 86, 88, 90, 92, 94, 96 Lakeview Drive (Stoney Creek) (Ward 10) (PED18085) - Page 18 of 68

- 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.”

In reviewing Section B.2.4, it is noted that the subject development is a permitted form of residential intensification within the built-up area, whereby 40% of the residential intensification target is anticipated to occur within Neighbourhoods until such time as the City completes the municipal comprehensive review.

The proposed maisonette and stacked townhouse dwellings contribute to achieving a range of dwellings types within the community, building on established patterns of housing forms in the surrounding neighbourhood. The three storey height proposed is of an appropriate scale in the context of the surrounding neighbourhood, which has a range of mainly one and two storey dwellings. As there is separation between the proposed development and the nearest adjacent residential dwellings by way of Lakeview Drive, issues of transition are minimized. While the amount of communal amenity space proposed on site is limited, the proposed pedestrian connection to the adjacent open space and Neighbourhood Park is considered a beneficial link to connect residents to existing public amenity space and has the added benefit of better integrating the proposed development with the existing community. The stacked townhouses proposed along North Service Road have the opportunity to create a streetscape presence, where there currently isn't one, as the nearby residential dwellings on the north side of Lakeview Drive, opposite the subject lands, are well set back from the road (back lotted). The stacked townhouses are proposed to be built close to the street, with primary pedestrian access off of North Service Road and driveways and garages at the rear of the dwellings. Contributing to the streetscape presence is the public sidewalk that is required along the perimeter of the subject lands, along North Service Road / Lakeview Drive. At the Site Plan Control stage of development, design elements can be further assessed to identify opportunities to enhance the streetscape presence of these units. Design matters are discussed further in the review of design policies that follow. Finally, infrastructure and transportation

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SUBJECT: Applications to Amend the Urban Hamilton Official Plan, City of Stoney Creek Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 84, 86, 88, 90, 92, 94, 96 Lakeview Drive (Stoney Creek) (Ward 10) (PED18085) - Page 19 of 68

capacity to support and accommodate the proposed development is available and can accommodate the proposed development, as discussed in further detail in this Report.

Medium Density Residential

- “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.3.5.5 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.”

The proposed maisonette and stacked townhouse dwellings are forms of multiple dwellings. It is envisioned that such developments be located on the periphery of neighbourhoods in proximity to major or minor arterial roads, such as North Service Road, Lakeview Drive and Fruitland Road. The location of the site, situated between the Queen Elizabeth Way (QEW) and Lake Ontario, impacts the ability of the neighbourhood to achieve the extent of walkability to facilities and other land uses within the community. However, as the community evolves over time, it may take on more of these characteristics, with this proposed development being part of that evolution, along with the potential mixed use development for the Phase Two lands of the applicant. Finally, the proposed development functions as an appropriate transition between the Queen Elizabeth Way and the surrounding neighbourhood.

Scale

- “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.3.5.7 For medium density residential uses, the *net residential density* shall be greater than 60 units per hectare and not greater than 100 units per hectare.

SUBJECT: Applications to Amend the Urban Hamilton Official Plan, City of Stoney Creek Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 84, 86, 88, 90, 92, 94, 96 Lakeview Drive (Stoney Creek) (Ward 10) (PED18085) - Page 20 of 68

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

The proposed height of three storeys for the maisonette and stacked townhouse dwellings conforms to the maximum height for medium density residential uses in Neighbourhoods. However, the proposed 49 units per hectare falls below the permitted net residential density range for medium density residential uses. With the type of housing form proposed, located on internal private roads, there are no public lands to exclude from the calculation and thus the result is a lower overall density number. Staff are supportive of a modification to the density range as it maintains the intent of the Medium Density Residential policies of the UHOP and is a compatible development with the existing surrounding housing form of generally one to two storey height.

Design

“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;
- f) demonstrating sensitivity toward community identity through an understanding of the character of a place, context and setting in both the public and private realm;
- g) contributing to the character and ambiance of the community through appropriate design of streetscapes and amenity areas;

B.3.3.2.6 Where it has been determined through the policies of this Plan that *compatibility* with the surrounding areas is desirable, new *development* and *redevelopment* should enhance the character of the existing environment by:

- a) complementing and animating existing surroundings through building design and placement as well as through placement of pedestrian amenities;
- d) complementing the existing massing patterns, rhythm, character, colour, and surrounding context; and,

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SUBJECT: Applications to Amend the Urban Hamilton Official Plan, City of Stoney Creek Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 84, 86, 88, 90, 92, 94, 96 Lakeview Drive (Stoney Creek) (Ward 10) (PED18085) - Page 21 of 68

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:

- 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.

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.”

The proposed residential development will have direct access to a minor arterial road (North Service Road). There are no existing dwellings located in the vicinity of the two proposed accesses to the development. As discussed previously, the built form proposed and arrangement of the built form on the subject lands will contribute to a streetscape presence along North Service Road, as will the addition of a public sidewalk along the perimeter of the subject lands, with multiple connections to the internal sidewalk network planned for the proposed development. The location of garages and parking areas at the rear of dwelling units fronting on North Service Road and internal to

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the site, reduces the dominance of these elements and is consistent with the above policies.

Design matters including façade treatment, material considerations, site layout and function have been reviewed for these applications, with staff recommending a number of revisions to the Site Plan. Improvements to site circulation for pedestrians, the introduction of variation in material treatments for the rear of the stacked townhouse dwellings, and the introduction of a number of small common amenity space on site have been incorporated into the revised Site Plan, which is attached as Appendix “E” to Report PED18085.

At the future Site Plan Control application stage of development, further design matters are to be addressed, including architectural design and treatment, pavement and landscape treatment, and pedestrian connectivity, as discussed in more detail under Item No. 11 in the Analysis and Rationale for Recommendation Section of the Report.

Built Form

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

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

B.3.3.3.5 Built form shall create comfortable pedestrian environments by:

- a) locating principal façades and primary building entrances parallel to and as close to the street as possible;
- c) including a quality landscape edge along frontages where buildings are set back from the street;
- d) locating surface parking to the sides or rear of sites or buildings, where appropriate.”

The proposed development maintains a relationship with the existing neighbourhood character and is an appropriate transition in built form between the surrounding low

topology residential neighbourhood and the QEW and employment lands to the south. The location of the stacked townhouse dwellings close to the street, with primary pedestrian entrances located at the street frontage and driveway and garage access at the rear, contributes to a more comfortable pedestrian environment, with connections between the internal sidewalk network and the planned public sidewalk, along the perimeter of the proposed development.

Noise

Policy Section B.3.6.3.1 of Volume 1 of the UHOP requires that:

“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.”

An Environmental Noise Feasibility Study prepared by Valcoustics Canada Inc, dated December 22, 2016, was submitted in support of the subject applications. Staff have reviewed the study and are generally satisfied with the recommended noise control measures to satisfy indoor and outdoor noise level criterion. However, a final noise study may be required with future Site Plan Control / Draft Plan of Subdivision / Draft Plan of Condominium Applications in consideration of the potential future mixed use development on the remainder of the subject lands to the north. At the future application(s) stage, the required warning clauses and the specific building materials highlighted in the study will be implemented.

Road Widening and Daylight Triangles

“C.4.5.6 The City shall reserve or obtain road widenings for rights-of-way as described in Schedule C-2 – Future Road Widenings. Where a road right-of-way is not described in Schedule C-2 – Future Road Widenings, the City shall reserve or obtain road widenings for rights-of-way as described in Section C.4.5.2. The aforesaid road widenings shall be reserved or obtained through subdivision approval, condominium approval, land

SUBJECT: Applications to Amend the Urban Hamilton Official Plan, City of Stoney Creek Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 84, 86, 88, 90, 92, 94, 96 Lakeview Drive (Stoney Creek) (Ward 10) (PED18085) - Page 24 of 68

severance consent, site plan approval or by gift, bequeathment, purchase or through expropriation where necessary and feasible.

C.4.5.6.5 Notwithstanding Policies C.4.5.6, C.4.5.6.1, C.4.5.6.3, and C.4.5.7, and in addition to Policy C.4.5.3, the City may waive or accept less lands to be dedicated than the maximum road widening and/or daylighting triangle requirements where, in the opinion of the City:

- a) It is determined through a development planning approval process that due to significant adverse impacts on:
 - i. existing built form;
 - ii. natural heritage features;
 - iii. an existing streetscape; or,
 - iv. a known cultural heritage resource;

it is not feasible or desirable to widen an existing road allowance to the maximum road widening or provide the full daylight triangle as set in Section C.4.5.2, Schedule C-2 – Future Road Widening, or Section C.4.5.7, and that the City’s objectives for sustainable infrastructure, complete streets and mobility can be achieved;

C.4.5.7 The City shall require the conveyance of property for appropriate daylighting triangles and corner rounding on existing roads at such times as the property is to be developed or redeveloped, as a condition of site plan approval, consent, or plan of subdivision approval, in accordance with City standards based on the intersecting roadways of the functional road classification detailed in Section C.4.5.2. Daylighting triangles at intersections shall generally be as follows:

- c) Arterial to collector or arterial (Urban): 12.19 m x 12.19 m triangle.”

Lakeview Drive, North Service Road and Fruitland Road are identified as Minor Arterial roads on Schedule C – Functional Road Classification and in accordance with Schedule C-2 – Future Road Widening, have a future right-of-way width of 36.576 m. Neither Lakeview Drive or North Service Road is presently at the ultimate right-of-way width as identified in the UHOP. As discussed in more detail under Item No. 7 in the Analysis and Rationale for Recommendation Section, at the February 28, 2018 meeting of City

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SUBJECT: Applications to Amend the Urban Hamilton Official Plan, City of Stoney Creek Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 84, 86, 88, 90, 92, 94, 96 Lakeview Drive (Stoney Creek) (Ward 10) (PED18085) - Page 25 of 68

Council, Council resolved to reduce the road widening dedication for the westerly portion of the subject lands where there is currently an uneven right-of-way.

With respect to the daylight triangle requirements of the UHOP, the City requires conveyance of property for appropriate daylighting triangles and corner rounding on existing roads generally to a measurement of 12.19 m by 12.1.9 m for arterial to collector or arterial roads in the urban context. As discussed in more detail under Item No. 7 in the Analysis and Rationale for Recommendation Section, Transportation Planning has recommended an enlarged daylight triangle at the corner of North Service Road and Lakeview Drive, which has been shown on the Site Plan, attached as Appendix “E” to Report PED18085. Council has confirmed this daylight triangle requirement through a resolution of Council at the February 28, 2018 meeting of City Council.

Based on the foregoing, staff is of the opinion that the proposed residential development (Phase One lands), complies with the policies of the Urban Hamilton Official Plan noted above.

Phase Two Lands

The Phase Two lands consisting of the properties fronting on Lakeview Drive, are proposed to be redesignated from “Arterial Commercial” to “Mixed Use – Medium Density” on Schedule E-1 – Urban Land Use Designations.

The following policies, amongst others, are applicable to this portion of the subject applications.

