



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	August 14, 2018
SUBJECT/REPORT NO:	Application to Amend the City of Stoney Creek Zoning By-law No. 3692-92 and the City of Hamilton Zoning By-law No. 6593 for Lands Located at 121 and 125 Highway No. 8, Stoney Creek (PED18180) (Ward 9)
WARD(S) AFFECTED:	Ward 9
PREPARED BY:	Adam Lucas (905) 546-2424 Ext. 7856
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Amended Zoning By-law Amendment Application ZAC-17-085 by Branthaven Marz Inc. (c/o Anthony Girolami), Owner,** to remove the northerly portion of the subject lands at located at 121 and 125 Highway No. 8 from the City of Hamilton Zoning By-law No. 6593 and zoned “H/S-1313” (Community Shopping and Commercial, etc.) District, Modified as shown on the attached map shown as “Block 2” on Appendix “A” to Report PED18180, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED18180, 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 “B” to Report PED18180, be added to Schedule No. 5 of Zoning By-law No. 3692-92;
- (b) That **Amended Zoning By-law Amendment Application ZAC-17-085 by Branthaven Marz Inc. (c/o Anthony Girolami), Owner,** to add lands shown as “Block 2” on Appendix “A” to Report PED18180 to the City of Stoney Creek Zoning By-law No. 3692-92; to zone lands as shown as “Block 2” on Appendix “A” to Report PED180180 to Multiple Residential “RM4-10” Zone, Modified in the Stoney Creek Zoning By-law No. 3692-92; and, to change the zoning of Block “1” as shown on Appendix “A” to Report PED18180, in the City of Stoney Creek Zoning

SUBJECT: Application to Amend the City of Stoney Creek Zoning By-law No. 3692-92 and the City of Hamilton Zoning By-law No. 6593 for Lands Located at 121 and 125 Highway No. 8, Stoney Creek (PED18180) (Ward 9) - Page 2 of 39

By-law No. 3692-92 from General Commercial “GC” Zone to Multiple Residential “RM4-10” Zone, Modified, to permit an eight storey multiple dwelling for lands located at 121 and 125 Highway No. 8, Stoney Creek, as shown on Appendix “A” to Report PED18180, be **APPROVED** on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED18180, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (iii) That the amending By-law, attached as Appendix “C” to Report PED18180, be added to Schedule No. 5 of Zoning By-law No. 3692-92;
 - (iv) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017) and complies with the Urban Hamilton Official Plan.
- (c) That approval be given for a modification to the Mixed Use – Medium Density (C5) Zone in the Hamilton Zoning By-law No. 05-200, to permit an eight storey multiple dwelling for lands located at 121 and 125 Highway No. 8, Stoney Creek, as shown on Appendix “A” to Report PED18180, subject to the following:
- (i) That the draft By-law, attached as Appendix “D” to Report PED18180, be held in abeyance until such time as By-law No. 17-240, being a by-law to establish the Commercial and Mixed Use Zones is in force and effect; and,
 - (ii) That staff be directed to being forward the draft By-law, attached as Appendix “D” to Report PED18180, for enactment by City Council, once By-law No. 17-240 is in force and effect.

EXECUTIVE SUMMARY

The Owner, Branthaven Marz Inc., has applied for a Zoning By-law Amendment to permit the redevelopment of lands located at 121 and 125 Highway No. 8 in the former City of Stoney Creek (front portion) and the City of Hamilton (rear portion) (see Appendix “A” to Report PED18180). More specifically, the application proposes to permit an eight storey multiple dwelling consisting of 139 dwelling units. Further, the application proposes to provide 177 vehicular parking spaces of which 91 parking spaces will be surface parking and 86 parking spaces will be located in one level of underground parking.

The application has merit and can be supported as it is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden

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

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

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

SUBJECT: Application to Amend the City of Stoney Creek Zoning By-law No. 3692-92 and the City of Hamilton Zoning By-law No. 6593 for Lands Located at 121 and 125 Highway No. 8, Stoney Creek (PED18180) (Ward 9) - Page 3 of 39

Horseshoe (2017) and complies with the policies of the Urban Hamilton Official Plan (UHOP). The proposal is considered to be compatible with the existing development pattern in the area and represents good planning by establishing compatible infill development.

Alternatives for Consideration – See Page 38

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:

The subject property is located on the north side of Highway No. 8, west of Grays Road, and is municipally known as 121 and 125 Highway No. 8 (see Appendix “A” to Report PED18180). The property is approximately 6,969.27 sq m (1.72 ac) in size with 82.32 m of lot frontage, and located within the Olde Towne Secondary Plan and the Riverdale East Neighbourhood Plan area. The property is currently vacant of buildings and structures but previously contained a two storey single detached dwelling and a one storey commercial building which contained a bowling alley (i.e. Bowlerama).

The Zoning By-law Amendment is to permit an eight storey multiple dwelling consisting of 139 dwelling units and having a maximum height of 25.5 m. Further, the application proposes to provide 177 vehicular parking spaces of which 91 parking spaces will be surface parking and 86 parking spaces will be located in one level of underground parking. The proposal also includes balconies on all sides of the building, along with an outdoor rooftop amenity area and indoor amenity spaces for the occupants.

In order to implement the proposal, an amendment to the City of Stoney Creek Zoning By-law No. 3692-92 to change the southerly portion of the property from General Commercial “GC” Zone to a site specific Multiple Residential “RM4” Zone is required. Further, an amendment is required to remove the northerly portion of the lands zoned “H/S-1313” (Community Shopping and Commercial, etc.) District, Modified from the City of Hamilton Zoning By-law No. 6593 and rezone the lands to a site specific Multiple

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

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

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

SUBJECT: Application to Amend the City of Stoney Creek Zoning By-law No. 3692-92 and the City of Hamilton Zoning By-law No. 6593 for Lands Located at 121 and 125 Highway No. 8, Stoney Creek (PED18180) (Ward 9) - Page 4 of 39

Residential “RM4” Zone in the City of Stoney Creek Zoning By-law No. 3692-92 to provide a single consolidated site specific Zoning By-law applicable to the subject lands. In addition, site specific modifications are required to the “RM4” Zone to address front and side yard setbacks, maximum density, amenity area, parking space size and number of parking spaces, landscaping, encroachments and underground tenant parking.

Further, once the CMU zoning under the City of Hamilton Zoning By-law No. 05-200 becomes in force and effect, the property will be zoned Mixed Use – Commercial (C5) Zone. Site specific modifications to the C5 Zone are required to address maximum building height, maximum building setback from a street line, maximum finished floor area elevation, minimum front yard setback, maximum height of a building designed to provide access to a rooftop amenity area and minimum landscape area width.

Revised Submission - April 13, 2018

In response to staff’s concerns regarding the design of the proposed building complementing the City-Wide Corridor Planning Principles and Design Guidelines, the applicant provided 45 degree angular build to plane drawings. In addition, as a result of comments from the City’s Transportation Planning Services, a revised concept plan was submitted to increase the driveway width. Further, revised architectural / concept plan drawings were submitted in response to the applicant’s changes which included an increase in the number of parking spaces and number of private lockers, the creation of small car parking spaces, the relocation of a physically challenged parking space, a reduction to the number of dwelling units, and further articulation on the building design.

Chronology:

- November 13, 2017: Zoning By-law Amendment Application ZAC-17-085 was received.
- December 4, 2017: Application ZAC-17-085 deemed complete.
- December 11, 2017: Notice of Complete Application and Preliminary Circulation was sent to 160 property owners within 120 m of the subject property.
- December 15, 2017: A Public Notice Sign was posted on site.
- February 6, 2018: Public information meeting held by the Applicant at the Stoney Creek United Church.

SUBJECT: Application to Amend the City of Stoney Creek Zoning By-law No. 3692-92 and the City of Hamilton Zoning By-law No. 6593 for Lands Located at 121 and 125 Highway No. 8, Stoney Creek (PED18180) (Ward 9) - Page 5 of 39

April 13, 2018: Revised Concept plan and Amending Zoning By-laws submitted by the applicant.

July 18, 2018: Public Notice Sign updated with Public Meeting date.

July 27, 2018: Circulation of the Notice of Public Meeting to 160 property owners within 120 m of the subject property.

Details of Submitted Application:

Applicant / Owner: Branthaven Marz Inc. (c/o Anthony Girolami)

Agent: A.J. Clarke and Associates Ltd. (c/o Franz Kloibhofer)

Location: 121 and 125 Highway No. 8 (see Appendix “A” to Report PED18180)

Property Description: Lot Frontage: 82.32 m (Highway 8)

Lot Depth: 84.95 m

Lot Area: 6,969.27 sq m

Servicing: Existing Full Municipal Services

Existing Land Use and Zoning:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Property:</u>	Vacant	General Commercial “GC” Zone and “H/S-1313” (Community Shopping and Commercial, etc.) District, Modified.

