



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	January 15, 2019
<b>SUBJECT/REPORT NO:</b>	Application for Amendment to the City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 560 Grays Road (Hamilton and Stoney Creek) (PED19001) (Ward 10)
<b>WARD(S) AFFECTED:</b>	Ward 10
<b>PREPARED BY:</b>	Jennifer Roth (905) 546-2424 Ext. 2058
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That **Zoning By-law Amendment Application ZAC-18-017, by Silvestri Homes, (Owner)** to further amend the Multiple Residential “RM3-58” Zone to permit the development of a six storey multiple dwelling containing 151 dwelling units on the lands known as 560 Grays Road (Hamilton and Stoney Creek), as shown on Appendix “A” to Report PED19001, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED19001, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017), and complies with the Urban Hamilton Official Plan;
- (b) That upon the finalization of the amending By-law, the subject lands be re-designated from “Medium Density Residential” to “High Density Residential” in the Lakeshore Neighbourhood Plan.

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- (c) That in accordance with the City of Hamilton Financial Policies, that there will be no City share for the costs associated with the stormwater management infrastructure upgrades associated with this development.

## **EXECUTIVE SUMMARY**

The purpose of the Application is for a further modification to the Multiple Residential “RM3-58” Zone to permit the development of a six storey multiple dwelling consisting of 151 dwelling units, 191 underground parking spaces and 58 surface parking spaces. An increase in the maximum building height and density are proposed to facilitate the development. The owner is required to receive approval for the storm sewer outfall alignment and the detailed design at the Site Plan Control stage.

The proposal has merit and can be supported as it is consistent with the Provincial Policy Statement (PPS 2014), conforms to the Growth Plan for the Greater Golden Horseshoe (Growth Plan), and complies with the Urban Hamilton Official Plan (UHOP). The proposal is considered to be compatible with existing and planned development in the area and represents good planning by providing a compact and efficient urban form.

### ***Alternatives for Consideration – See Page 21***

## **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 lands are bounded by Grays Road to the west, Frances Avenue to the north, Drakes Drive to the east, and North Service Road to the south (see Appendix “A” to Report PED19001). The subject site is presently vacant.

### **Previous Applications**

The site was subject to an Official Plan Amendment Application (OPA-12-010) and Zoning By-law Amendment Application (ZAC-12-027) in 2012 for the purpose of

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developing 36 townhouse units on a private condominium road. Site servicing concerns were identified at that time with the determination that the proposed servicing strategy had not demonstrated adequate sustainable services for the number of proposed units. An appeal was filed to the Ontario Municipal Board with respect to the Official Plan Amendment Application and Zoning By-law Amendment Application for failure of Council to make a decision on the Applications in accordance with the applicable provisions of the *Planning Act*. It was subsequently established through further analysis and discussion that site servicing for the proposed development could be appropriately addressed. The appeal was withdrawn and a revised development proposal with a new Zoning By-law Amendment Application was submitted in December, 2015, being Application ZAC-16-008 and subsequently By-law 16-227 was passed by Council on August 12, 2016.

By-law 16-227 added the portion of the subject lands zoned "AA" (Agricultural) District located within the City of Hamilton Zoning By-law No. 6593 to the City of Stoney Creek Zoning By-law No. 3692-92 and zoned said lands Multiple Residential "RM3-58" Zone, Modified. By-law 16-227 further changed the zoning on the remainder of the subject lands in the City of Stoney Creek Zoning By-law No. 3692-92 from the Highway Commercial (Holding) "HC(H)" Zone to the Multiple Residential "RM3-58" Zone, Modified, to permit the development of a four storey multiple dwelling containing 106 dwelling units. The Lakewood Community Council appealed the decision to the Ontario Municipal Board, now the Local Planning Appeal Tribunal (LPAT), but the appeal was subsequently withdrawn.