Mixed Use – Medium Density

- “E.4.6.1 The range of commercial uses is intended to serve the surrounding community or series of neighbourhoods as well as provide day-to-day retail facilities and services to residents in the immediate area. These areas shall also serve as a focus for the community, creating a sense of place.
- E.4.6.3 Newer areas designated Mixed Use - Medium Density shall evolve over time into compact, mixed use people places where people can live, work, and shop.
- E.4.6.5 The following uses shall be permitted on lands designated Mixed Use - Medium Density on Schedule E-1 – Urban Land Use Designations:

SUBJECT: Applications to Amend the Urban Hamilton Official Plan, City of Stoney Creek Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 84, 86, 88, 90, 92, 94, 96 Lakeview Drive (Stoney Creek) (Ward 10) (PED18085) - Page 26 of 68

- a) commercial uses such as retail stores, *auto and home centres*, *home improvement supply stores*, offices, medical clinics, personal services, financial establishments, live-work units, artist studios, restaurants, gas bars, and drive-through facilities;
- b) Notwithstanding Policy E.4.6.5 a), drive-through facilities on *pedestrian predominant streets* shall only be permitted in accordance with Section E.4.6.29 and all other applicable policies of this Plan.
- c) institutional uses such as hospitals, places of worship, and schools;
- d) arts, cultural, entertainment, and recreational uses;
- e) hotels;
- f) *multiple dwellings*; and,
- g) *accessory uses.*”

In consideration of the applicant’s proposal for either a future six storey mixed use building or stand-alone residential building, and staff’s support for a future mixed use building, it is recommended the lands be designated Mixed Use – Medium Density in the UHOP. Although development plans for the Phase Two lands owned by the applicant are conceptual at this time, the Mixed Use – Medium Density designation promotes a range of commercial uses to serve the surrounding community, with a mixed use focus, which is considered appropriate. This designation is also appropriate for the adjacent lands owned by others as it provides flexibility for future development either stand-alone or with land consolidation, and is dealing with all of the Phase Two lands comprehensively.

Scale

“E.4.6.7 Lands designated Mixed Use - Medium Density shall contain a range of building heights and densities to a maximum height of six storeys, which shall be set out in the implementing zoning by-law. The specific permitted heights and densities shall depend on the area and be established through secondary plans where one exists and the zoning by-law.

E.4.6.9 The predominant built form shall be mid-rise and low-rise buildings. The intent is to increase the proportion of multiple storey, mixed use buildings

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SUBJECT: Applications to Amend the Urban Hamilton Official Plan, City of Stoney Creek Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 84, 86, 88, 90, 92, 94, 96 Lakeview Drive (Stoney Creek) (Ward 10) (PED18085) - Page 27 of 68

that have retail and service commercial stores at grade; however, single use commercial buildings and medium density ground related housing forms shall be permitted, except for pedestrian predominant streets as listed by Policy E.4.3.1.

E.4.6.10 Permitted uses shall be located in single or mixed use buildings.

E.4.6.15 Although residential *development* is permitted and encouraged, it is not the intent of the Plan for the Mixed Use - Medium Density designated areas to lose the planned retail and service commercial function set out in this Plan.”

The built form envisioned and maximum height permitted in the Mixed Use – Medium Density designation is considered appropriate for this site, in consideration of the proposed residential development on the Phase One lands as well as the existing surrounding neighbourhood context. There are a range of existing housing types including single detached dwellings and various forms of townhouse dwellings in the area. The single detached dwellings located on the north side of Lakeview Drive are set back considerably from the road and thus an appropriate transition distance exists when considering the potential height of a future development proposal. Further, any future development proposal should be designed to appropriately transition to the residential development proposed for the Phase Two lands and should establish pedestrian connections to link the two developments. The future development proposal has the opportunity to be a focal point for the surrounding neighbourhood.

Staff are recommending a site specific policy for the draft Official Plan Amendment for the Phase Two lands which affects a number of the policies identified above. Medium density ground related housing forms and buildings containing strictly residential uses are not supported as the commercial intent of the lands would not be realized and the opportunity to provide for a complete community that offers a more local scale of commercial development would be lost. Furthermore, this site is well situated to provide some form of mixed use, given its proximity to the QEW and the limited number of local commercial opportunities on the north of the QEW. The draft Official Plan Amendment is discussed in more detail under Item No. 2 in the Analysis and Rationale for Recommendation section of the Report.

In support of commercial uses on these lands, staff note policy E.4.6.15, which specifies that the intent of the Mixed Use – Medium Density designated areas is to retain a retail and service commercial function.

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Design

- “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;
 - f) demonstrating sensitivity toward community identity through an understanding of the character of a place, context and setting in both the public and private realm;
 - g) contributing to the character and ambiance of the community through appropriate design of streetscapes and amenity areas;
- E.4.6.16 New *development* shall be designed and oriented to create comfortable, vibrant and stimulating pedestrian oriented streets within each area designated Mixed Use - Medium Density.
- E.4.6.17 Areas designated Mixed Use - Medium Density are intended to develop in a *compact urban form* with a streetscape design and building arrangement that supports pedestrian use and circulation and create vibrant people places.
- E.4.6.21 On non-*pedestrian predominant streets*, buildings shall be located close to the street with no parking, drive-throughs, or stacking lanes between the building and the street.
- E.4.6.22 *Development* applications shall be encouraged to provide a mix of uses on the site.
- E.4.6.24 New *development* shall respect the existing built form of adjacent neighbourhoods by providing a gradation in building height and densities, and by locating and designing new *development* to minimize the effects of shadowing and overview on properties in adjacent neighbourhoods.
- E.4.6.25 Areas designated Mixed Use - Medium Density shall be integrated with the surrounding neighbourhoods through frequent street and pedestrian linkages.”

SUBJECT: Applications to Amend the Urban Hamilton Official Plan, City of Stoney Creek Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 84, 86, 88, 90, 92, 94, 96 Lakeview Drive (Stoney Creek) (Ward 10) (PED18085) - Page 29 of 68

As discussed previously, the built form supported by staff for this portion of the subject lands can achieve these design objectives of the UHOP through strong planning and design. Site specific zoning regulations are proposed to support these built form and design policy objectives.

Noise

The relevant noise policies of the UHOP and the recommended noise control measures to satisfy indoor and outdoor noise level criterion was reviewed previously as part of the policy analysis of the Phase One lands. Any future development proposal for the Phase Two lands will be required to address the noise policies of the UHOP as part of a complete application submission.

Road Widening

As part of a future development application for the Phase Two lands of the applicant, there may be road widening requirements along Lakeview Drive, in accordance with the road widening policies of the UHOP, which were referenced in the policy analysis of the Phase One lands.

Based on the foregoing, staff is of the opinion that a future mixed use development (Phase Two lands), will comply with the policies of the Urban Hamilton Official Plan noted above, as modified by staff to ensure a commercial component is retained as part of any future mixed use development.

Bayview Neighbourhood Plan

The subject site is designated “Highway Commercial” in the Bayview Neighbourhood Plan. There are no associated policies for this neighbourhood plan. As the proposed development consists of residential and a future mixed use development, it does not conform to the “Highway Commercial” designation.

The following policies of the UHOP apply in relation to amendments to Neighbourhood Plans:

“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.

SUBJECT: Applications to Amend the Urban Hamilton Official Plan, City of Stoney Creek Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 84, 86, 88, 90, 92, 94, 96 Lakeview Drive (Stoney Creek) (Ward 10) (PED18085) - Page 30 of 68

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

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.”

For the reasons noted in the preceding policy review, the development applications, as amended, can be supported and as such, an amendment to the Bayview Neighbourhood Plan will be required.

The proposed amendment to the Bayview Neighbourhood Plan is as follows:

- Redesignate the Phase One portion of the subject lands from “Highway Commercial” to “Medium / High Density Residential”; and,
- Redesignate the Phase Two portion of the subject lands from “Highway Commercial” to “General Commercial”.

The Medium / High Density Residential designation is the appropriate category for the proposed residential development as the density proposed falls within the range captured by this designation. As for the remaining portion of the subject lands, the Bayview Neighbourhood Plan does not include a mixed use designation. In the absence of an appropriate land use designation to capture the future proposed mixed use development, staff recommend that this portion of the subject lands be designated General Commercial to reflect the commercial intent for these lands.

RELEVANT CONSULTATION

The following Departments have no comments or objections to the application:

- Landscape Architectural Services, Strategic Planning Division, Public Works Department; and,
- Growth Planning, Planning and Economic Development Department.

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SUBJECT: Applications to Amend the Urban Hamilton Official Plan, City of Stoney Creek Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 84, 86, 88, 90, 92, 94, 96 Lakeview Drive (Stoney Creek) (Ward 10) (PED18085) - Page 31 of 68

Recreation Division, Community and Emergency Services Department suggested an appropriate and safe crossing from the proposed development to Bayview West Park.

The applicant has proposed a connection to this park across North Service Road which has been illustrated on the Site Plan, attached as Appendix “E” to Report PED18085. A pedestrian access will necessitate an opening in the fence that currently exists along the North Service Road frontage of the park and can be addressed as part of the future Site Plan Control process.

Forestry and Horticultural Section, Public Works Department have advised there are no municipal tree assets on site, therefore, a Tree Management Plan is not required. A detailed Landscape Plan, prepared by a Registered Landscape Architect, is required showing the placement of trees on internal and external City property. Further, the City of Hamilton’s Public Tree Preservation and Sustainability Policy in conjunction with the Tree By-law 15-125 requires new developments to provide payment per tree for road allowance street trees. All street tree plantings shall be planted by the City of Hamilton, as approved through the review of a proposed street tree planting scheme.

Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department, provided the following comments:

- Consider the needs of Pedestrians with disabilities (i.e. AODA regulations and barrier free designs), built environmental standard, etc. - these regulations must be followed;
- Paved shoulders along both sides of the ROW are required to be a minimum of 2.0 m and sidewalks through the site are required to be a minimum of 1.5 m;
- Include the provision for trees in the boulevard; and,
- Maintain bike lanes along Lakeview Drive.

A Transportation Demand Management (TDM) Report was required to be submitted. The following comments were provided upon review of the submitted report:

Overall, the TDM initiatives included in this application do not meet the objectives of the City, as outlined in the ‘TDM for Development’ document.

Cycling

Recommendations: Short-term exterior visitor bicycle parking should be shown on the site plan and provided at the rate referred to in the TDM for development guidelines, 0.05 - 0.2 spaces / unit = 7 - 28 spaces for this development.

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Walking

Recommendations: Sidewalks should be provided on the frontage of Lakeview Drive and Fruitland Road and should provide ease of access to surrounding HSR bus stops Pedestrian amenities on-site (benches, landscaping, lighting).

Parking

Parking is oversupplied by eight spaces.

Recommendations: TDM does not support the oversupply of parking. The difference in parking spaces is minimal and can be mitigated by the installation of short-term bicycle parking.

In response to the comments provided, staff note that the provision of short-term visitor bicycle parking is a matter that will be addressed at the Site Plan Control stage of development. Sidewalks will be provided along the frontage of the subject lands, with connections to the internal sidewalk network. The applicant has illustrated a number of common amenity spaces on the Site Plan, consisting of sitting areas. The specific elements and design matters related to the public amenity spaces will be dealt with at the Site Plan Control stage.

Finally, the recognized parking provided meets the requirements for each residential unit but does not meet the requirements for visitor parking spaces and thus a variance has been requested to reduce the required visitor parking. There are additional visitor parking spaces (36 in total), proposed to be located within the lands subject to the Ministry of Transportation's required setback. These parking spaces are subject to MTO approval and it is understood that MTO could require a portion of these lands as part of future highway improvements.