Surrounding Lands:

North	Single Detached Dwellings	“R-4/S-1313” (Small Lot Single Family Dwelling) District, Modified.
--------------	---------------------------	---

East	Restaurant	General Commercial “GC” Zone.
-------------	------------	-------------------------------

SUBJECT: Application to Amend the City of Stoney Creek Zoning By-law No. 3692-92 and the City of Hamilton Zoning By-law No. 6593 for Lands Located at 121 and 125 Highway No. 8, Stoney Creek (PED18180) (Ward 9) - Page 6 of 39

	Vacant	“H/S-1347” (Community Shopping and Commercial, etc.) District, Modified and “H/S-1347a” (Community Shopping and Commercial, etc.) District, Modified.
South	Shopping Centre	Community Shopping Centre “SC2” Zone.
West	Professional Offices	General Commercial “GC” Zone and “H/S-1053” (Community Shopping and Commercial, etc.) District, Modified.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2014)

The Provincial Planning Policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (2014). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS.

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation of, adoption and subsequent Ontario Municipal Board approval of the Urban Hamilton Official Plan, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest (i.e. efficiency of land use, balanced growth and environmental protection) are reviewed and discussed in the Official Plan analysis below.

As the application for a change in zoning complies with the Official Plan and the relevant policies in the PPS, 2014, it is staff’s opinion that the application is:

- Consistent with Section 3 of the *Planning Act*; and,
- Consistent with the Provincial Policy Statement.

Growth Plan for the Greater Golden Horseshoe (2017):

The following policies, amongst others, apply to the proposal:

The subject lands are located within the built-up area, as defined by the Growth Plan. Section 1.2.1 of the Growth Plan outlines a number of Guiding Principles regarding how

SUBJECT: Application to Amend the City of Stoney Creek Zoning By-law No. 3692-92 and the City of Hamilton Zoning By-law No. 6593 for Lands Located at 121 and 125 Highway No. 8, Stoney Creek (PED18180) (Ward 9) - Page 7 of 39

land is developed, resources are managed and protected, and public dollars are invested. The subject proposal conforms to these Guiding Principles in that:

- It supports the achievement of *complete communities* that are designed to support healthy and active living and meeting people's needs for daily living throughout an entire lifetime; and,
- It supports a range and mix of housing options to serve all sizes, incomes, and ages of households.

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

“2.2.1.2 Forecasted growth to the horizon of this Plan will be allocated based on the following:

- a) the vast majority of growth will be directed to settlement areas that:
 - i. have a delineated built boundary;
 - ii. have existing or planned municipal water and wastewater systems; and,
 - iii. can support the achievement of complete communities.
- c) within settlement areas, growth will be focused in:
 - iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and,
 - iv. areas with existing or planned public service facilities.

2.2.1.4 Applying the policies of this Plan will support the achievement of *complete communities* that:

- a) feature a diverse mix of land uses, including residential and employment uses, 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

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

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

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

SUBJECT: Application to Amend the City of Stoney Creek Zoning By-law No. 3692-92 and the City of Hamilton Zoning By-law No. 6593 for Lands Located at 121 and 125 Highway No. 8, Stoney Creek (PED18180) (Ward 9) - Page 8 of 39

life, and to accommodate the needs of all household sizes and incomes; and,

- d) expand convenient access to:
 - i. a range of transportation options, including options for the safe, comfortable and convenient use of *active transportation*;

2.2.2 Delineated Built-up Areas

- 1. By the year 2031, and for each year thereafter, a minimum of 60 percent of all residential development occurring annually within upper- or single-tier municipalities will be within the delineated built-up area.”

The application conforms to the policies of the Growth Plan for the Greater Golden Horseshoe (2017) by focusing growth within the built-up area, contributing to achieving a complete community, utilizing existing and planned municipal infrastructure, and providing for development with access to a range of transportation options.

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

Urban Hamilton Official Plan

The subject property is identified as “Secondary Corridor” on Schedule “E” - Urban Structure and designated “Mixed Use – Medium Density” on Schedule “E-1” - Urban Land Use Designations and the front portion of the subject lands are located within the Olde Town Secondary Plan area. The following policies, amongst others, apply to the proposed development:

Urban Structure

- “E.2.4.3 Urban Corridors shall be the location for a range of higher density land uses along the corridor, including mixed uses where feasible, supported by higher order transit on the primary corridors.
- E.2.4.5 Secondary Corridors shall serve to link two or more nodes and employment areas, or Primary Corridors.
- E.2.4.10 The built form along the *Urban Corridors* shall generally consist of low to mid rise forms, but will vary along the length of the corridors with some areas permitted to accommodate high density and high rise built form.

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

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

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

SUBJECT: Application to Amend the City of Stoney Creek Zoning By-law No. 3692-92 and the City of Hamilton Zoning By-law No. 6593 for Lands Located at 121 and 125 Highway No. 8, Stoney Creek (PED18180) (Ward 9) - Page 9 of 39

The Primary Corridors shall have a greater proportion of the corridor length in retail and mixed use forms, while the Secondary Corridors shall generally accommodate retail and mixed use forms in small clusters along the corridors with medium density housing located between the clusters.

- E.2.4.11 *Urban Corridors* shall be a focus of *intensification* through the Neighbourhoods which they traverse. However, it is anticipated that intensification will also occur within Neighbourhoods, particularly on sites along other arterial roads that are not designated as *Urban Corridors*.
- E.2.4.14 Urban Corridors shall provide a comfortable and attractive pedestrian experience.
- E.2.4.15 New development shall respect the existing built form of adjacent neighbourhoods where appropriate by providing a gradation in building height. New development shall locate and be designed to minimize the effects of shadowing and overview on properties in adjacent neighbourhoods.”

With respect to the above policies, the proposal represents intensification in a form of mid rise residential development which is considered a higher density land use relative to the previous one storey commercial building (Bowlarama) and single detached dwelling on the subject property. The proposed building has been sited 2.7 m from the front lot line, while vehicular parking has been situated to the rear of the building and within one level underground parking. As a result, staff consider that the location of the building and parking areas on the property create a comfortable and attractive pedestrian experience. Further, the proposed development is located between commercial clusters along Queenston Road, a Primary Corridor, as per Policy E.2.4.10.

With respect to shadowing of the building on adjacent neighbourhoods (Policy E.2.4.15), there are existing single detached dwellings located immediately north of the subject lands. In support of the proposed development, the applicants submitted a sun shadow impact analysis within the Urban Design Brief, dated November, 2017. The sun shadow images were taken at 9:18 a.m., 12:18 p.m., 3:18 p.m. and 6:18 p.m. on March 21st / September 21st, June 21st and December 21st. These specific dates / times are within the range of industry accepted dates / times to assess sun shadow impacts, while guidance is also provided from the City’s Site Plan Guidelines. Staff have reviewed the sun shadow impact and note that the only impact will occur during December 21st, when the sun is at its lowest point of the year. More specifically, portions of the low rise residential lots will experience shadowing from 10:18 a.m. to 4:18 p.m. However, it is noted that the shadows pass quickly and not all the residential lots are affected by

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

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

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

SUBJECT: Application to Amend the City of Stoney Creek Zoning By-law No. 3692-92 and the City of Hamilton Zoning By-law No. 6593 for Lands Located at 121 and 125 Highway No. 8, Stoney Creek (PED18180) (Ward 9) - Page 10 of 39

shadowing during the above time period. As a result, staff consider the impacts on the properties in the adjacent neighbourhood to be minimal.

In terms of overview, the applicants have submitted 45 degree angular build to plane illustrations to the rear property line and across the road allowance of Highway No. 8. The illustrations were prepared in keeping with the City-Wide Corridor Planning Principles and Design Guidelines. Staff have reviewed the illustrations and note that the proposed building is complying with the 45 degree angular build to plane guidelines.

Land Use

- “E.4.6.4 It is also the function of areas designated Mixed Use - Medium Density to serve as vibrant people places with increased day and night activity through the introduction of residential development. Residential development enhances the function of these areas as transit supportive nodes and corridors.
- 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:
- f) multiple dwellings
- E.4.6.7 Lands designated Mixed Use - Medium Density shall contain a range of building heights and densities to a maximum height of six storeys, which shall be set out in the implementing zoning by-law. The specific permitted heights and densities shall depend on the area and be established through secondary plans where one exists and the zoning by-law.
- E.4.6.8 Additional height up to a total of eight storeys may be permitted without an amendment to this Plan, provided the applicant demonstrates:
- a) there are no adverse shadow impacts created on existing residential uses within adjacent lands designated Neighbourhoods;
- b) buildings are progressively stepped back from adjacent areas designated Neighbourhoods. The Zoning by-law may include an angular plane requirement to set out an appropriate transition and stepping back of heights; and,
- c) buildings are stepped back from the street to minimize the height appearance from the street, where necessary.”

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

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

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

SUBJECT: Application to Amend the City of Stoney Creek Zoning By-law No. 3692-92 and the City of Hamilton Zoning By-law No. 6593 for Lands Located at 121 and 125 Highway No. 8, Stoney Creek (PED18180) (Ward 9) - Page 11 of 39

The proposal consists of an eight storey mid rise multiple dwelling on the subject lands which is a permitted use within this designation (Policy E.4.6.5). The proposed residential development will also animate this area, as well as the function of this area as being transit supportive (Policy E.4.6.4).