### Current Application

The applicant has applied for a Zoning By-law Amendment to further modify the Medium Density Residential "RM3-58" Zone to permit the development of a six storey multiple dwelling with a L-shaped orientation, adjacent to Grays Road and North Service Road that terminates with a four storey portion adjacent to Frances Drive and the existing residential development to the north. A total of 151 dwelling units with 191 underground and 58 surface parking spaces are proposed. The proposal consists of a combination of unit types including:

- 5 studio suites;
- 44 one bedroom suites;
- 69 one bedroom plus den suites;
- 22 two bedroom suites; and,
- 10 two bedroom plus den suites.

A separation distance of greater than 70.0 m has been provided between the six storey portion of the building, adjacent to North Service Road, and the residential development to the north, while the four storey portion maintains a 12.5 m setback to Frances Drive.

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Landscaped areas are provided on all sides of the building, including immediately adjacent to the residential development to the north and to screen the surface parking. A 14 m setback is provided adjacent to North Service Road to comply with Ministry of Transportation requirements. Access to the proposed development will be via Drakes Drive, as identified on the proposed concept plan attached as Appendix “B” to Report PED19001.

- January 18, 2018: Zoning By-law Amendment Application ZAC-18-017 by IBI Group, on Behalf of Silvestri Homes submitted.
- January 28, 2018: Zoning By-law Amendment Application ZAC-18-017 deemed complete.
- January 29, 2018: Circulation of Notice of Complete Application and Preliminary Circulation for Application ZAC-18-017 to 61 property owners within 120 m of the subject lands.
- March 21, 2018: Public Notice Sign erected on the subject property.
- April 19, 2018: Community Meeting.
- December 11, 2018: Public Notice Sign updated with Public Meeting Information.
- December 20, 2018: Circulation of the Notice of Public Meeting to 61 property owners within 120 m of the subject lands.

**Details of Submitted Application:**

**Location:** 560 Grays Road (see Appendix “A” to Report PED19001)

**Owner/Applicant:** Silvestri Homes

**Agent:** IBI Group (c/o John Ariens)

**Property Description:** Lot Frontage: ± 69 m (Frances Avenue)

Lot Depth: 117.90 m

Lot Area: ± 1.07 ha (Irregular)

**EXISTING LAND USE AND ZONING:**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b><u>Subject Lands:</u></b>	Vacant	Medium Density Residential “RM3-58” Zone, Modified
<b><u>Surrounding Land Uses:</u></b>		
North	Single Detached Residential	“C” (Urban Protected Residential, etc.) District and Single Residential “R4” Zone
South	Queen Elizabeth Way and Business Park on the south side of the highway	Prestige Business Park (M3, 361) Zone
East	Vacant Lands	General Commercial “GC-33” Zone, Modified and Community Commercial (C3) Zone
West	Parkland (Confederation Park)	City Wide Park (P3) Zone

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Provincial Planning Policy Framework**

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

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Municipal Board (OMB), now known as the Local Planning Appeals Tribunal (LPAT), approval of the City of Hamilton Official Plans, 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 (e.g. efficiency of land use, balanced growth, environmental protection and sensitive land uses) are reviewed and discussed in the Official Plan analysis that follows.

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Staff note that the current Cultural Heritage policies of the UHOP have not yet been updated in accordance with the PPS 2014. As such, the following policy of the PPS 2014 also applies:

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

As part of the previous Zoning By-law Amendment Application ZAC-16-008, Stage 1 and 2 Archaeological Assessment were submitted for review along with a copy of the Ministry clearance letter dated November 30, 2005. As such, there is no further interest in the subject property with respect to archaeology.

“1.2.6.1 Major facilities and sensitive land uses should be planned to ensure they are appropriately designed, buffered and / or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of major facilities.”

An Environmental Noise Impact Study, dated September 2017 and a Noise Addendum, dated March 28, 2018, both completed by dBA Acoustical Consulting, provided adequate detail and mitigation measures to ensure the long term viability of the QEW is not impacted and that adequate building materials and warning clauses will be included in future agreements of purchase and sale. These requirements will be secured at the Site Plan Control stage.