Corridor Management, Public Works Department provided the following comments:

A Traffic Impact Study (TIS) was submitted and reviewed (Crozier & Associates Inc., December 2016). The following has been indicated in the Report:

- North Service Road and Fruitland Road intersection is projected to operate at a Level of Service "F" under 2031 future background conditions and 2031 total traffic conditions. A traffic control signal is warranted for this intersection under 2026 future background conditions. Therefore, any capacity improvements would not be the responsibility of the applicant;
- A new signal for this intersection is planned, pending MTO approval;
- Fruitland Road and the QEW westbound and eastbound off ramps are projected to operate at Level of Service "F" and "E";

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- North Service Road and Lakeview Drive is projected to remain at a Level of Service “C” with minimal vehicle delay; and,
- North Service Road and the proposed site accesses are projected to operate at a Level of Service “B” and “C” with minimal vehicle delay.

General Site Plan Comments

An Access Permit from the Public Works Department is required for any new or changes to existing accesses. Prior to commencing any work within the road allowance, it is recommended that the owner / applicant contact all the respective utilities. The applicant must also remove all, if any, abandoned accesses and restore the boulevard at their expense. All access works within road allowance must be completed by a contractor bonded by the City of Hamilton. Prior to completing any access work a site meeting between the applicant’s contractor and City staff will be required.

For new development applications, a 5.0 m by 5.0 m visibility triangle is required, measured between the driveway limits and the road allowance limit of North Service Road to provide drivers exiting the driveway sufficient sightlines to see approaching pedestrians, cyclists and vehicles.

A minimum of 1.2 m separation must be provided within the City’s road allowance area between an access and any utility, fire hydrant, tree, sign, etc. Any costs for traffic sign or utility relocation are the sole responsibility of the owner / applicant. It is the applicant’s responsibility to coordinate with the appropriate departments ahead of time.

During construction, all vehicles, equipment, and materials must be kept on private property and cannot occupy the municipal sidewalk or roadway. Should occupancy be required, a Road Occupancy permit must be obtained from the Corridor Management Section. Should long-term occupancy be required (three months or more), a Construction Management Site Plan (CMSP) will be required as a condition of Building Permit that illustrates any lane/sidewalk closures, crane locations, and truck haul routes.

Staff note that at the Neighbourhood Information Meeting held on February 21, 2017, public concerns were expressed regarding traffic issues related to traffic volume (traffic counts), queuing at the North Service Road / Fruitland Road intersection, and pedestrian safety. As a result, the applicant prepared a TIS Addendum to address the concerns expressed.

SUBJECT: Applications to Amend the Urban Hamilton Official Plan, City of Stoney Creek Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 84, 86, 88, 90, 92, 94, 96 Lakeview Drive (Stoney Creek) (Ward 10) (PED18085) - Page 34 of 68

The following additional comments were provided upon review of the Traffic Impact Study Addendum (Crozier & Associates Inc., September 2017):

The TIS addendum was submitted to include missing data which wasn't included in the previous report and also to address some safety concerns that the public had expressed. The TIS has addressed these concerns and there are no further comments. Once the North Service Road and Fruitland Road signal is fully operational, it will relieve the majority of the existing queueing issues. The City will continue to monitor traffic flows / speeds and adjust signal timing accordingly after full build out.

Public Health Services (Health Protection Division), Public Works Department have advised of the following requirements at the Site Plan Control stage of development:

1. A pest control plan, focusing on rats and mice, shall be developed and implemented for the demolition, construction/development phase of the project and continue until the project is complete. The plan must outline steps involved in the potential control of vermin during all of development/construction and must employ integrated pest management practices. The plan must be formulated by a professional exterminator licensed by the MOECC and shall include monitoring, removing potential food and water sources, and eliminating or preventing areas for harbourage. The plan can include trapping and/or baiting but special consideration should be aimed at ensuring any/all bait stations are tamper-resistant and deceased rats are removed to prevent secondary poisoning of other animals. The plan is to be implemented when work activity at the site begins including but not limited to demolition, bush clearing, grading etc.
2. A written dust management plan be formulated. The plan should identify all potential sources of dust generation from site clearance to final construction and lot development. Details should be provided regarding effective practices to be used (i.e., wetting, sodding etc.) through all stages of development for the purpose of dust abatement. The plan should also include dust control measures for adjacent lands including but not limited to roadways, sidewalks etc.

Operations Division, Public Works Department indicated the proposed residential development is eligible for waste collection service. However, serviceability may not be guaranteed as the road layout does not permit continuous forward movement for all units.

SUBJECT: Applications to Amend the Urban Hamilton Official Plan, City of Stoney Creek Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 84, 86, 88, 90, 92, 94, 96 Lakeview Drive (Stoney Creek) (Ward 10) (PED18085) - Page 35 of 68

The following criteria shall be met:

1. Construction material will not be collected. Collection arrangements must be made with a private contractor.
2. Road layout must be designed to permit the continuous forward movement of collection vehicles, including the radius of a cul-de-sac turning circle. Continuous forward movement must be provided exclusive of any parking spaces and stored snow. A drive through access route, a 13 m radius turning circle or a turnaround area allowing for a maximum three-point turn of not more than one truck length are all acceptable options for accommodating this requirement.
3. The City of Hamilton will provide waste collection service in a development only when Consistent Service can be offered.
4. Internal roads must have a pavement width not less than 6.0 m.
5. Adequate manoeuvring space for the collection vehicle must be provided exclusive of any on-site parking spaces and stored snow.
6. The City of Hamilton is committed to providing safe and effective waste collection service and will fully comply with the *Ontario Occupational Health and Safety Act's* (OHSA) regulations at all times. Regulation 213/91 section 104(1) of the 2012 OHSA Consolidated Edition states: "Every project shall be planned and organized so that vehicles, machines and equipment are not operated in reverse or are operated in reverse as little as possible".
7. Waste collection service will commence when the site is substantially completed and there is free and clear access. The developer or owner is required to contact the City (905-546-2489) to request the start of waste collection service.
8. Prior to the commencement of City waste collection service, the developer is responsible for the collection of all waste (garbage, recycling, organics, etc.) from any and all occupied units.
9. A site visit by City staff is required prior to the start of waste collection service.
10. Waste collection will be curbside in front of each unit.

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11. For collection of waste on Private Roads, an Agreement for On-Site Collection of Municipal Solid Waste must be executed and submitted to the City prior to the start of waste collection service.

Hamilton Street Railway (HSR) indicated that with respect to service, the HSR currently operates Trans-Cab in the area with no planned changes in service at this time.

HSR's Ten Year Transit Strategy is a plan to stabilize the local transit system while incrementally building service and increasing transit modal split. This phased strategy includes actions and resources to address current deficiencies, align service with updated Service Standards, accommodate ongoing growth and promote ridership. HSR Planning will continue to evaluate the needs of communities in the Annual Service Plan.

Alectra Utilities (formerly Horizon Utilities) has commented that the relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense and that Alectra Utilities should be contacted in order to facilitate this work. Also, the applicant shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment. The applicant shall acquire an easement, if required.

In order for Alectra Utilities to prepare design and procure the materials required to service this site in a timely manner, a minimum of six months notification is required.

Alectra Utilities also notes that: excavation should not occur within 2 m of hydro poles and anchors; excavation within 1 m of an underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Costs associated with this task shall be at the owner's expense; Alectra Utilities must be contacted if the removal, isolation or relocation of an existing plant is required, all cost associated with this work will be at the owners expense; the arrangement for underground hydro cable locate(s) should occur before the beginning of construction by contacting Ontario One; and, clearances from overhead and underground existing electrical distribution system must be maintained in according to: the Ontario Building Code (1997) Section 3.1 (3.1.18.1), the Electrical Safety Code Rule 75-312, the *Occupational Health and Safety Act (OH&SA)* - Construction Projects, CAN/CSA-C22.3 No. 1 - 10, Overhead System, and C22.3 No. 7 - 10 Underground Systems.

Ministry of Transportation (MTO) note that the site is within the Ministry Permit Control Area. As such, the applicant is required to obtain a Building and Land Use Permit prior to any grading or construction on site;

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In addition, MTO has indicated the following:

As part of our permit review process, we will require the submission of a site plan, site grading/drainage plan, site servicing plan, illumination plan and calculations. Please note that all external illumination must be directed away from the highway right-of-way. This Ministry will require a minimum 14 m setback from the Highway QEW right-of-way to any buildings / structures above and below ground. Further, any feature deemed essential to the operation and viability of the site (including parking spaces required by municipal by-law, fire routes, driveway aisles, loading docks and access to loading docks, garbage access, underground structures, servicing, storm-water management ponds etc.) must be setback a minimum of 14 m from the Highway QEW right-of-way. The Highway Right-of-Way and the 14 m setback must be clearly shown and labeled on all the plans.

As part of the permit application process, prior to the issuance of any permits, the applicant will be required to submit a Traffic Impact Study indicating the existing and future projected traffic volumes and patterns as it impacts the Highway QEW and Fruitland Road Interchange and the intended mitigating measures, for this Ministry's review and approval. The proponent is responsible for the design and construction of all highway improvements associated with the development proposal.

As part of the permit application process, prior to the issuance of any permits, the applicant will be required to submit a Stormwater Management Report including Grading and Servicing Plans indicating the changes in drainage run-off caused by the development, and the intended treatment of this calculated runoff as it impacts on the Highway QEW Right-of-way, for this Ministry's review and approval.

In general, the applicant should be made aware that no direct access shall be permitted to Highway QEW. All access to these lands shall be via the existing internal municipal street system. Access onto North Service Road will need to be located and designed in order to mitigate any safety and operational concerns with regard to the access, the Highway QEW/Fruitland Road interchange, and the Fruitland Road and North Service Road intersection. The Site will also need to be appropriately fenced.

The developer is solely responsible for all noise mitigation measures and such must be located beyond ministry property. Please note that, ideally, noise attenuators will be built outside the 14 m setback so that they will not require relocation, however:

- a. The minimum setback to setback to a noise attenuation structure (wall) or to the top of slope where an earth berm is being used, is 0.3 m. We will not approve or issue permits for any design that proposes a berm encroaching onto MTO highway right-of-way.

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- b. Please note also that the ministry's standard setback for permanent structures is 14 m. If you consider noise berms to be permanent structures (i.e. if they cannot be replaced in the future by a standard MTO type noise wall), then a 14 m setback from toe of slope will be required. This is so that, should additional right-of-way be required for future highway expansion, the 14 m setback area would be clear of major impediments that might preclude partial property takings.
- c. In the event that a noise attenuator needs to be relocated, sufficient property must be securely available so as to build the "structure" (i.e. wall, or berm, or wall on berm) in a new location that will satisfy both MTO setback policy, as well as municipal policy with regard to setbacks.

More detailed comments regarding the development proposal will be provided when a formal site plan is submitted. We note that the Ministry has received a Traffic Impact Study for the proposal, and will provide comments once the review is completed.

Please refer to Item No. 8 in the Analysis and Rationale for Recommendation section of the Report for discussion on the Traffic Impact Study and other MTO matters.

Hamilton Conservation Authority advised the proposed development will result in a significant increase in impermeable area. As the property drains to Lake Ontario, the applicant will be required to provide stormwater quality control to Level 2.