With respect to the criteria provided in Policy E.4.6.8, the applicant submitted a sun shadow impact analysis within the Urban Design Brief, dated November, 2017 and a 45 degree angular build to plane drawing. Staff reviewed the sun shadow impact analysis and as discussed previously, staff are of the opinion that there are no adverse impacts being created on existing residential uses within adjacent lands designated Neighbourhoods (Policy E.4.6.8 a). With respect to the angular build to plane, as discussed previously, the proposed building is complying with the 45 degree angular build to plane. In this regard, staff are of the opinion that the proposed building height and location on the property are appropriate and provides for a sufficient setback (57.9 m) to adjacent properties in the Neighbourhoods designation (Policy E.4.6.8 b)). Also, the building is proposed to be setback 2.7 m from the front lot line. By meeting the angular build to plan across the right-of-way, the building is massed proportionally to the width of the right-of-way of Highway No. 8, which in turn reduces the impact along the streetscape. The proposed density is 220 units per hectare. Given the above information respecting sun shadow impacts and 45 degree angular build to plane, the location of the subject land along a Primary Corridor, the proposal meeting the eight storey height permitted by the UHOPA and the allowance for density to be established in the Zoning By-law, staff are of the opinion that proposed density is appropriate for the area.

- “E.4.6.9 The predominant built form shall be mid rise and low rise buildings. The intent is to increase the proportion of multiple storey, mixed use buildings that have retail and service commercial stores at grade; however, single use commercial buildings and medium density ground related housing forms shall be permitted, except for pedestrian predominant streets as listed by Policy E.4.3.1. (OPA 65).
- 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.
- 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.

SUBJECT: Application to Amend the City of Stoney Creek Zoning By-law No. 3692-92 and the City of Hamilton Zoning By-law No. 6593 for Lands Located at 121 and 125 Highway No. 8, Stoney Creek (PED18180) (Ward 9) - Page 12 of 39

- 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.4.6.19 To strengthen the pedestrian focus in areas where it does not currently exist, the City shall require infilling of retail, service commercial, and mixed use buildings in a physical arrangement which assists in creating a vibrant and active street environment. Such buildings shall be located up to the street along a pedestrian predominant street.
- 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.
- E.4.6.26 Automobile access shall continue to be an important mode of transportation from the surrounding neighbourhoods, but it shall be balanced with the need to improve pedestrian access and opportunities for active transportation.
- E.4.6.27 Reduced parking requirements shall be considered to encourage a broader range of uses and take advantage of a higher level of transit service.”

The built form consists of an eight storey multiple dwelling which is a mid rise building permitted in this designation of the UHOP (Policies E.4.6.9 and E.4.6.10). While the proposal does not contain any commercial floor space, staff are of the opinion that the planned retail and service commercial function of this area is not compromised given the supply of commercial floor space in the immediate area (Policy E.4.6.15). The applicant has oriented the building close to the streetline (2.7 m away), while the surface parking has been located in behind the building at the rear of the subject property. Although the building is not located along a Pedestrian Predominant Street, the proposed orientation of the building and location of the surface parking assists in creating a comfortable, vibrant and stimulating pedestrian experience along Highway No. 8 within the front yard setback (Policies E.4.6.16, E.4.6.17 and E.4.6.19).

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

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

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

SUBJECT: Application to Amend the City of Stoney Creek Zoning By-law No. 3692-92 and the City of Hamilton Zoning By-law No. 6593 for Lands Located at 121 and 125 Highway No. 8, Stoney Creek (PED18180) (Ward 9) - Page 13 of 39

With respect to gradation in building height, shadowing and overview, as noted above, the applicant submitted sun shadow impact images within the Urban Design Report and 45 degree angular build to plane drawings which demonstrate that the impact of shadowing and overview is minimal (Policy E.4.6.24).

Lastly, in terms of parking, the proposal will provide 177 parking spaces, whereas 241 parking spaces are required in the Zoning By-law for this use. The development is proposing a reduced parking rate of 1.27 parking spaces per unit in recognition of the adjacency to existing public transit. Further, the provision of 24 outdoor short term bicycle parking spaces in the form of outdoor bicycle racks have been provided as part of the proposal, whereas indoor parking spaces have not been provided. Notwithstanding, staff have requested that the applicant provide a sufficient number of indoor parking spaces, which will be addressed at the Site Plan Control stage (Policy E.4.6.27).

Residential Intensification

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

- a) A balanced evaluation of the criteria in b) through g) as follows:
- b) The 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.”

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

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

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

SUBJECT: Application to Amend the City of Stoney Creek Zoning By-law No. 3692-92 and the City of Hamilton Zoning By-law No. 6593 for Lands Located at 121 and 125 Highway No. 8, Stoney Creek (PED18180) (Ward 9) - Page 14 of 39

The subject property is located along Highway No. 8 which is identified as a Secondary Corridor in the UHOP. This particular area of the City has historically been dominated and catered to the automobile, with the existence of large tracts of land, surface parking located close to the road, and buildings being constructed to the rear of properties (i.e. away from the street line). The UHOP policies aim to transform this area to a more pedestrian friendly and transit supportive area. In keeping with the direction of the UHOP, the proposal represents a shift in built form where the building has been located close to the street, while the surface parking has been located in behind the building, to the rear of the subject land, and within one level of underground parking. As a result, staff are of the opinion that the proposal enhances and builds upon the desirable patterns and built form in this area moving forward (Policy B.2.4.1.4 b))

The proposed 139 unit, eight storey multiple dwelling containing balconies contributes to the range of dwelling types and tenures in this area of the City relative to the low rise residential dwellings located in the nearby neighbourhoods (Policy B.2.4.14 c)). With a maximum building height of 25 m, a rear yard setback of 57.9 m, and a rear yard planting strip that is 3 m wide, the proposed height and location of the building and provision of landscaping has been carefully considered to minimize the impact of sun shadows and overview, and provides for an appropriate transition in built form relative to the adjacent residential area to the north. Further, staff are of the opinion that the proposed built form is compatible with the adjacent commercial / office uses to the east, south and west of the subject property (Policy B.2.4.1.4 d) and e)).

With regard to infrastructure and transportation capacity, it is noted that Highway No. 8 is classified as a Major Arterial road on Schedule "C" - Functional Road Classification to the UHOP. In support of the proposal, a Traffic Impact Study (TIS) and a Functional Servicing Report (FSR) was submitted. Transportation Planning Services have reviewed the findings of the TIS and have indicated no concerns from a transportation capacity perspective. Also, Development Engineering reviewed the FSR and have indicated no objection to the approval of this development from a water, sanitary and storm water capacity perspective. Notwithstanding, further details with respect to infrastructure would be dealt with as part of a Site Plan Control Application (Policy B.2.4.1.4 f)).

Urban Design

"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:

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

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

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

- a) complementing and animating existing surroundings through building design and placement as well as through placement of pedestrian amenities;
- c) allowing built form to evolve over time through additions and alterations that are in harmony with existing architectural massing and style;
- d) complementing the existing massing patterns, rhythm, character, colour, and surrounding context; and,
- e) encouraging a harmonious and compatible approach to infilling by minimizing the impacts of shadowing and maximizing light to adjacent properties and the public realm.”

The development proposes to situate the building close to the front lot line while locating the surface parking behind the building and underground. Staff are supportive of this site layout as it will help animate the street through pedestrian activity while reducing the historical dominance of the automobile in this area (Policy B.3.3.2.6a)). The building’s height and location on the lot has minimized the impact of shadowing and maximized light to adjacent properties and the public realm, while accommodating a higher density of development envisioned by the UHOP (Policy B.3.3.2.6 e)). With respect to the surrounding area, staff note that the proposed development is complementing the existing massing patterns and style of the area, which consists of other mid rise buildings to the west (Policies B.3.3.2.6 c) and d)).

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.3.3.3.3 *New development* shall be massed to respect existing and planned street proportions.

B.3.3.3.4 *New development* shall define the street through consistent setbacks and building elevations. Design directions for setbacks

SUBJECT: Application to Amend the City of Stoney Creek Zoning By-law No. 3692-92 and the City of Hamilton Zoning By-law No. 6593 for Lands Located at 121 and 125 Highway No. 8, Stoney Creek (PED18180) (Ward 9) - Page 16 of 39

and heights are found in Chapter E – Urban Systems and Designations and in the Zoning By-law.

- 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;
 - b) including ample glazing on ground floors to create visibility to and from the public sidewalk;
 - 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; and,
 - e) using design techniques, such as building step-backs, to maximize sunlight to pedestrian areas.”

Transition

The subject land is located in an area that is characterized by commercial / office uses to the east, south and west, with low rise residential lots abutting the subject land to the north. With respect to the adjacent restaurant and commercial / office uses to the east and west, the multiple dwelling is proposed to be setback 4.0 m and 3.0 m from westerly and easterly side lot lines respectively. It is noted that the adjacent lots to the east and west are used for commercial purposes, while the minimum side yards proposed as part of this application would be in excess of the current “GC” zoning of the subject land which is 1.5 m. Further, the westerly property contains a two storey commercial / office building that is setback approximately 5.5 m from the common side lot line, while the easterly property contains a one storey restaurant that is set back approximately 6.4 m from the common side lot line. Also the current zoning of the adjacent lots allows for a maximum building height of 16.5 m (approximately 5 and a half storeys). As such, staff are of the opinion that the proposed building is providing for an adequate transition in scale relative to adjacent properties.