Therefore, the proposal is consistent with the PPS 2014.

The policies of the Growth Plan for the Greater Golden Horseshoe (2017) apply to any Planning decision.

The subject lands are within the delineated built boundary of the City of Hamilton and the proposal will contribute to the achievement of complete communities by providing a different dwelling type in the area and supporting local infrastructure while contributing to a range of housing forms and tenures. In addition, this development provides further support for a new LRT and the Confederation GO station that will be located within close proximity to this site.

Therefore, the proposal conforms with the applicable policies of the Growth Plan (2017).

### **Urban Hamilton Official Plan (UHOP)**

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

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

- “E.3.2.1 Areas designated Neighbourhoods shall function as *complete communities*, including the full range of residential dwelling types and densities, as well as supporting uses intended to serve the local residents.
- E.3.2.3 The following uses shall be permitted on lands designated Neighbourhoods on Schedule E -1 – Urban Land Use Designations:
- a) residential dwellings, including second dwelling units and *housing with supports*.”

As the proposed development is for a six storey multiple dwelling, it contributes to the provision of complete communities by providing a different dwelling type than what exists in the surrounding neighbourhood.

### **Scale**

- “E.3.6.6 In high density residential areas, the permitted net residential densities, identified on Appendix G – Boundaries Map shall be:
- b) greater than 100 units per hectare and not greater than 200 units per hectare in all other Neighbourhoods designation areas.”

The proposed 141 units per net residential hectare within the proposed six storey multiple dwelling complies with the density range for high density residential in the Neighbourhoods designation.

### **High Density Residential**

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

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- E.3.6.5 Proximity to the Downtown Urban Growth Centre, Sub-Regional Nodes or Community Nodes, and designated Employment Areas shall be considered desirable for high density residential uses.
- E.3.6.7 Development within the high density residential category shall be evaluated on the basis of the following criteria:
- a) Development should have direct access to a collector or major or minor arterial road. If direct access to such a road is not possible, the development may be permitted direct access to a collector or major or minor arterial roads via a local road upon which abut only a small number of low density residential category dwellings.
  - b) High profile multiple dwellings shall not generally be permitted immediately adjacent to low profile residential uses. A separation distance shall generally be required and may be in the form of a suitable intervening land use, such as a medium density residential use. Where such separations cannot be achieved, transitional features such as effective screening and / or design features shall be incorporated into the design of the high density development to mitigate adverse impact on adjacent low profile residential uses.
  - d) Development shall:
    - i) provide adequate landscaping, amenity features, on-site parking, and buffering where required;
    - ii) be compatible with existing and future uses in the surrounding area in terms of heights, massing, and an arrangement of buildings and structures; and,
    - iii) provide adequate access to the property, designed to minimize conflicts between traffic and pedestrians both on-site and on surrounding streets.
  - e) In accordance with the policies of Section B.3.3 – Urban Design Policies, development shall contribute to an attractive public realm by minimizing the view of the following elements from the abutting public streets (excluding public alleys):
    - i) surface parking areas;
    - ii) parking structures;

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- iii) utility and service structures such as garbage enclosures; and,
- iv) expanses of blank walls.”

Staff note that this proposal is classified as High Density given the proposed density of 141 units per net residential hectare. The High Density category permits multiple dwellings. It is envisioned that such developments be located on the periphery of neighbourhoods in proximity to Minor Arterial Roads, being Grays Road and the North Service Road, as noted on Schedule “C” Functional Road Classification of the UHOP. The site has access to Confederation Park and the Waterfront Trail. The site is in close proximity to the proposed Confederation Park Go Station and the proposed increase in density will support ridership of the GO train.