HCA staff have reviewed the Functional Servicing & Stormwater Management Report "Lakeview, 84 & 96 Lakeview Drive Application for Re-zoning" prepared by the S. Llewellyn and Associates and dated November, 2016 and provide following comments on the site stormwater management:

1. As the drainage area exceeds 2 ha in size, the applicant should consider a treatment train approach in order to demonstrate that the appropriate level of quality control treatment is achieved.
2. Details for a storm water detention facility should be enclosed to the next submission package. If construction of an open bottom facility is proposed, a geotechnical report prepared in support of the subject development should provide additional information about seasonally high groundwater table in order to ensure that cross-contamination of the aquifer is not an issue.
3. A quality control system inspection and maintenance procedure should be enclosed to a final submission supporting the site stormwater management.

SUBJECT: Applications to Amend the Urban Hamilton Official Plan, City of Stoney Creek Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 84, 86, 88, 90, 92, 94, 96 Lakeview Drive (Stoney Creek) (Ward 10) (PED18085) - Page 39 of 68

4. A detailed lot grading and drainage plan including appropriate sediment and erosion control measures should be submitted and demonstrate that sediment control for all catch basins is in the form of silt sacks and the silt fencing is as per OPSD 219.130/131 revised November, 2015. The Erosion and Sediment Control Guideline for Urban Construction, MNR, 2006 must be referenced for appropriate vehicle traction control at the construction site entranceway and details provided.

As the subject property does not contain any flood or erosion hazards or any wetland features, there is no concern with the proposed development from a Provincial natural hazard perspective.

As the above-noted issues regarding stormwater management and lot grading can be addressed at the site plan application stage, our office has no concerns with the application(s) and have no objection to application approval.

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 66 property owners within 120 m of the subject property on March 3, 2017 for the proposed Official Plan Amendment and Zoning By-law Amendment applications.

A Public Notice Sign was posted on the property on March 16, 2017, and updated on April 4, 2018, with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on April 13, 2018. Thirteen letters has been received from the public through this circulation to date, and are attached as Appendix "G" to Report PED18085 and summarized in the Analysis and Rationale for Recommendation Section of this Report (Item No. 13).

Public Consultation Strategy

As part of the complete application submission requirements, a Public Consultation Strategy was developed for the development proposal. The Strategy indicated that the need for a neighbourhood information meeting would be established in consultation with the Ward Councillor. The Strategy further outlined who would receive notice of the information meeting and what information would be presented. Upon consultation with the Councillor, a neighbourhood meeting was held on February 21, 2018. Just under 50 residents attended the meeting. A summary of the neighbourhood meeting and subsequent public submissions can be found in the Analysis and Rationale for Recommendation Section of this Report (Item Nos. 12 and 13 respectively).

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ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The amended proposed Urban Hamilton Official Plan Amendment and Zoning By-law Amendment have merit and can be supported for the following reasons:
 - (i) They are consistent with the Provincial Policy Statement and conform to the Growth Plan for the Greater Golden Horseshoe, as they direct growth to settlement areas, promote the efficient use of land, and contribute towards creating liveable and resilient communities;
 - (ii) They comply with the general intent of the UHOP, subject to approval of the UHOP amendment, as the proposed development provides a more compact and efficient urban form in the built up area and promotes the establishment of commercial uses in a mixed use form to meet the needs of the surrounding community;
 - (iii) The proposed modifications to the site specific zoning are considered to be compatible with the existing development in the surrounding area and appropriate for the existing and future site and surrounding context; and,
 - (iv) The proposed development is considered to be compatible with the existing residential land uses in the immediate area and represents good planning by, among other things, providing for the development of complete communities.

2. As discussed previously in this Report, an amendment to the Urban Hamilton Official Plan is required to implement the proposed development. Staff are recommending an amended Official Plan Amendment to:
 - Redesignate the subject lands from “Arterial Commercial” to “Neighbourhoods” and “Mixed Use – Medium Density” on Schedule E-1 – Urban Land Use Designations;
 - Add a Site Specific Policy to establish a density range of 40 to 100 units per hectare for medium density residential uses on the portion of the subject lands designated “Neighbourhoods”; and,
 - Add Site Specific Policies for the lands designated “Mixed Use – Medium Density” to prohibit drive-through facilities and ground related housing forms, and to require that permitted residential uses be located within a mixed use building.

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Staff are supportive of the land use change to “Neighbourhoods” for a portion of the subject lands as the proposed maisonette and stacked townhouse dwellings will provide additional housing forms to complement the existing single detached and townhouse dwellings that are located in the surrounding area, thus contributing to the policy goals of the Neighbourhoods designation that promote a range of housing types and densities. Staff are also supportive of the Site Specific Policy to establish a modified density range for medium density residential uses for the subject lands, from the required net residential density of greater than 60 units per hectare up to 100 units per hectare, to the proposed range of 40 units per hectare up to 100 units per hectare. With the type of housing form proposed, located on internal private roads, there are no public lands to exclude from the calculation and thus the result is a lower overall density number. While the proposed development has a density of 49 units per hectare, the applicant is requesting that the lower end of the density range be further reduced to 40 units per hectare, to provide some flexibility when a final concept plan is prepared and evaluated through the Site Plan Control process. Staff are supportive of this request and the modified density range, as it maintains the intent of the Medium Density Residential policies of the UHOP and is a compatible development with the existing surrounding lower built form context.

The subject lands were designated “Highway Commercial” in the previous City of Stoney Creek Official Plan and were subsequently carried over into the current Urban Hamilton Official Plan as “Arterial Commercial”. The lands on the east side of Fruitland Road, directly opposite the subject lands are also designated “Arterial Commercial” in the UHOP. As discussed in the preceding policy analysis, while commercial uses of this nature serve an important function in the commercial landscape, the type and function of commercial uses is undergoing significant change due to changes in consumer preferences and shopping patterns. With the prominence of large format “big box” retailers like Walmart and Costco, a shrinking number of retail players in the marketplace, an increasing percentage of online sales, and the cost of land in urban areas, there is less need for large commercial sites. Further, with respect to the subject lands, the abutting residential uses and adjacent neighbourhood park make residential a compatible land use. While arterial commercial uses still serve an important function in a community, in evaluating the merits of these applications, staff are satisfied that appropriate arterial commercial designated lands exist in the broader community, including in the vicinity of the subject lands, and thus support the redesignation of the subject lands to Neighbourhoods and Mixed Use – Medium Density.

However, with the removal of the subject lands from the “Arterial Commercial” designation, staff strongly support retaining a commercial component to the overall

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development proposal, and are thus recommending the “Mixed Use – Medium Density” designation on a portion of the subject lands, with site specific modifications to ensure that any future residential uses are developed in conjunction with a more local scale of commercial use, thus ensuring the commercial intent is maintained and to further support complete community objectives. It is anticipated that future commercial uses on the subject lands will support the existing and growing residential population base that is proposed through this development proposal, and recently approved planned developments in the vicinity of the subject lands. There is further benefit in retaining lands for commercial uses on the north side of the QEW to accommodate pedestrian opportunities, given the physical barrier created by the highway.

Finally, staff recommend prohibiting drive-through facilities as the use is not considered compatible with the intended mixed use development of these lands, and is ultimately not a permitted use in the Mixed Use Medium Density – Pedestrian Focus (C5a) Zone in Zoning By-law No. 05-200, which staff are recommending for this portion of the subject lands.

3. The purpose and effect of the amended Zoning By-law Amendment is for a change in zoning from the Highway Commercial (Holding) “HC (H)” Zone to the Multiple Residential (Holding) “RM3-64 (H)” Zone, Modified, on a portion of the subject lands, and to the Mixed Use Commercial (Holding) “MUC-10 (H)” Zone, Modified, on the remainder of the subject lands, to permit a residential development consisting of 94 maisonette dwellings and 42 stacked townhouse dwellings for a total of 136 dwelling units, and a future mixed-use development.

Multiple Residential (Holding) “RM3-64 (H)” Zone

In order to implement the residential development proposed, the subject lands must be rezoned from the Highway Commercial (Holding) “HC (H)” Zone to an appropriate residential zone in the City of Stoney Creek Zoning By-law No. 3692-92. A modified Multiple Residential “RM3” Zone is considered appropriate for the proposed development as this zone permits a range of residential uses, including maisonettes and townhouses, and aligns most closely to the proposed development.

The proposed modifications to the Multiple Residential “RM3” Zone required to implement the proposed residential development are as follows:

- Permitted uses – introduce a definition for stacked townhouses and a modified definition for a dwelling group;

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- Reduce the minimum front yard and side (flankage) yard requirements;
- Reduce the minimum distance required between buildings on the same lot;
- Increase the maximum density permitted;
- Increase the maximum building height permitted;
- Reduce the privacy area minimum depth;
- Reduce the minimum landscaped open space requirements;
- Increase the permitted projection for certain yard encroachments; and,
- Modify a number of the parking regulations.

Permitted Uses

Townhouse dwellings are a permitted use in the “RM3” Zone, but the definition does not contemplate a stacked townhouse housing form. In order to permit the proposed stacked townhouses which consist of three buildings with twelve units in Building 1, and fifteen units each in Buildings 2 and 3, a site specific modification has been proposed to the “RM3” Zone to permit stacked townhouses of not more than fifteen dwelling units. Stacked townhouses are considered an appropriate use in the “RM3” Zone and have been established in this zone through previous site specific modifications. Further, stacked townhouses of three storeys in height are considered appropriate and complementary to the existing range of dwellings types found in the surrounding area.

A modification to the definition for Dwelling Groups, a permitted use in the “RM3” Zone, is also proposed to include stacked townhouses within the definition as it applies to the subject lands.

Setback Requirements

The applicant is requesting a minimum front yard of 3.5 m, whereas the Zoning By-law requires a minimum front yard of 7.5 m. North Service Road has been deemed to be the front lot line for the purposes of Zoning By-law interpretation. Buildings 1 – 3 comprising the stacked townhouse units, as identified on the Site Plan attached as Appendix “E” to Report PED18085, have a range of proposed front yard setbacks, from 3.6 m up to 7.18 m. While 3.5 m represents a reduction from the required 7.5 m, staff are supportive of the requested variance for this type of housing form. By locating the built form closer to the street, the streetscape presence is enhanced which contributes to meeting a number of the design objectives of the UHOP. Further, the requested variance is unique to this context as the North Service Road lot line is not consistent due to the unusual configuration of this site.

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SUBJECT: Applications to Amend the Urban Hamilton Official Plan, City of Stoney Creek Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 84, 86, 88, 90, 92, 94, 96 Lakeview Drive (Stoney Creek) (Ward 10) (PED18085) - Page 44 of 68

A variance is requested to reduce the minimum side yard (flankage yard), from the required 7.5 m to 0.01 m. The distance applies to the setback between Building 1 and the adjusted property boundary (hypotenuse of the daylight triangle at the corner of North Service Road and Lakeview Drive), once the proposed right-of-way widening is taken, to accommodate an enlarged daylight triangle. Given the specific circumstances of these applications, where an enlarged daylight triangle has been required, beyond the general requirement of the UHOP for arterial to arterial roads, and given that sight line safety concerns resulting from a reduced setback are not a concern as the expanded daylight triangle is meant, in part, to improve sight lines, staff can support the reduced side yard (flankage yard) in this specific situation. Given the distance has been reduced to 0.01 m, staff recommend setting the flankage yard setback at 0.0 m. With no setback requirement, the built form adjacent to the hypotenuse of the daylight triangle will require particular attention at the Site Plan Control stage of development to ensure appropriate functionality and high quality design.