With respect to the low residential uses to the north and commercial uses to the south of the subject land, the applicant has submitted a 45 degree angular build to plane to the front and rear property lines. As previously noted, the proposed building is meeting the build to plane guidelines. As such, staff are of the opinion that the proposed building has been appropriately transitioned and provides adequate privacy relative to

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

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

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

SUBJECT: Application to Amend the City of Stoney Creek Zoning By-law No. 3692-92 and the City of Hamilton Zoning By-law No. 6593 for Lands Located at 121 and 125 Highway No. 8, Stoney Creek (PED18180) (Ward 9) - Page 17 of 39

the residential lots to the north. Further, staff are of the opinion that the proposed building has been massed to respect existing and planned street proportions along Highway No. 8.

Given all the above, staff are of the opinion that adequate transitions and privacy has been achieved (Policy B.3.3.2 a) and b)), while the development has been massed to respect the existing and planning street proportions along Highway No. 8 (Policy B.3.3.3).

Sun Shadow and Wind (Policy B.3.3.2 c))

As previously noted, the sun shadow impact images demonstrate that there are no adverse impacts being created on adjacent properties or the public realm.

With respect to wind conditions, on February 27, 2017 the applicant undertook a formal consultation with City staff to determine what reports / studies would need to be submitted in support of the proposed development. It was determined that a wind study was not required given that the proposal is for a mid rise building being 25 m in height and negative impacts associated with wind are not anticipated.

Pedestrian Environment

The proposed building is to be setback from the front lot line approximately 2.7 m, allowing for a landscaped strip between the building's façade and the front line (see Appendix "B" to Report PED18180), which will provide an enhanced landscape treatment and will be further reviewed at the Site Plan Control stage (Policy B.3.3.3.5 c). The proposed building has incorporated ample glazing on the ground floors and located the primary building entrance parallel and close to the street (Policy B.3.3.3.5 a) and b)), while locating surface parking to the rear of the building and in an underground parking garage (Policy B.3.3.3.5 d). It should be noted that step backs were not required given no sun shadow impacts were identified and compliance with the 45 degree angular build to plane is being achieved (Policy B.3.3.5 e)).

Integrated Transportation Network

"C.4.2.4. Transportation Demand Management measures shall be evaluated in all transportation related studies, master plans, environmental assessments, neighbourhood traffic management plans and new development plans including the degree to which it can help achieve transportation goals in accordance with Section C.4.1 – Policy Goals.

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

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

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

SUBJECT: Application to Amend the City of Stoney Creek Zoning By-law No. 3692-92 and the City of Hamilton Zoning By-law No. 6593 for Lands Located at 121 and 125 Highway No. 8, Stoney Creek (PED18180) (Ward 9) - Page 18 of 39

C.4.2.4.1 Transportation demand management measures may include:

- a) provision of active transportation features including secure bicycle storage facilities and pedestrian and cycling access to the road network;
- b) supporting transit through reduced parking standards for some land uses where appropriate and making provisions for car-sharing spaces through the site plan process where feasible and appropriate; and,
- c) other measures detailed in the Transportation Master Plan and described in Section F.3.1.8 of the Master Transportation Plan.

C4.2.11 The City shall encourage new *development* to be located and designed to minimize walking distances to existing or planned transit and facilitate the efficient movement of goods where feasible.”

The proposal provides Transportation Demand Management (TDM) measures such as well-lit short term visitor bicycle parking on site. The subject property is accessible to public transit (bus) services along Highway No. 8 with an eastbound bus stop located directly across the road and a westbound bus stop approximately 23 m (75.46 ft) west of the subject land. Transportation Planning Staff have reviewed the proposed TDM measures and require revisions as discussed in the Relevant Consultation section of this Report, which will be addressed at the Site Plan Control stage.

Housing

“B.3.2.1.6 Increase the mix and range of housing types, forms, tenures, densities, affordability levels, and housing with supports throughout the urban area of the City.

B.3.2.4.1 The development of a full range of housing forms, types, and densities shall be provided for and promoted throughout the City of Hamilton through residential intensification and new development. A full range of housing forms, types, and densities means the full spectrum of physical housing types including single detached dwellings, semi-detached dwellings, duplexes, townhouses of various types (street, block, stacked), apartments and other forms of multiple dwellings, and lodging houses, built at a range of densities.”

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

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

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

SUBJECT: Application to Amend the City of Stoney Creek Zoning By-law No. 3692-92 and the City of Hamilton Zoning By-law No. 6593 for Lands Located at 121 and 125 Highway No. 8, Stoney Creek (PED18180) (Ward 9) - Page 19 of 39

The proposed multiple dwelling development would provide a large supply of dwelling units at a higher density that offers urban living close to transit, employment and amenities, and contributes to a range of units, all of which are encouraged in the UHOP.

Environmental Site Conditions

- “B.3.6.1.2 Where there is potential for site contamination due to previous uses of a property and a more sensitive land use is proposed, a mandatory filing of a Record of Site Condition is triggered as outlined in provincial guidelines. The Record of Site Condition shall be submitted by the proponent to the City and the Province. The Record of Site Condition shall be to the satisfaction of the City.
- B.3.6.1.4 Where there is potential for site contamination due to a previous use or uses on lands subject to development or redevelopment proposals, and a mandatory filing of a Record of Site Condition is triggered, the City shall:
- a) withhold final approval of an application until acceptance of a Record of Site Condition. In the interim, conditional approval may be considered; or,
 - b) defer or establish conditions of approval for applications involving official plan amendments, zoning by-law amendments, plans of subdivision, and site plan approvals where a Record of Site Condition is necessary.”

The subject property is recognized as a potentially contaminated site due to the current use of the property for commercial purposes. As a result, the property is subject to environmental review to allow for the residential use. The applicant has undergone a Phase I and II Environmental Site Assessment.

The applicant has submitted their findings to the Ministry of Environment and Climate Change (MOECC), and have received the Notice of Acknowledgement letter confirming a Record of Site Condition (Number 222718). Further, the MOECC has not indicated any concerns with the approval of this application. As such, staff are of the opinion that the proposal complies with the Environmental Policies of the UHOP.

Noise Policies

- “B.3.6.3.7 A noise feasibility study, or detailed noise study, or both, shall be submitted as determined by the City prior to or at the time of application submission,

SUBJECT: Application to Amend the City of Stoney Creek Zoning By-law No. 3692-92 and the City of Hamilton Zoning By-law No. 6593 for Lands Located at 121 and 125 Highway No. 8, Stoney Creek (PED18180) (Ward 9) - Page 20 of 39

for development of residential or other noise sensitive land uses on lands in the following locations:

- b) 400 metres of a major arterial road, as identified on Schedule C – Functional Road Classification;
- c) 400 metres of a truck route.”

Staff note that the proposed development is located on a major arterial road (Highway No. 8) and therefore a noise assessment is required. The noise assessment is required to address both indoor noise levels for the arterial roads as well as noise levels on the top floor outdoor rooftop amenity area. It is noted that the proposal includes a 1.6 m parapet acoustical wall surrounding the rooftop amenity area, which will also serve as a screen to minimize overlook onto adjacent properties. In support of the proposal, a Noise Feasibility Study has been completed by HGC Engineering, dated November 9, 2017. Staff have reviewed the assessment and have no objection with the approval of the development as proposed. However, mitigation measures have been recommended to reduce the impact of noise, which will be implemented at the Site Plan Control stage.

Old Town Secondary Plan

The subject property is further designated “Mixed-Use Medium Density” on Map. B.7.2-1-Old Town – Land Use Plan. The following policies, amongst others, apply:

General Policies

“B.7.2.1.3 The following architectural and landscaping elements shall be encouraged:

- a) landscaped front yards;
- b) prevention of front yard parking;
- c) underground parking, screening; and,
- d) buffering of conflicting uses through overall building and landscaping articulation, fencing.”

As previously noted, the proposal is providing landscaping within the front yard, locating surface parking to the rear of the building and within one level of underground parking. Further, based on the building`s overall height and placement on the property, staff do not anticipate any conflicts with adjacent uses.

SUBJECT: Application to Amend the City of Stoney Creek Zoning By-law No. 3692-92 and the City of Hamilton Zoning By-law No. 6593 for Lands Located at 121 and 125 Highway No. 8, Stoney Creek (PED18180) (Ward 9) - Page 21 of 39

Land Use

“B.7.2.4.2 The following policies shall apply to lands designated Mixed Use – Medium Density on Map B.7.2-1– Old Town – Land Use Plan:

- a) Section E.4.6 – Mixed Use – Medium Density Designation shall apply to the lands designated Mixed Use - Medium Density on Map B.7.2-1 Old Town – Land Use Plan.
- c) Building heights should not generally exceed six stories in height.”

With respect to the above policies, staff note that the proposal has been evaluated against Policy E.4.6 of the UHOP, which also includes criteria for which an eight storey building is to be reviewed against. As noted earlier in this Report, staff are satisfied that the development complies with Policy E.4.6.