The proposed development functions as an appropriate transition between the Queen Elizabeth Way (QEW) and North Service Road context, and the neighbourhood to the north, given the stepping of the building design from six to four storeys (see concept plan attached as Appendix “C” to Report PED19001). Further, the site is in close proximity to the Employment Area on the south side of the QEW, which is desirable for high density residential uses as noted in Policy E.3.6.5.

Transitions in height from six to four storeys, setbacks and roadways separate the proposed development from adjacent low profile residential uses. Screening and / or design features shall be incorporated into the design to mitigate adverse impact on adjacent low profile residential uses through the future Site Plan Control Application. Landscaping shall be provided to buffer and screen the proposed development from the adjacent residential development. Adequate on-site parking, amenity features and access to the property for vehicles and pedestrians will be provided on site with the detailed design occurring at the Site Plan Control stage.

The proposed development will contribute to an attractive public realm by screening surface parking areas and providing separation distance from the road, as well as providing a large portion of the parking below grade. Further, the garbage enclosure is located below grade and will be brought to the surface on collection days. Expanses of blank walls will be minimized with the detailed design of the building elevations occurring at the Stage Plan Control stage.

### Residential Intensification

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

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

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

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

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

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

Land uses in the vicinity of the subject land is predominately single detached dwellings. The proposed multiple dwelling has been designed to be compatible with the low density residential neighbourhood by incorporating a setback of 12.5 m from Frances Avenue to the four storey portion of the building, a stepback to the six storey portion and sufficient area for enhanced landscaping along Frances Avenue, which will be secured at part of the detailed design at the Site Plan Control stage.

The unit type, comprised of studio units, one bedroom units, two bedroom units, and two bedroom plus den units, contributes to achieving a range of dwelling types for this community. The transportation capacity has been deemed to be sufficient as discussed in further detail in the Analysis and Rationale for Recommendation section of this Report. The infrastructure capacity has been deemed to be adequate with regards to sanitary and water servicing.

The stormwater management design will be altered from the previously approved design from Zoning By-law Amendment Application ZAC-16-008 to reduce impacts to Confederation Park and the redevelopment of that site. As a result the Engineering Approvals Section and Hamilton Conservation Authority has requested that the Owner obtains approval for the storm sewer outfall alignment and the detailed design during the Site Plan Control stage.

The building design and site layout (shown in Appendix “C” to Report PED19001) have been adequately designed to integrate into the existing neighbourhood by locating the six storeys adjacent to Grays Road and North Service Road and maintaining the four storey built form adjacent to Frances Drive and the existing residential development to the north. The combination of the 12.5 m setback from Frances Avenue, the width of Frances Avenue right of way, the L-shaped orientation of the building, the 23 m stepback to the six storey portion of the building and being under the 45 degree angular plane will eliminate overlook and shadow impacts on the residential development to the north.

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The development itself provides for a central common amenity area as well as setbacks along the perimeter of the site to accommodate landscaping and plantings. The six storey portion of the development proposed along North Service Road and a portion of Grays Road is proposed to be designed to provide noise mitigation from the QEW. Overall, the proposed building design and layout, separation distance, transition in height and landscaping opportunities offer adequate transitional elements between the proposed development and the residential development to the north. The proposed development maintains and enhances the residential character of the neighbourhood by providing a new form of residential dwelling. Design matters are discussed further in the review of design policies that follow.

### Design

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

- a) respecting existing character, development patterns, built form, and landscape;
- b) promoting quality design consistent with the locale and surrounding environment;
- f) demonstrating sensitivity toward community identity through an understanding of the character of a place, context and setting in both the public and private realm;
- g) contributing to the character and ambiance of the community through appropriate design of streetscapes and amenity areas;

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

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

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The Site Plan Control Application will include detailed design, including the provision of adequate landscaping, amenity features, on-site parking, and buffering to minimize conflicts.