A further variance is requested to reduce the flankage yard abutting Lakeview Drive from the required 7.5 m, to 6.5 m. This reduced setback only applies to the end unit of Building 1, with the design of this end unit impacted by the expanded daylight triangle, discussed previously. As the reduction from the By-law requirement only applies to this one unit, the variance is considered appropriate and can be supported.

The applicant is also requesting a variance to reduce the minimum distance between buildings on the same lot from the Zoning By-law requirement of 15 m, to 14.5 m. The By-law requirements for distance between end walls and an end wall and a rear wall have been maintained. Staff are supportive of the reduction as it only applies to the distance between two of the buildings on the site and does not negatively impact site function. For these reasons, the variance request is supported by staff.

Density

The Zoning By-law Amendment is proposing an increase in the maximum density permitted from 40 units per hectare permitted in the “RM3” Zone, to 50 units per hectare, to implement the proposed residential development. To note, while the proposed development has a density of 49 units per hectare, the applicant is requesting this number be rounded up to 50 to provide a small buffer out of an abundance of caution. Staff are supportive of the proposed increase in maximum density in recognition that the built form proposed was not contemplated for this zone category when Zoning By-law No. 3692-92 was established but is considered

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appropriate for the “RM3” Zone. Further, the density proposed is not a significant deviation from the regulation and maintains the intent of the By-law by providing a built form in keeping with the area and the site’s location abutting the QEW.

Height

The Zoning By-law Amendment is proposing an increase in the maximum building height permitted from 11 m, to 12 m, to permit the proposed three storey maisonette and stacked townhouse dwellings. Staff support this modification as it is considered a minor variance from the existing regulation and is considered an appropriate scale for the site and within the larger neighbourhood context.

Privacy Area

Whereas the “RM3” Zone requires each maisonette and townhouse unit have a privacy area adjacent to the dwelling unit with a minimum depth of 4.5 m, the applicant is proposing a minimum depth of 1.6 m for the maisonette units and 0.9 m for the stacked townhouse units. The privacy areas proposed are in the form of balconies, porches, and patios. The By-law regulation generally contemplates a privacy area in the form of a yard adjacent to a dwelling unit, which differs in form and function from what is proposed and the resulting space requirements. For the maisonettes, the 1.6 m depth applies to the corner units which may have an unenclosed porch of this depth (in addition to the typical front porches found on all units). All units will have an unenclosed porch and second floor balcony with a minimum depth of 2.6 m. For the stacked townhouses, the 0.9 m depth only applies to a corner unit of Building 1 which has an irregular shaped balcony with a minimum depth of approximately 1.0 m. Otherwise, the typical stacked townhouses will have upper level units with a balcony having a depth of 3 m, and ground floor units with a front patio having a depth of approximately 1.9 m. The typical privacy area depths proposed for the maisonette and stacked townhouse units are considered appropriate for the housing form proposed and the intended function of the spaces. The 0.9 m depth proposed for the end unit of Building 1 results from the enlarged daylight triangle taken at the intersection of North Service Road and Lakeview Drive and is supported by staff given this special circumstance. For the reasons discussed, the variance requested is considered reasonable and supported by staff.

Landscaped Open Space

The Zoning By-law Amendment proposes a reduction in minimum landscaped open space from the “RM3” requirement of not less than 50% of the lot area for

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maisonettes and townhouses, including privacy areas, to the proposed 35% of the lot area. For the purposes of determining overall landscaped open space for the subject lands, the entirety of the Phase One lands are used to determine the percentage. The minimum landscaped open space regulation contemplates a built form where the privacy areas are in the form of yards and are included in the calculation of landscaped open space. While maisonettes are a permitted use in the “RM3” Zone, stacked townhouses are not contemplated. The design of these built forms results in privacy areas that are of a different form and function. The development proposed is more urban in form with the accompanying expectation that public and communal open space replace the traditional private rear yards. The applicant has introduced a series of small communal amenity spaces which will contribute to providing green space. It is also noted there are a number of nearby public amenity spaces that are available to future residents of the proposed development, which are considered in the context of evaluating this proposed modification. For the reasons noted, staff are supportive of the reduction in landscaped open space proposed.

The Zoning By-law further requires that a landscaped strip of not less than 1.5 m shall be provided between any privacy area and any lot line. The applicant is requesting a reduction to a 0.0 m separation between the privacy area and lot line (hypotenuse of a daylight triangle at the corner of North Service Road and Lakeview Drive), for the end units of Building 1. Given the specific circumstances where an expanded daylight triangle has been required, staff support the variance to ensure comprehensive compliance with other setback variances being proposed. Staff note that the remainder of the dwelling units are in conformity with this regulation.

Finally, the “RM3” Zone requires a landscaped strip having a minimum width of 4.5 m be provided and maintained adjacent to every portion of any lot that abuts a street except for points of ingress and egress. The applicant is requesting a variance to reduce the minimum width to 0.0 m for the flankage yard abutting the hypotenuse of the daylight triangle. As discussed above, while this represents a substantial deviation from the by-law requirement, this distance applies to the setback between Building 1 and the adjusted property boundary at the intersection of North Service Road and Lakeview Drive (daylight triangle). Staff can support the reduction in this specific circumstance. A further reduction from the Zoning By-law requirement is also requested for the landscape strip adjacent to the front line lot, to 1.0 m. The 1.0 m applies to the distance between a visitor parking space and the lot line. With respect to the built form, a varied landscape strip width is proposed adjacent to Buildings 1 – 3 along North Service Road, with the shortest distance being 1.46 m to the leading edge of the porch stairs, and 3.68 m to the

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front wall of the dwelling unit. The reduction is considered appropriate for this development and specific housing form, and will enhance the streetscape presence along North Service Road. For the reasons noted, the variances are considered reasonable and supported by staff.

Parking Regulations

A number of modifications to the parking regulations of the “RM3” Zone and the parking regulations contained within Section 6.1 “General Provisions for Residential Zones” are proposed. While the “RM3” Zone requires a minimum of two parking spaces and 0.5 visitor parking spaces for each maisonette and townhouse dwelling unit, the applicant is proposing a reduction in parking to 0.3 visitor parking spaces for each dwelling unit. The reduction proposed is considered an appropriate current standard for this type of built form. Although Parking staff initially expressed concern with the amount of visitor parking space proposed on the basis that there are few public transit options in this area, this standard has been established in other developments in Stoney Creek with similar built forms. Staff are of the opinion that the site can appropriately function with the amended parking standard in place. Further, the applicant has proposed an additional 36 visitor parking spaces within MTO’s required 14 m setback. While it is acknowledged that these lands could be required by MTO at a future point in time to accommodate future highway improvements and thus these additional visitor parking spaces have to be considered as unrequired, they are nevertheless available although not in the analysis of required parking spaces. For the reason noted, the variance to the parking standard is considered reasonable and supportable by staff.

The applicant is also proposing a reduction in the distance between a parking space and any lot line, where the required minimum number of parking spaces is four or more. Whereas the Zoning By-law requires a minimum distance of 3 m separation distance, the Zoning By-law Amendment proposes a minimum of 0.4 m. A 0.5 m setback distance is found where 11 visitor parking spaces abut the adjacent lands of the application. As these adjacent lands are additional lands of the applicant and the properties are vacant save and except for 86 Lakeview Drive, there is no direct impact on adjacent land uses. One further occurrence of a reduced setback for visitor parking spaces is located adjacent to North Service Road. The end parking space is located 1.5 m from the lot line. Given the angle of the parking spaces, only the top corner of the end space requires this variance from the lot line and can be supported, as the intent of the regulation is otherwise maintained. For the reasons noted, staff can support the modification as proposed.

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The applicant is further proposing a reduction in the distance required between a parking space and any dwelling unit located on the same lot, where there is a grouping of three or more parking spaces. The Zoning By-law requires a minimum of 3 m separation distance, whereas the applicant proposes to reduce this requirement on the subject lands. The applicant is proposing all the resident parking spaces be located at the rear of the stacked townhouse buildings, providing a 0.0 m setback between the parking spaces and dwelling units. This parent by-law regulation is not consistent with current design practices for this form of housing, where parking is located close to the building. Staff note there are a number of visitor parking spaces that also do not meet this parent Zoning By-law requirement. However, the visitor parking spaces captured are small in overall number – ranging from five to seven spaces, thus reducing the overall impact. The next greatest departure from the By-law requirement is 1.4 m. These visitor parking spaces are angled away from the nearest dwelling such that only the top corner of the end visitor parking space provides a 1.4 m distance from the dwelling, again reducing the impact. Further, the variances requested are reflective of the urban form of development that is being proposed. For these reasons, staff can support deleting the regulation as it applies to the subject lands.

With respect to barrier free parking, the Zoning By-law requires a minimum parking space size of 4.4 m by 5.8 m for parking designated for vehicles for physically challenged. The amending By-law is requesting a reduction in parking space size to 4.15 m by 5.8 m. Two of the three required barrier free parking spaces do not meet the By-law requirement for parking space width. The two spaces have been identified on the Site Plan with widths of 3.40 m and 3.60 m respectively, with a shared space of 1.5 m in between. In accordance with the accessibility standards for the design of public spaces under the *Accessibility for Ontarians with Disability Act, 2005 (AODA)*, the minimum parking space width for Type A vehicles (van accessible) is 3.4 m, with an access aisle of 1.5 m, and 2.4 m for a Type B vehicle (standard size), with an access aisle of 1.5 m. The access aisle can be shared by two accessible parking spaces. Thus, the two barrier free parking spaces in question conform to the size requirements of the AODA accessibility standards. Staff can thus support the variance requested. However, from a by-law interpretation perspective, the 1.5 m shared space has been evenly distributed between the two spaces, resulting in parking spaces with widths of 4.15 m and 4.35 respectively, and a resulting variance to permit a minimum parking space size of 4.15 m by 5.8 m. At the Site Plan stage, the layout and functionality of these spaces will be further reviewed to ensure the intent of this regulation is met.

Yard Encroachments

The applicant is requesting an increase in the projection of eaves or gutters into any required yard a distance of not more than 0.6 m, whereas the By-law permits a projection of more than 0.5 m. This distance represents a minor deviation from the By-law requirement and is not expected to have a negative impact on form or function. Staff thus support the variance proposed.

The applicant is further requesting a variance to permit unenclosed porches and their associated stairs to project into any required front yard 2.2 m, whereas the Zoning By-law permits balconies, canopies, unenclosed porches and decks, including a cold cellar underneath same, to project into any required front yard 1.5 m. Buildings 1 – 3 comprising the stacked townhouse units are proposing unenclosed porches and their associated stairs, to project into the required front yard at a distance of 1.5 m to 2.2 m. Staff are supportive of the requested variance for this type of housing form which is to be located closer to the street, thereby enhancing the streetscape presence and meeting a number of the design objectives of the UHOP. Further, the unenclosed porch feature is considered an appropriate design element that will complement these objectives. On a technical matter, the part of the regulation which speaks to balconies and decks that project into a privacy area of a townhouse is to be deleted as it is not applicable to the housing form proposed where balconies function as privacy areas.

Technical Variances

There are a number of additions to the draft By-law and additional modifications to the regulations that are of a technical nature. For the purposes of the By-law, the lot line abutting North Service Road has been deemed to be the front lot line. Further, a private common element condominium road shall be deemed to be a street, and parking, landscaping and amenity areas shall be permitted within the common element condominium road. As well, the boundary of the “RM3-64 (H)” Zone is deemed to be the lot line for the purpose of determining zoning compliance.