Urban Design

B.7.2.7.1 In addition to Section B.3.3 – Urban Design Policies of Volume 1, the following policies shall apply:

- a) The City shall encourage *redevelopment* which enhances and unifies the built form along Queenston Road. Streetscape and urban design improvements for this area shall include the following:
 - i) replacement of the existing asphalt pavement on boulevards with planted material, where appropriate;
 - ii) a street-tree planting program;
 - iii) unified building setbacks to maintain a consistent streetscape as well as a pedestrian-friendly environment; and,
 - iv) emphasis on shared entrances and parking facilities.

With respect to the above policies, the subject property is a redevelopment of an underutilized site that once contained a one storey commercial building (formerly Bowlerama bowling alley) and a two storey single detached dwelling. The redevelopment includes the replacement of landscaped plant material along the front yard where an asphalt parking area once existed. The proposed setback is not in unison with the setbacks of the adjacent buildings; however, in keeping with other

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

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

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

SUBJECT: Application to Amend the City of Stoney Creek Zoning By-law No. 3692-92 and the City of Hamilton Zoning By-law No. 6593 for Lands Located at 121 and 125 Highway No. 8, Stoney Creek (PED18180) (Ward 9) - Page 22 of 39

policies of the UHOP, the building has been sited close to the road to reinforce the pedestrian nature of the area and includes one driveway access.

Based on the foregoing, the proposal complies with the policies of the UHOP.

City of Stoney Creek Zoning By-law No. 3692-92 and City of Hamilton Zoning By-law No. 6593

The subject property is currently split zoned General Commercial “GC” Zone in Zoning By-law No. 3692-92 (southerly portion), shown as Block 2 on Appendix “A” to Report PED18180 and “H/S-1313” District (Community Shopping and Commercial, etc.) District, Modified in Zoning By-law No. 6593 (northerly portion), shown as Block 1 on Appendix “A” to Report PED18180.

The “GC” Zone permits a variety of commercial uses and limited residential uses (i.e. dwellings in conjunction with a permitted commercial). The “H/S-1313” District permits a variety of uses including a single detached dwelling, nursing home, day nursery and a variety of commercial uses.

In order to permit the multiple dwelling use on the subject land, an amendment to the City of Stoney Creek Zoning By-law No. 3692-92 is required to change the southerly portion of the property from General Commercial “GC” Zone to a site specific Multiple Residential “RM4” Zone. Further, an amendment is required to remove the northerly portion of the lands zoned “H/S-1313” (Community Shopping and Commercial, etc.) District, Modified from the City of Hamilton Zoning By-law No. 6593 and rezone the lands to a site specific Multiple Residential “RM4” Zone in the City of Stoney Creek Zoning By-law No. 3692-92 to provide a single consolidated site specific Zoning By-law applicable to the subject lands. In addition, site specific modifications are required to the “RM4” Zone to address minimum front and side yard setbacks, maximum density, maximum building height, maximum encroachments, minimum loading space length, definitions, minimum parking space size and number of parking spaces, minimum landscaping, and minimum tenant parking.

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

On November 8, 2017, the City of Hamilton approved By-law No. 17-240, being a By-law to establish new Commercial and Mixed Use Zoning in the City of Hamilton Zoning By-law No. 05-200. The subject lands were affected by the new zoning in that the property was rezoned to a Mixed Use – Medium Density (C5) Zone. Council’s approval of the Commercial and Mixed Use Zoning was appealed to the Local Planning Appeals Tribunal (LPAT) by a number of appellants. A hearing date and subsequent decision on the appeals have not occurred as of the writing of this Report. In anticipation of a

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

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

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

SUBJECT: Application to Amend the City of Stoney Creek Zoning By-law No. 3692-92 and the City of Hamilton Zoning By-law No. 6593 for Lands Located at 121 and 125 Highway No. 8, Stoney Creek (PED18180) (Ward 9) - Page 23 of 39

resolution to the Local Planning Appeals Tribunal appeals pertaining to the CMU Zones, a draft amending Zoning By-law to Zoning By-law No. 05-200 has been prepared for this property (see Appendix “F” to Report PED18180). In order for the proposal to proceed under the C5 Zone, site specific modifications are required to address dwelling unit floor elevation, front yard setback, building height, definitions, and setback, height of a building designed to provide access to a rooftop amenity area, and minimum width of landscape areas.

The draft by-law will be held in abeyance until the CMU Zones are in force and effect, as which time the by-law will be brought forward to City Council for enactment. The subject property is to be rezoned to a modified Mixed Use – Medium Density (C5, 687) Zone.

RELEVANT CONSULTATION

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

- Alectra Utilities (formerly Horizon Utilities Corporation);
- Environmental Services Division, Public Works Department;
- Light Rail Transit Office; and,
- Healthy and Safe Communities Department.

The following Departments and / or Agencies have provided comments on the application:

Forestry and Horticulture Section, Public Works Department have indicated no concerns with the subject application. Forestry advised some of the proposed trees within the municipal right-of-way will have to be shifted northerly to accommodate the existing transmission lines centred in the boulevard. Further, the applicant will be required to provide payment for cash-in-lieu of trees and provide a street tree payment. The above matters can be appropriately addressed as part of the Site Plan Control process.

Hamilton Conservation Authority staff have indicated that the applicant will need to ensure that the development will not negatively affect the function of the Stoney Creek watercourse. As a result, the following information is being requested of the applicant:

- 1) The capacity of the existing minor and major systems be investigated and target flows associated with the full range of storm events be maintained;

SUBJECT: Application to Amend the City of Stoney Creek Zoning By-law No. 3692-92 and the City of Hamilton Zoning By-law No. 6593 for Lands Located at 121 and 125 Highway No. 8, Stoney Creek (PED18180) (Ward 9) - Page 24 of 39

- 2) The Stormwater Management Report demonstrate that all runoff leaving the site meets the Normal (Level 2) quality control requirement; and,
- 3) At the Site Plan Control Application stage, a full set of engineering drawings, including a Site Grading Plan, a Site Servicing Plan, and an Erosion and Sediment Control Plan be submitted to HCA for review and approval.

The above matter can be appropriately addressed as part of the Site Plan Control Process.

Healthy Environments Division, Public Works Department staff have indicated that a Pest Control Plan will be required. This matter can be addressed as part of the Site Plan Control Process.

Corporate Services Department staff have has indicated that there is currently \$449.42 in outstanding taxes. This matter can be appropriately addressed as part of the Site Plan Control Process.

Transportation Planning Services, Public Works Department staff have requested that the applicant revise the Transportation Demand Management (TDM) initiatives report as it does not meet the objectives of the City. This matter can be addressed as part of a Site Plan Control Application. Further, Transportation Planning Services staff has indicated that there are questions regarding vehicle maneuverability internal to the site. This includes safe truck turning movements to / from the loading bay, ramp to underground parking adjacent to the loading area and surface parking, turning radii within the site, and wrong way vehicle movement to the drop off area. These matters can be addressed as part of the Site Plan Control Process.

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 160 property owners and tenants within 120 m of the subject property on December 11, 2017. A Public Notice sign was posted on the property on December 15, 2017 and updated on July 18, 2018 to reflect the Public Meeting date. Finally, Notice of the Public Meeting was circulated on July 27, 2018 in accordance with the requirements of the *Planning Act*.

To date, three pieces of correspondence were received respecting the proposed development (see Appendix "G" to Report PED18180). These items are further summarized in the Analysis and Rationale for Recommendations section of this Report.

Public Consultation Strategy

Pursuant to the City's Public Consultation Strategy Guidelines the applicant prepared a Public Consultation Strategy, which included an applicant held public information meeting at the Stoney Creek United Church on February 6, 2018. The applicant set up easels with various elevation, perspective and site plan drawings. Furthermore, the applicant's agent presented the application to members of the public and addressed questions and concerns associated with the proposal. A notice advising of the public information meeting was sent to all residents within 120 m of the subject land. A total of 18 people including City staff, the applicant and their agent attended the public information meeting.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - i) It is consistent with the PPS and conforms to the Growth Plan for the Greater Golden Horseshoe (2017);
 - ii) It complies with the policies of the UHOP; and,
 - iii) The development is compatible with the type and form of development in the surrounding neighbourhood.
2. The subject lands are partially located in both the City of Hamilton Zoning By-law No. 6593 and the City of Stoney Creek Zoning By-law No. 3692-92. The purpose and effect of this application is twofold.

Firstly, to remove the northerly portion of the subject lands from the City of Hamilton Zoning By-law No. 6593 and to add the said portion of the subject lands to the City of Stoney Creek Zoning By-law No. 3692-92. Secondly, to amend the City of Stoney Creek Zoning By-law No. 3692-92 for the entirety of the property to a site specific "RM4" Zone to permit the development of an eight storey multiple dwelling for 139 dwelling units and associated parking as proposed. Placing the lands in one zone will streamline the administrative zoning review of the subject lands for the future site plan and draft plan of condominium application and any subsequent zoning by-law review.