In addition, the regulation for special setbacks – daylight triangles, which requires a minimum yard of 3 m from the hypotenuse of the daylight triangle, is to be deleted as it is no longer applicable since this flankage yard setback has been reduced to 0.0 m. The final technical variance is to replace the term “townhouse” with “stacked townhouse” to reflect the housing type proposed in this development.

Mixed Use Commercial (Holding) “MUC-10 (H)” Zone

In order to implement a potential future mixed use development on the remainder of the subject lands, these lands must be rezoned from the Highway Commercial (Holding) “HC (H)” Zone to an appropriate mixed use zone in the City of Stoney Creek Zoning By-law No. 3692-92. The Mixed Use Commercial “MUC” Zone is considered an appropriate zone category as it is the only zone in the Stoney Creek Zoning By-law permitting a mixed use commercial and residential built form.

The applicant has proposed a modified Mixed Use Commercial “MUC” Zone for the Phase Two portion of the subject lands, with modifications to add additional commercial uses and permit apartment dwelling units as a stand-alone use. Staff are recommending the following additional commercial uses as they are predominantly local commercial uses that serve the daily needs of the surrounding community:

- Bakery Shop;
- Convenience Food Stores;
- Drug Stores;
- Dry Cleaning Depot;
- Food Stores;
- Medical Offices or Clinics;
- Private or Commercial Schools;
- Restaurant – Convenience;
- Restaurant – Fast Food;
- Restaurant – Outdoor Patio; and,
- Veterinary Facility.

Staff do not support the following additional uses, as proposed by the applicant:

- Apartment Dwellings (as a stand-alone use); and,
- Parking Lot.

In addition, staff are proposing a number of modifications to the Mixed Use Commercial “MUC” Zone, that will establish performance standards that are aligned with the performance standards established for the Commercial and Mixed Use Zones in Zoning By-law No. 05-200, recently adopted by Council. The parameters established for the built form have also taken into consideration the site context and potential future character of the area. The proposed modifications are as follows:

SUBJECT: Applications to Amend the Urban Hamilton Official Plan, City of Stoney Creek Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 84, 86, 88, 90, 92, 94, 96 Lakeview Drive (Stoney Creek) (Ward 10) (PED18085) - Page 51 of 68

- A minimum and maximum front yard setback (instead of the existing minimum);
- Reduced minimum side yard and rear yard setbacks;
- An increased maximum residential density permitted;
- Reduced minimum landscape strip widths;
- A reduced minimum parking requirement;
- Removal of requirement to separate commercial and residential parking; and,
- Removal of loading requirements.

Permitted Uses

Staff are supportive of the proposed additional commercial uses as they strengthen the commercial intent of the lands, provide additional flexibility for the future use of the lands, and are appropriate uses to serve the needs of the surrounding community. Further, the uses are considered to be compatible with the permitted residential use as part of a mixed use built form envisioned. Finally, the uses proposed are consistent with the uses permitted in the Mixed Use Medium Density – Pedestrian Focus (C5a) Zone which staff are proposing for the subject lands for when the Commercial and Mixed Use Zones are in force and effect and the subject lands are subsequently incorporated into Zoning By-law No. 05-200.

Staff do not support the Parking Lot use as it does not contribute to nor support the mixed use commercial and residential intent of the lands. Further, staff do not support the Apartment Dwelling use as a stand-alone use as staff strongly support maintaining a local scale commercial component on the subject lands for the benefit of the growing surrounding community.

Setbacks

Staff are recommending the minimum front yard setback requirement of 7.5 m be deleted and replaced with minimum front yard setback of 1.5 m, up to a maximum of 4.5 m. A front yard setback within this range is consistent with setback distances that have been established for the Commercial and Mixed Use Zone of Zoning By-law No. 05-200, with further consideration of the site context. It is intended that any future buildings be located closer to the street, with parking located at the side or rear of the building to reduce its prominence and to create a more pedestrian friendly environment. By establishing this front yard setback range instead of the existing minimum, there is more control on the placement of the future built form.

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Correspondingly, the required minimum side yard and rear yard setbacks have been reduced from 9 m to 7.5 m, again with consideration of the setbacks established in the Commercial and Mixed Use Zones and the ultimate built form envisioned and promoted through the Mixed Use – Medium Density policies of the UHOP.

Density

Whereas the Zoning By-law permits a maximum residential density of 80 units per hectare, the applicant is requesting that this regulation be deleted. While staff are not in support of deleting this provision outright, staff can support an increase in the maximum density permitted to up to 100 units per hectare. Establishing a maximum residential density of 100 units per hectare is consistent with the UHOP policy for Medium Density Residential uses which permits a net residential density of up to 100 units per hectare. Further, this maximum density is considered appropriate when contemplating the built form that could be conceived for the site, based on the setback and parking regulations established in the draft By-law. Finally, to note, the Commercial and Mixed Use Zones of Zoning By-law No. 05-200 do not include regulations for density, but instead regulate the built form through setback and height provisions, as well as associated built form regulations. For the reasons outlined, staff are recommending this increase to the maximum residential density permitted.

Landscaped Open Space

Whereas the Zoning By-law requires a landscaped strip having a minimum width of 5 m adjacent to any street, staff are proposing a landscaped strip minimum width of 1.5 m. Further, whereas the Zoning By-law requires a landscaped strip having a minimum width of 9 m adjacent to every portion of any lot line that abuts any zone other than a commercial or industrial zone, staff are proposing a landscaped strip minimum width of 1.5 m. These reduced landscaped strip requirements are consistent with the planting strip requirements in the Commercial and Mixed Use Zones, although it is noted that Zoning By-law No. 05-200 does not have planting strip requirements for the area of the lot immediately adjacent to the street, unless there is parking located between the building and the street. In this regard, the 1.5 m landscaped strip proposed adjacent to the street is in recognition of the particular site context. Further, the proposed modified landscaped strip requirements are consistent with and work together with the recommended modifications to the front, side and rear setback requirements.

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In addition, whereas the Zoning By-law has requirements for the overall percentage of the lot area containing landscaped open space, with a minimum percentage in one area other than the front yard, staff are proposing to delete this part of the regulation since the modifications proposed to required setbacks and the minimum width of landscape strips means this regulation is no longer relevant.

Parking and Loading

Whereas the “MUC” Zone establishes a minimum parking requirement of 1.5 spaces per dwelling unit for residential uses, staff are recommending a minimum parking requirement of 1.3 spaces per dwelling unit for residential uses. This parking requirement is consistent with the visitor parking requirement of 0.3 spaces per dwelling unit that staff are supporting for the residential development proposed for the remainder of the subject lands. While a reduction from the Zoning By-law requirement, it is greater than the parking requirement established for the Commercial and Mixed Use Zones, which range based on dwelling type, size and overall total number of units. Staff are of the opinion this reduction is supportable in recognition of the land’s suburban context. As staff are of the view that this parking requirement is appropriate for the future mixed use development envisioned, staff are further supportive of the request by the applicant to remove the requirement to separate commercial and residential parking. Shared parking is not expected to negatively impact the functionality of the site, given the parking standard recommended by staff.

With respect to loading, the Zoning By-law requires one loading space for apartments greater than 4,000 sq m in size, and at least one loading space for a commercial building depending on its size. However, there are no loading requirements in Zoning By-law No. 05-200. Given that the subject lands are intended to be incorporated into Zoning By-law No. 05-200 once the Commercial and Mixed Use Zones are in force and effect, it is appropriate to establish consistent loading requirements and thus delete the requirement in the amending By-law.

Staff have also recommended deleting the provision that limits the number of buildings per lot to one in order to allow more flexibility for any future development proposal.

4. As previously noted, the Phase Two portion of the subject lands will be incorporated into Zoning By-law No. 05-200 once the Commercial and Mixed Use Zones of Zoning By-law No. 05-200 are in force and effect. A draft By-law has been prepared to add this portion of the subject lands to Zoning By-law No. 05-200

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SUBJECT: Applications to Amend the Urban Hamilton Official Plan, City of Stoney Creek Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 84, 86, 88, 90, 92, 94, 96 Lakeview Drive (Stoney Creek) (Ward 10) (PED18085) - Page 54 of 68

and establish a modified Mixed Use Medium Density – Pedestrian Focus (C5a) Zone, and will be held in abeyance until the Commercial and Mixed Use Zones are in force and effect, at which time the draft By-law will be brought forward to City Council for enactment.

The implementing By-law for Zoning By-law No. 05-200 attached as Appendix “D” to Report PED18085, proposes a modified Mixed Use Medium Density – Pedestrian Focus (C5a) Zone, in order to reflect the mixed use intent of the lands as well as to recognize a number of site specific permissions of the Mixed Use Commercial (Holding) “MUC-10 (H)” Zone, Modified. The proposed modifications are as follows:

- Modify the parking requirement;
- Establish a minimum and maximum building setback requirement from a street line; and,
- Delete or modify façade requirement.

As discussed previously under Item No. 3 to this section, a number of modifications were made to the Mixed Use Commercial “MUC” Zone that will align with the performance standards established for the Commercial and Mixed Use Zones. In addition, in consideration of the site context and built form layout of any future development proposal, a number of modifications to façade regulations are proposed.

The analysis and rationale for recommending a number of the modifications listed has already been discussed under Item No. 3 to this section. Additional site specific provisions are discussed in more detail below.

Parking

Notwithstanding the parking requirements of Section 5.6 c) of Zoning By-law No. 05-200, the amending By-law proposes a parking requirement of 1.3 spaces per dwelling unit, consistent with what has been established in the draft By-law for Stoney Creek Zoning By-law No. 3692-92 for the mixed use block (Block “2” on Appendix “A” to Report PED18085) . This parking requirement is an increase from the requirement in By-law No. 05-200 but is in recognition of the suburban context of the site. Further analysis of this parking requirement can be found under Item No. 3 to this section.

Building Setback

Where the Mixed Use Medium Density – Pedestrian Focus (C5a) Zone establishes a maximum building setback from a street line of 3 m for the first storey, the amending By-law proposes to introduce a minimum and maximum setback from a minimum of 1.5 m, up to a maximum of 4.5 m for the first storey. A minimum is proposed to recognize the suburban context of the site so that a planting strip may be provided between the building and the lot line. The maximum setback has been increased to 4.5 m, again in recognition of the site context. This setback requirement is consistent with the setback standard in a number of the other comparable CMU Zones i.e. Mixed Use High Density (C4) Zone and Mixed Use Medium Density (C5) Zone. This maximum building setback allows some flexibility in building location but is not large enough to permit parking, stacking lanes or aisles between the building façade and the front lot line. For the reasons noted, staff recommend this variance.

Façade Requirements

The Mixed Use Medium Density – Pedestrian Focus (C5a) Zone has established a number of built form regulations to promote development that has an active street frontage. There are regulations requiring a minimum width of the ground floor façade facing the street. In recognition of the site context and in order to allow for flexibility in the site layout and built form design of a future development proposal, staff recommend that the provisions requiring a minimum width of the ground floor façade facing the front lot line or flankage lot line be deleted. However, the regulation requiring that a minimum of 60% of the area of the ground floor façade facing the street be composed of door and windows shall remain, but is modified to only be required along Lakeview Drive, not along Fruitland Road given that an active streetscape is not anticipated along Fruitland Road in the future. For the reasons noted, staff recommend these variances.

5. Engineering matters have been addressed through comments received from the Development Engineering Approvals Section. They have indicated no concerns with the Official Plan or Zoning By-law Amendment applications proceeding to approval. All outstanding servicing, stormwater management, grading, water servicing, wastewater generation assessment, municipal road improvements, etc. will be reviewed in more detail at the Site Plan application review and approval stage. The following more detailed comments were provided:

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Road Widening

Lakeview Drive, North Service Road and Fruitland Road are shown as minor arterial roadways on Schedule C – Functional Road Classification in accordance with the City of Hamilton Urban Official Plan [UHOP] and are to have an ultimate road allowance width of 36.576 m (120 ft). Therefore, if the existing road allowance widths do not currently meet these minimums a condition of future development approval will be that the Owner dedicates sufficient land to the City of Hamilton to establish these widths. The Site Plan illustrates that the applicant owns a 4,185 sq m piece of land at the SW corner of Lakeview Drive and Fruitland Road abutting the subject lands. Should these lands be developed at a future date they would also be subject to a road widening dedication including a daylight triangle realignment along with potential intersection improvements. The applicant / owner will be responsible for all costs related to the preparation and registration of legal documents and a Reference Plan for any required road widenings.

Staff note as it pertains to the Phase One portion of the subject lands, through Council resolution at the February 28, 2018 meeting of City Council, Council has approved a reduced road widening dedication along North Service Road, and an irregular daylight triangle at the corner of North Service Road and Lakeview Drive. This matter is discussed in further detail under Item No. 7 to this section.

Stormwater

Our records show that there is an existing 200 mm watermain on Lakeview Drive. The FSR indicates that the watermain may have to be upgraded to a 250 mm watermain due to fire flow requirements. Stormwater is proposed to outlet to an existing 1050 mm storm sewer on Fruitland Road and not the existing 900 mm storm sewer due to capacity restrictions. There is an existing 450 mm sanitary sewer on Lakeview Drive north of the proposed development. There is no existing sanitary sewer adjacent to the proposed development on North Service Road and Fruitland Road.

Source Protection Planning

1. Please circulate the Phase Two Environmental Site Assessment (ESA) upon completion for our review and record, based on the recommendation from Soil Engineers Ltd. Phase One Environmental Site Assessment Report.
2. If dewatering is required for construction activities, the proponent is reminded that dewatering discharge must comply with City of Hamilton Sewer Bylaw

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standards. It is recommended to consult with the Superintendent of Environmental Monitoring and Enforcement Group within Hamilton Water as early as possible in the approval process. Email sewerusebylaw@hamilton.ca to better understand water discharges to City infrastructure. If dewatering is expected to exceed 50,000 L/day, registration with the Environmental Activity Sector Registry or a Permit to Take Water from the Ministry of Environment and Climate Change may be required.

3. Given the proximity to the shoreline, it is strongly recommended that erosion and sedimentation control should be a major focus of this project and have redundancy built into the design to reduce excess sediment entering Lake Ontario.
4. Finally, the site falls within conservation authority regulated area. As a result, Hamilton Conservation Authority should have an opportunity to review the application.

Upon review of the Phase Two ESA, Source Protection Planning provided the following additional comments:

“Given the Phase Two ESA showed no site contamination above regulatory standards, we offer the following comments:

The proponent is reminded that dewatering discharge must comply with City of Hamilton Sewer Use Bylaw standards. It is recommended to consult with the Superintendent of Environmental Monitoring and Enforcement Group within Hamilton Water as early as possible in the approval process, given that additional review may be required by Hamilton Water to verify the wastewater system could accept the quantity and/or quality of the discharge. Email sewerusebylaw@hamilton.ca to better understand water discharges to City infrastructure. If dewatering is expected to exceed 50,000 L/day, registration with the Environmental Activity Sector Registry or a Permit to Take Water from the Ministry of Environment and Climate Change may be required.”

Sanitary Sewer Servicing and Minor Storm Sewer Servicing

The applicant is required to provide a wastewater generation assessment using Part 8 of the latest edition of the Code and Guide for Sewage Systems to establish an equivalent population density for our records.

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We note the following discrepancy in the documents accompanying the application: The application (UHOPA-17-009 & ZAC-17-020) indicates for the land located at 84, 88, 90 and 96 Lakeview Drive, whereas the Functional Servicing and Stormwater Management Report indicates only 84 & 96 Lakeview Drive and the catchment areas include 84 to 96 Lakeview Drive.

The applicant is required to illustrate clearly by means of a storm drainage area plan the extent of the property which will contribute surface water and ground water to the public road allowances and toward adjoining public or private properties if applicable. Appropriate runoff coefficients are to be assigned for our records.

Water Servicing

The Functional Servicing & Stormwater Management Report for 84 & 96 Lakeview Drive (S. Llewellyn & Associates Limited, dated November 2016) has been screened for completeness with respect to the standard criteria noted in bold:

- **How the proponent intends to provide water servicing.** This is included in a general way. The site will be serviced by a future 200 mm or 250 mm watermain. There is an existing watermain on Lakeview Drive (200 mm), which may be used as the connection.
- **The domestic ICI demands are to be provided using the fixture unit methods as per OBC Table 7.6.3.1, and converted to gallons per minute using OBC Table 7.4.10.5 or via AWWA. The flow should be converted to L/S. All utilized tables, etc., should be referenced in the Report.** A population based approach has been used, as the development is in the initial phases and the fixtures are not yet known. The fixture unit approach shall be required in site plan approval.
- **The Required Fire Flow (RFF) calculated per “Water Supply for Public Fire Protection, 1999, Fire Underwriters Survey” (FUS), and supplemented where appropriate by NFPA 13; Details to support the RFF calculation (e.g. floor area, type of construction, fire wall location and fire resistance rating, sprinkler system credit and exposure charges, as applicable, etc.) shall be clearly identified.** The preliminary RFF has been calculated as 300 L/s and shall be confirmed in site plan approval. We note that more recent hydrant test data is available for existing hydrant SC01H006, indicating the available flow is 327 L/s and greater than the preliminary RFF. The proponent notes that firewalls will be incorporated

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at the detailed design phase to address the RFF. Hydraulic modelling may be required to confirm that the available flow is sufficient.

- **The domestic ICI demand and Fire Flow Report(s) must be signed and sealed by a professional engineer (P. Eng.).** This has been completed.
- **The proponent should ensure that the Fire Department/Building Department is satisfied with the hydrant coverage, accessibility and firefighting provisions.** The proponent proposes to install eight future hydrants.
- Updated calculations will need to be approved prior to Site Plan Approval.

Infrastructure Planning

The following comments were provided on the Functional Servicing and Stormwater Management Report:

Release Rate

1. It is noted that five year post development runoff from sub-catchment 204 exceeds five year pre-development level. Although the level of exceedance is small, we recommend to control the post development flows to the pre-development levels for all return periods up to and including 100 year.
2. It is our understanding that the design proposes the 100 year release rate from post development sub-catchments 201 and 202 based on the capacity analysis of the 1050 mm storm sewer on the east side of Fruitland Road. The existing capacity of 1050 mm storm sewer is to be calculated based on the actual inverts and pipe lengths up to Lake Ontario. In case of variable slope along the run of the sewer up to the outlet at Lake Ontario, the lowest pipe slope should be utilized in the determination of 85% capacity of 1050 mm storm sewer. Based on this, please review and confirm that if 37% of the capacity of the 1050 mm storm sewer is utilized for five year flow under existing condition.
3. Further to the item above, please review and confirm the allowable 100 year release rate from sub-catchment 201 and 202 based on the remaining (of 85% capacity) capacity of the 1050 mm storm sewer.

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Underground Storage

4. Please review the orifice flow calculations.
5. Please review and check the underground storage volume requirements based on release rate as per comment No. 3.
6. Please identify 100 year operating in the level on the stage-storage-discharge table for the underground storage tank.
7. We recommend that the inside top of the tank should be at least 0.3 m above 100 year operating level in the storage tank.
8. Please provide supporting calculations for available volume in pipes.

Preliminary Site Servicing Plan

9. Please review and confirm that the pipe immediate downstream (i.e. 29 m 600 mm pipe at 0.52% grade) of the underground storage tank is designed to convey 100 year post development uncontrolled flow (with free flow condition at 85% capacity of the pipe).
10. Please review the design of 675 mm pipes downstream of MH2 connecting (via CBMH1) to existing 1050 mm sewer (on the east side of Fruitland Road); please ensure that these pipes are designed for free flow condition with 85% maximum capacity utilization for the 100 year released flow through the upstream orifice.
11. Design should demonstrate that 100 year overland flow is fully captured in the minor system upstream of the orifice to facilitate the 100 year controlled release through the orifice.
12. It is noted that proposed 46.9 m long 675 mm diameter storm sewer (at 0.68% slope) between MH2 and CBMH1 runs through the middle of lots (Lot No. 23, 24 and 25). We do not support sewers running through middle of the lots. Please review and check.
13. What is the purpose of the proposed swale (at south east corner of lot No. 23)? Please provide the riprap design details in the swale (considering flow, velocity etc.).

Preliminary Grading Plan

14. The design should demonstrate an emergency spillway for the uncontrolled flow (from sub catchment 202) passing through existing 900 mm culvert (at the intersection of Lakeview Drive and Fruitland Road Intersection) to avoid flooding due to flow backup.

The City of Hamilton supports and encourages the construction of sustainable developments. As such, we request that the proposed development incorporate green infrastructure (low impact development practices) to address stormwater management needs for the site.

The following standard items will be required as conditions of future development approval:

- A updated Functional Servicing Report;
- A detailed grading plan prepared and stamped by an Engineer, Architect or Landscape Architect must be submitted for review and approval;
- A detailed erosion and sedimentation control plan will be required;
- For all proposed “on-site” sewer and water servicing works external to the proposed building, including service abandonments the applicant/owner will be required to submit a Servicing Plan and pay the applicable servicing review fee at the time of submission;
- In addition to the above noted standard conditions, the Owner will be required as a condition of future development approval to provide a cash payment for future 1.5 m wide concrete sidewalks along the frontage / flankage of these lands on the North Service Road and Lakeview Drive;
- The Owner should be advised that any upgrades to municipal infrastructure and / or road works necessitated by the re-development of the subject lands will require them to enter into an External Works Agreement at the Site Plan stage to the satisfaction of the City Manager of Engineering Design and Construction; and,
- An administration fee for the City’s review and supervision of the Owner’s engineering services and administration of security in connection with the construction and installation of the Works will be required along with the

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signed copies of the External Works Agreement in accordance with the City's current User Fee Schedule. All costs associated with the works, including the cost of Agreement preparation, securities etc., will be at the expense of the Owner.

6. A historical Holding "H" symbol applies to the subject lands. Historically, the "H" symbol was applied to properties to ensure the lands were vetted through the appropriate development review process that comprehensively evaluates a proposal and addresses any site issues that may arise, such as servicing. While the "H" symbol is no longer applicable as it pertains to the provisions of Section 3.8 "Holding Zones" of Zoning By-law No. 3692-92, staff are recommending the "H" symbol continue to apply to the subject lands until such time as a Record of Site Condition is submitted.