City of Hamilton Zoning By-law No. 6593

A portion of the subject lands are presently zoned "H/S-1313" (Community Shopping and Commercial, etc.) District, Modified in City of Hamilton Zoning By-

SUBJECT: Application to Amend the City of Stoney Creek Zoning By-law No. 3692-92 and the City of Hamilton Zoning By-law No. 6593 for Lands Located at 121 and 125 Highway No. 8, Stoney Creek (PED18180) (Ward 9) - Page 26 of 39

law No. 6593 (see to Appendix “A” to Report PED18180). In the “H” District, permitted residential uses include a lodging house, a single family dwelling, a residential care facility and a corrections residence. As this District does not permit multiple dwellings, an amendment to this District is required. Furthermore, as the subject site is located within two Zoning By-laws, it is not practical nor appropriate to apply the provisions of both Zoning By-laws to the proposed development. As a larger portion of the site is located within the City of Stoney Creek Zoning By-law No. 3692-92, staff recommend that the City of Stoney Creek Zoning By-law apply to the entirety of the site for the purpose of by-law implementation and interpretation. As such, the northerly portion of the subject lands located within the City of Hamilton Zoning By-law No. 6593 are to be removed and added to the City of Stoney Creek Zoning By-law No. 3692-92, and thus the entire site will be rezoned to a site specific Multiple Dwelling “RM4-10” with site specific modifications, as detailed below (see Appendix “B” to Report PED18180).

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

A portion of the subject lands are presently zoned General Commercial “GC” Zone in the City of Stoney Creek Zoning By-law No. 3692-92 (see to Appendix “A” to Report PED18180). A multiple dwelling is not permitted in this Zone. As a result of the above, an amendment to the Zoning By-law is required to change the zoning from the General Commercial “GC” zone to a site specific Multiple Residential “RM4” Zone to permit a multiple dwelling on the property (see Appendix “E” to Report PED18180). Modifications to the Multiple Residential “RM4” Zone are required as follows:

- An amendment to the definition of amenity area to include communal lounges;
- The exclusion of furniture storage area and elevator vestibule within a mechanical garage from the calculation of height;
- The minimum parking space size and number of required parking spaces;
- A reduced loading space length to 9 m;
- A reduced setback of a parking space to a lot line to 1.5 m;
- A minimum front yard of 2.5 m;
- A minimum westerly side yard of 3.7 m and an easterly side yard of 2.7 m;

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

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

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

SUBJECT: Application to Amend the City of Stoney Creek Zoning By-law No. 3692-92 and the City of Hamilton Zoning By-law No. 6593 for Lands Located at 121 and 125 Highway No. 8, Stoney Creek (PED18180) (Ward 9) - Page 27 of 39

- A maximum residential density of 220 dwelling units per hectare;
- A minimum landscaped strip width of 2.5 m adjacent to every portion of any lot that abuts a street;
- A maximum projection of balconies and canopies into a required side yard of 1 m; and,
- A minimum of 45% of the required tenant parking shall be underground and / or within the multiple dwelling.
- Requiring that any at grade residential units have a principal entrance facing the street and be accessible from the building façade with direct access to the street.

Amending Definition of Amenity Area

A modification to the definition of amenity area is required to include communal lounges. The intent of this definition is to delineate what areas of a property and / or building would be considered in the calculation of amenity area.

The proposed multiple dwelling contains areas on the first floor which would be considered as communal lounge space. Staff are of the opinion that these areas serve as amenity area for the occupants of the multiple dwelling. Further, staff note that the City of Hamilton Zoning By-law No. 05-200, which the site will later be amended to, contains a definition of amenity area which includes communal lounges.

Given the above, the proposed modification has merit and can be supported by staff.

Amending Definition of Height – Building

A modification to the definition of Height – Building is required to exclude furniture storage area and elevator vestibule from the calculation of height for the building. The intent of this definition is to delineate what areas of a building would be considered in the calculation of building height.

The proposed multiple dwelling contains a rooftop outdoor amenity area (see Appendix “F” to Report PED18180). In order to access the rooftop area, there is an elevator and two staircases that provide access. Further, the applicant is proposing a common vestibule to provide access to and between the elevators

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

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

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

SUBJECT: Application to Amend the City of Stoney Creek Zoning By-law No. 3692-92 and the City of Hamilton Zoning By-law No. 6593 for Lands Located at 121 and 125 Highway No. 8, Stoney Creek (PED18180) (Ward 9) - Page 28 of 39

and the mechanical penthouse. Both the elevator bulkhead and staircase towers are exempt from the calculation of building height under Zoning By-law No. 3692-92, whereas the vestibule connected to and providing access to the elevator and mechanical penthouse is not exempted. As a result, relief is required.

Further, a mechanical penthouse is proposed on top of the roof. Within the mechanical penthouse, the applicants are proposing a furniture storage area. This area is intended to house the outdoor furniture for the roof top amenity area during periods of inclement weather or when not in use. The mechanical penthouse is excluded from the calculation of building height, whereas the furniture storage is considered as residential gross floor area. As a result, relief is required.

Staff are of the opinion that the above areas of relief are minor in nature and will be negligible provided they are connected to and forming part of the same structure as the elevator bulkhead and mechanical penthouse as proposed.

Given the above, the proposed modification has merit and can be supported by staff.

Minimum Parking Space Size

A modification is required to permit a parking space size of 3.0 m by 5.8 m whereas 2.7 m by 5.8 m is required.

A minimum parking size of 2.75 m by 5.8 m is required in Zoning By-law No. 3692-92, whereas the minimum parking space size in the approved but not in effect CMU zoning is 3.0 m by 5.8 m. Further, the CMU zoning allows up to 10% of required parking spaces to be 2.6 m by 5.5 m provided the said parking spaces are clearly identified as being reserved for small cars only. It should be noted that the proposed concept and underground parking plans are illustrating the provision of 13 small car parking spaces and 164 regular parking spaces. Given that staff have recommended that properties located in the approved CMU zoning be subject to the above minimum parking space size requirements proactively, staff have no objection to the applicant's request.

Minimum Number of Parking Spaces

The Multiple Residential "RM4" Zone of Zoning By-law No. 3692-92 requires that parking be provided at a rate of 1.25 parking spaces for each bachelor and one bedroom dwelling unit; 1.5 parking spaces for each two bedroom dwelling unit, and 1.75 parking spaces for each three or more bedroom dwelling unit. Further, visitor parking is to be provided at a rate of 0.35 parking spaces per dwelling unit. The

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

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

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

SUBJECT: Application to Amend the City of Stoney Creek Zoning By-law No. 3692-92 and the City of Hamilton Zoning By-law No. 6593 for Lands Located at 121 and 125 Highway No. 8, Stoney Creek (PED18180) (Ward 9) - Page 29 of 39

applicant has indicated that there are potential issues with providing parking on the above basis given that the exact size (i.e. number of bedrooms in each dwelling unit) of each dwelling has not been solidified and may change according to market conditions. Further, the applicants wish to provide parking pursuant to the approved CMU zoning, which provides both minimum and maximum parking spaces as follows:

Dwelling Units	Minimum Number of Parking Spaces	Maximum Number of Parking Spaces
1-14	0.7 per unit	1.25 per unit
15-50	0.85 per unit	1.25 per unit
51+	1 per unit	1.25 per unit

Based on the above provision, the current proposal would require a minimum of 129.4 (rounded to 129) parking spaces and a maximum of 174 parking spaces, whereas the current proposal is providing 177 (91 surface and 86 underground) parking spaces. As a result, the applicant will be required to reduce the number of parking spaces by 3 spaces to achieve the maximum of 174 parking spaces.

With respect to visitor parking, it should be noted that Zoning By-law No. 05-200 does not require the provision of visitor parking spaces. Notwithstanding, given that the applicant has identified 14 visitor parking spaces that will be allocated from the total number of parking spaces, staff will ensure that said spaces are identified as part of a future Site Plan Application.

In consideration that the applicant is seeking to match the parking requirements of the CMU Zoning which was recommended by staff and approved by Council, staff have no objection to this request and the modification can be supported.

Minimum Loading Space Length

A modification is required to reduce the minimum loading space length to 9.0 m whereas a minimum length of 10.0 m is required. The intent of this provision is to ensure that a loading space is adequately sized to accommodate the loading and unloading needs of the property.

The multiple dwelling is currently proposed to accommodate dwelling units that are one and two bedrooms in size. Given that the dwelling units will be ranging in sizes of 51.18 sq m (551 sq ft) to 93.07 sq m (1,002 sq ft), staff anticipate that owners / tenants of the building will require modest sized moving trucks for loading and unloading purposes. Further, aside from an 18 wheeler truck and trailer, staff note

SUBJECT: Application to Amend the City of Stoney Creek Zoning By-law No. 3692-92 and the City of Hamilton Zoning By-law No. 6593 for Lands Located at 121 and 125 Highway No. 8, Stoney Creek (PED18180) (Ward 9) - Page 30 of 39

that the largest truck that is typically used for moving is appropriately 7.9 m in length. Given the above, staff are supportive of this modification.

Minimum Setback of a Parking Space to a Lot Line

A modification is required to reduce the minimum setback of a parking space to a lot line to 1.5 m, whereas a minimum setback of 3.0 m is required. The intent of this provision is to ensure that parking spaces are setback adequately from lot lines for buffering purposes.

As shown on the submitted concept plan, the applicant will be providing landscaping around the perimeter of the parking area in the form of landscape strips ranging in width from 1.5 m to 5.6 m. However, in order to account for the minimum setback relating to the parking spaces along the westerly side lot line, a minimum of 1.5 m is being requested. Staff are of the opinion that adequate landscaping along the easterly and westerly side lot lines can be accommodated in a 1.5 m planting strip. As a result, staff are supportive of this modification.