A Phase One Environmental Site Assessment was submitted with the application (Soil Engineers Ltd., November 8, 2016). The Phase One Report recommended completion of a Phase Two ESA to assess the environmental concerns identified. A Phase Two ESA was subsequently completed and submitted (Soil Engineers Ltd., January 18, 2017). Given the recommendations of the Phase One Report, the City requires that a Record of Site Condition be filed with the Ministry of the Environment and Climate Change (MOECC).

The Holding symbol may be removed by City Council and development may proceed at such time as the MOECC issues acknowledgement of the submission by the Owner / Applicant of the RSC, to the satisfaction of the Director of Planning and Chief Planner.

7. Lakeview Drive, North Service Road and Fruitland Road are identified as Minor Arterial roads on Schedule C – Functional Road Classification of the UHOP, and in accordance with Schedule C-2 – Future Road Widening, have a future right-of-way width of 36.576 m. Neither Lakeview Drive or North Service Road is at the ultimate right-of-way width. However, it has been resolved through Council resolution at the February 28, 2018 meeting of City Council that a reduced road widening dedication of 0.99 m along North Service Road, where there is currently an uneven right-of-way be accepted. The amending by-law to Zoning By-law No. 3692-92 has established regulations that are based on the lot dimensions resulting from this road widening and the daylight triangle requirements discussed below.

With respect to the daylight triangle, the City requires conveyance of property for appropriate daylighting triangles and corner rounding on existing roads generally to the extent of 12.19 m by 12.1.9 m for arterial to collector or arterial roads in the

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urban context. Through further analysis of the existing road conditions at the corner of North Service Road and Lakeview Drive, it was identified that the existing daylight triangle (property boundary) is very close to the travelled portion of the road and existing curb. In consideration of road safety, including adequate sight lines, intersection requirements, and infrastructure requirements, Transportation Planning staff recommend an enlarged daylight triangle at this corner, with a hypotenuse of 35.1 m, an increase from the existing 22.08 m. This enlarged daylight triangle has been identified on the Site Plan attached as Appendix "E" to Report PED18085. At the February 28, 2018 meeting of City Council, Council resolved to accept an irregular daylight triangle having minimum dimensions of 10 m by 2.2 m by 35 m, which is reflective of the daylight triangle illustrated on the Site Plan.

Staff note that as part of a future application for the Phase Two lands of the applicant, there may be road widening requirements along Lakeview Drive, in accordance with the road widening policies of the UHOP. Any required road widening along the Phase Two lands would be addressed as part of a separate development application.

8. The Traffic Impact Study (TIS) prepared by Crozier & Associates Inc. (December 2016) and the subsequent TIS Addendum (September 2017), have been circulated to the Ministry of Transportation (MTO) for review and comment. It is expected that formal comments on these documents will be received at the Site Plan Control stage of development.

With respect to MTO's 14 m setback requirement from the Highway QEW right-of-way, the applicant has proposed an additional 36 visitor parking spaces and a number of small scale amenity features (public benches and landscaping) within this 14 m setback (please refer to Appendix "E" to Report PED18085). Staff note that the 36 visitor parking spaces proposed are above and beyond the required parking as identified in the amending Zoning By-law. It is understood that MTO could require a portion of these lands as part of future highway improvements and as such, any feature deemed essential to the operation and viability of the site may not be located within this setback.

9. For Building 1 of the proposed residential development, a setback of 0.1 m is proposed from the building to the hypotenuse of the daylight triangle at the corner of North Service Road and Lakeview Drive. Should eaves, gutters or any other features of the building project over the lot line, the Owner will be required to make application for an encroachment agreement with the City at the Site Plan Control

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stage of development, to address any projections or features that encroach into the municipal right-of-way.

10. Due to the proximity of the proposed development to Lake Ontario, the incorporation of bird-friendly design elements should be taken into consideration during the Site Plan Control stage. Bird-friendly design elements include:
 - The use of masonry or non-reflective surfaces (buildings with a high component of glass in their exteriors are more prone to bird strikes);
 - If the buildings are to be glass, the buildings should use specialty glazing with visual markings on the glass or muted reflections (to mitigate strikes as birds move through the area); and,
 - All exterior lighting for the property should be designed and installed to direct light downwards to avoid attracting birds migrating at night.
11. The following matters will be addressed at the Site Plan Control stage of development:
 - High quality architectural design and treatment for all built forms;
 - Enhanced pavement treatment will be required for the entire parking area located at the rear of the stacked townhouse blocks;
 - High quality landscaping and pedestrian connectivity for the amenity areas located in the MTO buffer; and,
 - The landscape buffer within the MTO buffer will be required to be densely planted with coniferous and deciduous trees, to provide an adequate visual buffer between the QEW ramp and the residential development.

In addition, staff in Public Works will be consulted regarding implementation of the proposed pedestrian connection linking the proposed development to the existing path that connects to Bayview West Park, with specific consideration of road network function and pedestrian safety.

12. A Neighbourhood Information Meeting was held on February 21, 2017. Just under 50 people were in attendance. The majority of the discussion and concerns expressed by residents was with respect to traffic issues, specifically traffic volume, queuing at the North Service Road / Fruitland Road intersection, and pedestrian safety. As a result of the concerns expressed, the applicant prepared a TIS Addendum which was submitted in September, 2017. Further discussion of the TIS Addendum and public comments received can be found in the Relevant Consultation section of the Report and under Item No. 13 to this Section, respectively.

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13. To date, thirteen letters of correspondence have been received through the public circulation. The predominant concern expressed respects traffic volume, both existing and proposed through this development proposal and other planned residential developments in the surrounding area. While some of the correspondence expressed support for the development proposal, subject to road improvements, other letters expressed opposition and supported revising the development proposal to reduce the number of proposed units or change the proposed housing form to single family dwellings. The issues are generally summarized as follows:

Traffic

- Traffic volume increases due to proposed development on a road network that is already heavily travelled and experiencing back-ups and long queues at intersections.
- Traffic overflow onto North Service Road due to QEW congestion.
- Road safety concerns due to traffic volumes, with specific comments on:
 - The curves in the road along North Service Road adjacent to the subject lands and sight line concerns at the intersection of North Service Road and Lakeview Drive.
 - Existing state of North Service Road – rural cross section with lack of turn lanes etc.
 - The location of the proposed pedestrian crossing – safety concerns due to proposed location vis-à-vis the curve in the road where North Service Road intersects Lakeview Drive.
- A number of changes were proposed to the existing road network through the comments received:
 - Realign North Service Road to extend east to Fruitland Road, to parallel the Fruitland Road QEW on-ramp.
 - Move the access location to the proposed development to the southern extent of the subject lands.
 - Create new accesses to the QEW
 - Improve road network function and safety through infrastructure improvements including traffic calming measures, road widening, and speed limit decreases.
 - Reduce congestion on the QEW (and overflow onto surrounding road network) through lane re-alignments, and changes to merging lanes.

With respect to traffic volume, the Traffic Impact Study (TIS) submitted with the application and subsequent addendum to the TIS indicated that the North Service Road / Fruitland Road intersection is operating at a reduced level of function,

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resulting in delays, and at times, long queue lengths. A traffic control signal is planned for this intersection and is awaiting Ministry of Transportation approval.

With respect to QEW volume, the operation and function of the QEW is under the jurisdiction of the Ministry of Transportation. MTO's jurisdiction includes all access ramps to the highway and a 14 m setback from the highway right-of-way. MTO is circulated all development proposals that fall within 400 m of an MTO controlled highway. The MTO reviews TIS reports comprehensively in consideration of all planned developments in a given area and establishes highway improvements accordingly.

Regarding road safety, the curve in the road where North Service Road meets Lakeview Drive has been identified for an expanded daylight triangle, as discussed in more detail under Item No. 7 to this Section. This requirement to provide an additional setback from the travelled portion of the existing road was identified to accommodate infrastructure requirements and for safety considerations, specifically related to sight lines. As well, as noted previously in the Report, the proposed pedestrian crossing linking the proposed development with nearby Bayview West Park, which the applicant has offered to construct as part of this development proposal, will be subject to further review at the Site Plan Control stage of development with the appropriate staff consulted on matters of roadway function, traffic volumes, and pedestrian safety.

With respect to the comments received pertaining to possible road network improvements, the signalized intersection planned at North Service Road and Fruitland Road will help to improve road network function and safety. Regarding the comments proposing a realignment of North Service Road to connect more directly to Fruitland Road, such a realignment would likely be unable to meet road network standards, given the location of the QEW westbound on-ramp at Fruitland Road vis-à-vis a realigned North Service Road and relocated intersection at Fruitland Road. The two access locations proposed for the residential development along North Service Road have been reviewed by the City's Corridor Management staff and are supported at their present location. The planned road network improvement related to the expanded daylight triangle may also alleviate some of the concerns related to access location vis-à-vis road safety. Finally, respecting comments received on possible QEW improvements, QEW highway improvements are beyond the jurisdiction of the City of Hamilton and reside under the purview of the MTO.

Parking

Comments were received expressing concern that the proposed development does not provide enough parking for residents, given that garages are often used for overflow storage. Further, concern was expressed that visitor parking is insufficient and could result in overflow parking onto nearby residential streets.

The proposed provision of two parking space per dwelling unit meets the Zoning By-law requirement. In recognition of the potential for garages to be used for storage purposes, staff recommend the following clause be included in all future Development Agreements and Offers of Purchase and Sale or Lease / Rental Agreements as part of Site Plan approval:

“Garage space for these units is provided and intended for the purposes of parking a vehicle. It is the Owner / Lessee’s responsibility to ensure that their parking needs can be accommodated on the site. Public, on-street parking is not permitted on Lakeview Drive / North Service Road”

As discussed under Item No. 3 to this section, the reduction in visitor parking proposed is considered an appropriate current standard for this type of built form. Staff are of the opinion that the site can appropriately function with the amended parking standard in place.

Infrastructure

One comment was received expressing concern about the impact of increased population on drainage and the water table and changes to natural drainage patterns.

The City’s Development Engineering Approvals Section and the Hamilton Conservation Authority were circulated the applications and provided comments on the Functional Servicing & Stormwater Management Report (S. Llewellyn & Associates Limited, November, 2016) submitted with the applications indicating no concerns with the development as proposed from a servicing, stormwater management and grading perspective. These matters will be reviewed in further detail at the Site Plan Control stage.

ALTERNATIVES FOR CONSIDERATION

- Planning Committee could recommend approval of the applications in part; or,

SUBJECT: Applications to Amend the Urban Hamilton Official Plan, City of Stoney Creek Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 84, 86, 88, 90, 92, 94, 96 Lakeview Drive (Stoney Creek) (Ward 10) (PED18085) - Page 68 of 68

- Planning Committee could recommend denial of the applications. The subject property would remain Highway Commercial (Holding) “HC(H)” Zone in the City of Stoney Creek Zoning By-law No. 3692-92, and would be subject to the provisions of this zone category.

As part of a future City initiated amendment to Zoning By-law No. 05-200, the subject property would be rezoned to an appropriate Commercial and Mixed Use Zone in Zoning By-law No. 05-200.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

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

Healthy and Safe Communities

Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.

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 Urban Hamilton Official Plan Amendment
- Appendix “C”: Draft Zoning By-law No. 3692-92 Amendment
- Appendix “D”: Draft Zoning By-law No. 05-200 Amendment
- Appendix “E”: Site Plan
- Appendix “F”: Elevations (Phase One lands)
- Appendix “G”: Public Submissions

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