Minimum Front Yard Setback

A modification is required to reduce the front yard setback from 10.72 m to 2.5 m. Further, this modification also seeks to ensure that increased yard requirements shall not apply. In accordance with the City of Stoney Creek Zoning By-law No. 3692-92, the front yard setback in the "RM4" Zone is 7.5 m; however, front yard setbacks shall be increased by 1 m for each 3 m or part thereof by which the building exceeds a height of 15 m. As a result, given the height of the building, the front yard setback requirement increases to 10.72 m. The intent of this provision is to minimize the physical impact of structures and ensure a consistent streetscape along the road allowance. Further, the intent of a front yard setback is to provide adequate space for landscaping. The concept plan provided indicates that the proposed building will be setback 2.7 m from the front lot line, but the applicant has requested a level of flexibility to account for any onsite errors at the time of building construction.

The proposal is in keeping with UHOP policies which promote locating principal façades and primary building entrances parallel to and as close to the street as possible, while providing surface parking to the rear of the properties and / or in underground parking garages. Staff note that as part of the application, City staff have requested a 3.05 m road widening from the subject property. This road widening has put additional constraints on the property's ability to meet the minimum front yard setback of the RM4 Zone.

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

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

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

SUBJECT: Application to Amend the City of Stoney Creek Zoning By-law No. 3692-92 and the City of Hamilton Zoning By-law No. 6593 for Lands Located at 121 and 125 Highway No. 8, Stoney Creek (PED18180) (Ward 9) - Page 31 of 39

Given the above, the proposed modification has merit and can be supported by staff.

Minimum Side Yard Setback

The modification is to reduce the minimum side yard from 10.72 m to 3.7 m along the westerly side lot line and 2.7 m along the easterly side lot line. Further, this modification also seeks to ensure that increased yard requirements shall not apply. In accordance with the City of Stoney Creek Zoning By-law 3692-92, the side yard setback in the "RM4" Zone is 7.5 m; however, side yard setbacks shall be increased by 1 m for each 3 m or part thereof by which the building exceeds a height of 15 m. As a result, given the height of the building, the side yard setback requirement increases to 10.72 m. The intent of this provision is to minimize the physical impact of structures on adjacent properties and to provide adequate space for access, drainage, and privacy.

The concept plan provided indicates that the proposed building will be setback 4 m from the westerly side lot line and 3 m from the easterly side lot line, but the applicant has requested a level of flexibility to account for any onsite errors at the time of building construction.

Also, staff note that the properties adjacent to the subject land to the east and west are commercial uses. The proposed multiple dwelling is cantilevered over the driveway which provides access to the rear parking area. Staff note that Development Engineering staff have not indicated any concerns with the proposal from a drainage perspective. Staff have no concerns with the proposal from a privacy or transition in built form perspective.

Given the above, the proposed modification has merit and can be supported by staff.

Maximum Residential Density

A modification is required to increase the maximum residential density to 220 dwelling units per hectare, whereas a maximum density of 100 dwelling units per hectare is permitted in the Multiple Residential "RM4" Zone. The intent of this provision is to ensure that lands are not overdeveloped and can appropriately accommodate parking and amenity areas while not pose an adverse impact on adjacent properties. Based on the drawings submitted, it should be noted that the proposed density of development is for 207.46 units per hectare. However, to allow a level of flexibility in unit type / size once the development proposal goes to market, the applicant has requested 220 dwelling units per hectare.

SUBJECT: Application to Amend the City of Stoney Creek Zoning By-law No. 3692-92 and the City of Hamilton Zoning By-law No. 6593 for Lands Located at 121 and 125 Highway No. 8, Stoney Creek (PED18180) (Ward 9) - Page 32 of 39

In order to provide adequate parking spaces for the occupants of the multiple dwelling, the applicant is proposing one level of underground parking which is alleviating land requirements and allowing for greater intensification of the property. As a result, adequate parking spaces are being provided for the property. With respect to outdoor amenity area, as shown on Appendix "E" to Report PED18180, each dwelling unit will be provided with an outdoor balcony. Further, a 1,000 sq m rooftop amenity area is being provided for the occupants of the building. As a result, staff are of the opinion that adequate amenity area is being provided. Lastly, the UHOP contains policies which speak to the intensification of underutilized properties, particularly where public transportation exists. This is one such site that is currently underutilized, can accommodate increased density, and contains bus services along Highway 8. Further, the UHOP provides that for the Mixed-use Medium Density designation, the density shall depend on the area and shall be established in the implementing zoning by-law.

Given the above, the proposed modification has merit and can be supported by staff.

Minimum Landscaped Strip

A modification is requested to permit a minimum landscaped strip of 2.5 m abutting a street, whereas a minimum landscaped strip of 4.5 m is required. The intent of the above provision is to ensure that there is an adequate balance between built form, hard surface and open space areas on a property. Further the provision is intended to ensure that the front yards provide adequate plantings along the streetline.

In support of the proposal, the applicant has provided a landscape plan which illustrates landscaping along the front yard abutting Highway No. 8. While this will be further reviewed at the Site Plan Control stage, staff are of the opinion that an adequate landscape strip will be provided to accommodate landscaping along the front yard abutting a street.

Minimum Landscaped Area

A modification is requested to permit a minimum landscaped area of 25% of the lot area, whereas a minimum landscaped area of 50% of the lot area is required. Further, the applicant has requested that the requirement for 25% of the landscaped area to be in one area which is not in the front yard not apply. The intent of the above provisions is to ensure that there is an adequate balance between built form, hard surface and open space areas on a property.

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

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

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

SUBJECT: Application to Amend the City of Stoney Creek Zoning By-law No. 3692-92 and the City of Hamilton Zoning By-law No. 6593 for Lands Located at 121 and 125 Highway No. 8, Stoney Creek (PED18180) (Ward 9) - Page 33 of 39

In support of the proposal, the applicant has provided a landscape plan which illustrates that 26% of the lot area will be landscaping which includes planting strips around the perimeter of the property and landscaped areas / islands within the surface parking area. It should be noted that the proposed building will be providing a rooftop outdoor amenity area. While this is not considered landscaped area, it does form part of the open space area for the occupants of the multiple dwelling. Staff are of the opinion that an adequate landscaping is provided throughout the site.

Maximum Projection of Balconies and Canopies into a Required Side Yard

This modification proposes to permit a maximum projection of balconies and canopies into a required side yard a maximum of 1.0 m. Under Zoning By-law No. 3692-92, there is not a provision which addresses maximum projections of balconies and canopies into a required side yard.

Staff are of the opinion that this request is minor in nature and will not pose any adverse impact on adjacent properties given that the adjacent properties to the east and west are used for commercial purposes, while a rear yard setback of 57.9 m is being provided to the single detached dwellings to the north. As such, this modification has merit and can be supported by staff.

Minimum Percentage of Tenant Parking Underground

A modification if required to permit a minimum of 45% of the required tenant parking underground and / or within the multiple dwelling, whereas a minimum of 60% is required. The intent of this provision is to ensure that surface parking spaces are minimized and do not occupy the balance of the property nor be located primarily in the front yard.

Staff note that the proposed surface parking area has been located to the rear of the subject property, in behind the building, which reduces the impact of surface parking from a visual perspective along the streetscape. Staff consider the requested relief to be minor.

Given the above, the proposed modification has merit and can be supported by staff.

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

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

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

At grade residential units

A modification is required to implement that at grade residential units shall have a principle entrance facing the street and be accessible from the building façade with direct access to the street.

The intent of this provision is to ensure that the at grade residential units provide for an attractive façade and contribute to the public realm along Highway No. 8. This requirement will ensure that the grade related residential uses proposed in this development activate the street and contribute to a comfortable pedestrian environment, as required in the UHOP. As such, the proposed modification has merit and can be supported.

3. Commercial and Mixed Use Zoning (City of Hamilton Zoning By-law No. 05-200)

As previously noted, on November 8, 2017, the City of Hamilton approved new Commercial and Mixed Use Zoning in the City of Hamilton Zoning By-law No. 05-200. The subject land was affected by the new zoning in that the property was rezoned to a Mixed Use – Medium Density (C5) Zone. Council's approval of the Commercial and Mixed Use Zoning was appealed to the Local Planning Appeals Tribunal by a number of appellants. A hearing date and subsequent decision on the appeals have not occurred as of the writing of this Report. In anticipation of a resolution to the appeals pertaining to the CMU Zoning, a draft amending Zoning By-law to Zoning By-law No. 05-200 has been prepared for this property (attached as Appendix "D" to Report PED18180). In order for the proposal to proceed under the (C5) Zone, site specific modifications are required to the (C5) Zone, as follows:

Maximum Building Height

Under the proposed (C5) Zone, a maximum building height of 22 m would be permitted, whereas the height of the proposed building is approximately 24.66 m. Relief from the height provisions is required to permit an eight storey building on the subject lands.

The intent of this provision is to minimize the impact of the building with respect to sun shadowing, overlook and ensure an appropriate scale for the area is achieved. The UHOP policies permit a maximum height of six, or eight storeys provided that the height of the building is appropriate for the site and adjacent area and do not propose any adverse impacts with respect to sun shadow and overlook. As previously discussed, staff have no objection with the eight storey building height proposed as no adverse impacts will be created. The 22 m building height reflects a six storey building, whereas an eight storey building requires additional height to

SUBJECT: Application to Amend the City of Stoney Creek Zoning By-law No. 3692-92 and the City of Hamilton Zoning By-law No. 6593 for Lands Located at 121 and 125 Highway No. 8, Stoney Creek (PED18180) (Ward 9) - Page 35 of 39

a maximum of 29 m. The proposed modification to the (C5) Zone to permit a maximum building height of 26 m is appropriate for an eight storey building. Given all the above, the proposed modification has merit and can be supported by staff.

Amending Definition of Building Height

A modification to the definition of Building Height is required to exclude furniture storage area and elevator vestibule from the calculation of height for the building. The intent of this definition is to delineate what areas of a building would be considered in the calculation of building height.

As previously mentioned, the proposed multiple dwelling contains a rooftop outdoor amenity area (see Appendix “F” to Report PED18180). In order to access the rooftop area, there is an elevator and two staircases that provide access. Further, the applicant is proposing a common vestibule to provide access to and between the elevators and the mechanical penthouse. Under Zoning By-law No. 05-200, both the elevator bulkhead and staircase towers are permitted to be 3 m in vertical distance above the uppermost point of the building, whereas the vestibule connected to and providing access to the elevator and mechanical penthouse would not be considered in the calculation of building height. As a result, relief is required.

Further, a mechanical penthouse is proposed on top of the roof. Within the mechanical penthouse, the applicants are proposing a furniture storage area. This area is intended to house the outdoor furniture for the roof top amenity area during periods of inclement weather or when not in use. The mechanical penthouse is excluded from the calculation of building height, whereas the furniture storage is considered as residential gross floor area. As a result, relief is required.

Staff are of the opinion that the above areas of relief are minor in nature provided they are connected to and forming part of the same structure as the elevator bulkhead and mechanical penthouse as proposed. The intent of the By-law definition of building height will be maintained and for the purposes of this By-law can be amended to accommodate design considerations specific to this proposal. Given the above, the proposed modification has merit and can be supported by staff.

Finished Floor Elevation of any Dwelling Unit

In accordance with the provisions of the (C5) Zone, the finished floor elevation of any dwelling unit shall be a minimum of 0.9 m above grade, whereas the finished floor elevation of the dwelling units on the first floor of the multiple dwelling will be

SUBJECT: Application to Amend the City of Stoney Creek Zoning By-law No. 3692-92 and the City of Hamilton Zoning By-law No. 6593 for Lands Located at 121 and 125 Highway No. 8, Stoney Creek (PED18180) (Ward 9) - Page 36 of 39

0.0 m above grade. The intent of this provision is to reduce the impact of activity and vehicles along the streetline and on the proposed dwelling units. The applicant has explained that the proposed building will be generally geared to the elderly population and would like to provide access to the building at grade without the need for a ramp along the frontage of the property. As such, relief from this provision is required. Staff note that the area between the building and the streetline will be landscaped, and staff can ensure that appropriate types of trees can be implemented at the Site Plan Control stage to help minimize the impact of light spray from vehicles along the streetline. Further, the mitigation measures relating to noise can also be provided as part of the Site Plan Control stage. As a result, staff support this modification.

Staff are concerned that removing the requirement for an elevated finished floor will encourage the orientation of residential unit entrances to the rear of the lot to address privacy and noise concerns. In order to ensure that the final building design contributes to the pedestrian realm and meets the design requirements of the Mixed Use – Medium Density designation of the UHOP, staff recommend a requirement be added to the Zoning By-law that any at grade residential units have a principal entrance facing the street and be accessible from the building façade with direct access to the street. This requirement will ensure that the grade related residential uses proposed in this development activate the street and contribute to a comfortable pedestrian environment, as required in the UHOP.

Minimum Building Setback from a Street Line

In accordance with the provisions of the (C5) Zone, a minimum setback of 3.0 m is required for a building with residential units on the ground floor facing a street, whereas a minimum setback of 2.7 m is provided. As previously noted, the concept plan provided indicates that the proposed building will be setback 2.7 m from the front lot line, but the applicant has requested a level of flexibility to account for any onsite errors at the time of building construction. This modification is required to accommodate an architectural feature at the northwest corner of the proposed building. The intent of this provision is to minimize the impact of vehicles on residential dwellings on the ground floor.

As noted above, the area between the building and the streetline will be landscaped, and staff can ensure that appropriate types of trees and other plantings can be implemented to help minimize the impact of light spray from vehicles along the streetline. Further, the mitigation measures relating to noise can also be provided as part of the Site Plan Control stage. As a result, staff support this modification.

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

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

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

Minimum Landscaped Areas

In accordance with the provisions of the (C5) zone, landscaped areas or landscaped parking islands shall have a minimum width of 2.8 m and a minimum area of 10 sq m, whereas there are landscape areas within the parking area that do not comply with the 2.8 m width requirement. These areas include a landscape strip along the westerly side lot line, a portion of the landscape strip along the easterly side lot line where the 'hammer head' is located, and areas around the underground parking ramp and stairs leading to the underground parking garage (see Appendix "E" of Report PED18180). The intent of the above provision is to ensure that there is an adequate balance between hard surface and open space areas on a parking area. It should be noted that the landscape areas in the parking area vary in width from 1.1 m to 7.5 m, while the proposed parking islands within the parking area are complying with the above provision. Further, staff note that the proposal is exceeding the minimum landscape area requirement of 10% for landscaped areas and landscaped parking islands. Given the above, staff are of the opinion that the areas having a reduced width is minor and appropriate landscaping has been provided within and around the parking area. The amending Zoning By-law has included a reduced rate of 1.1 m to account for the smallest landscaped area.

4. The Growth Management Division has requested updates to the Functional Servicing and Stormwater Management Report and Grading Plan. Further, a hydrogeology / geotechnical report is being requested respecting the proposed underground parking garage. The above matters can be addressed as part of a Site Plan Control Application.
5. Following the Notice of Complete Application, staff received three letters of correspondence (see Appendix "G" of Report PED18180). The letters of correspondence identified areas of concern. The following is a summary of the concerns identified in the correspondence.

Sun Shadow Impacts

A concerned was raised with respect to the sun shadow impacts associated with the proposed multiple dwelling on the adjacent residential dwellings to the north of the subject land. As previously noted, the applicant has provided sun shadow images. Given the height and location of the multiple dwelling on the property, with the exception of December 21st for short periods of time when the sun is at its lowest point of the year, the proposal will not have any sun shadow impacts on the adjacent residential properties to the north. As a result, staff are of the opinion that

SUBJECT: Application to Amend the City of Stoney Creek Zoning By-law No. 3692-92 and the City of Hamilton Zoning By-law No. 6593 for Lands Located at 121 and 125 Highway No. 8, Stoney Creek (PED18180) (Ward 9) - Page 38 of 39

the proposal does not pose a concern with respect to sun shadowing on the adjacent residential lands.

Reduction in Property Value

A concern was raised with respect to the proposal causing a negative impact on property values of existing properties in the area. Staff are not aware of any supporting information or any empirical data with respect to property devaluation that would substantiate this concern.

Safety

A concern was raised with respect to the presence of the multiple dwelling causing safety concerns with the adjacent residential dwellings to the north. Staff are not aware of any supporting information or any empirical data to support this concern.

Traffic

A concern was raised with respect to the impact of traffic associated with the approval of the proposal. It is noted that a Traffic Impact Study (TIS) was submitted in support of the proposal. The TIS has been reviewed by the City's Transportation Planning staff and no concerns were identified with respect to traffic.

Privacy

A concern was raised with respect to privacy on the adjacent residential dwellings to the north. As previously discussed in this Report, the proposed building is meeting the 45 degree angular build to plane to the rear property lot, while the building is also set back 57.9 m from the rear lot line. As such, staff do not anticipate any adverse impacts with respect to privacy and overlook on the adjacent residential dwellings to the north.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Zoning By-law Amendment application be denied, the subject property could be utilized in accordance with the range of uses and provisions of the General Commercial "GC" Zone and "H/S-1313" (Community Shopping and Commercial, etc.) District, Modified.

SUBJECT: Application to Amend the City of Stoney Creek Zoning By-law No. 3692-92 and the City of Hamilton Zoning By-law No. 6593 for Lands Located at 121 and 125 Highway No. 8, Stoney Creek (PED18180) (Ward 9) - Page 39 of 39

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation

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

Economic Prosperity and Growth

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

Healthy and Safe Communities

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

Clean and Green

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

Built Environment and Infrastructure

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

Culture and Diversity

Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

Our People and Performance

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” – Location Map

Appendix “B” – Zoning By-law No. 6593 Amendment

Appendix “C” – Zoning By-law No. 3692-92 Amendment

Appendix “D” – Zoning By-law No 05-200 Amendment

Appendix “E” – Concept Plan

Appendix “F” – Elevation and Floor Plan Drawings

Appendix “G” – Correspondence From Public

AL:mo

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

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

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