The site has been designed with both underground and at grade parking to reduce the visual and stormwater impacts of parking on the existing development in the area. At the Site Plan Control stage, adequate screening and landscaping will be secured to further minimize the impacts of the surface parking. Additionally, the garbage enclosures will be located below grade and will be brought to the surface parking area on collection days.

With respect to built form, the following policies, amongst others, apply:

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

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

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

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

The proposed development provides an appropriate transition in built form between the neighbourhood to the north and the QEW and employment lands to the south with four storeys along Frances Avenue before stepping up to the ultimate six storey height. This is further enhanced by focusing the proposed development towards Grays Road and North Service Road, which provides a transition to the existing neighbourhood to the north. Staff have recommended a high degree of vertical and horizontal wall articulation to, in part, ensure a smoother transition towards the traditional residential architecture of the neighbourhood and landscape features on site to provide a visual and physical barrier from the QEW and Grays Road.

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Finally, the orientation of the building has resulted in surface parking being provided at the front of the building, in a central site location as opposed to the rear or side of the building. However, the proposed site layout, combined with a generous setback from Frances Avenue and sufficient space for enhanced landscaping along Frances Avenue, the proposed multiple dwelling achieves a number of objectives and has been determined to achieve an appropriate balance in the overall design.

### Road Widening

“C.4.5.2 The road network shall be planned and implemented according to the following functional classifications and right-of-way widths:

d) Minor arterial roads, subject to the following policies:

- i) The primary function of a minor arterial road shall be to carry moderate volumes of intra-municipal and inter-regional traffic through the City in association with other types of roads.
- ii) Land accesses shall be permitted with some controls.
- iii) The basic maximum right of way widths for minor arterial roads shall be 36.576 m unless otherwise specifically described in Schedule C-2 – Future Right-of-Way Dedications. (OPA 109)”

Schedule “C-2” - Future Road Widening of the UHOP identifies this portion of North Service Road as having an ultimate right of way width of 26.213 m instead of the maximum right of way width of 36.576 m. As a result, a right of way widening of approximately 6 m from the subject lands adjacent to North Service Road is required to be dedicated to the City in order to bring the width of the right of way up to 26.213 m. A 12.19 m by 12.19 m daylighting triangle at the intersection of North Service Road and Drakes Drive will be required from the widened limits of the intersection of North Service Road and Drakes Drive. The applicant has shown on Schedule “C” to Report PED19001 the required right of way and daylight triangle dedications. The applicant will be required to dedicate the lands as part of the future Site Plan Control Application.

### Servicing

“C.5.4 The City shall ensure that appropriate storm water management facilities are built and maintained to provide a safe and secure system for storm water.”

As detailed in the comments from the City’s Development Engineering Approvals Section and as discussed in the Analysis and Rationale for Recommendation Section, the owner must obtain approval for the storm sewer outfall alignment and the detailed

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design to the satisfaction of the Manager of Development Approvals and the Hamilton Conservation Authority and enter into an external works agreement, with no cost to the City, as part of the future Site Plan Control Application.

Noise

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

“B.3.6.3.1 *Development of noise sensitive land uses*, in the vicinity of provincial highways, parkways, minor or major arterial roads, collector roads, truck routes, railway lines, railway yards, airports, or other uses considered to be noise generators shall comply with all applicable provincial and municipal guidelines and standards.

B.3.6.3.2 Any required noise or vibration study shall be prepared by a qualified professional, preferably a professional engineer with experience in environmental acoustics, in accordance with recognized noise and vibration measurement and prediction techniques, to the satisfaction of the City, and in accordance with all applicable guidelines and standards.”

As previously discussed, noise concerns have been satisfactorily addressed.

Based on the foregoing, staff are of the opinion that the proposed development complies with the policies of the Urban Hamilton Official Plan.

Lakeshore Neighbourhood Plan

The previous application, ZAC-16-008 (Report PED16158) amended the Lakeshore Neighbourhood Plan from “Highway Commercial” to “Medium Density Residential”. A further amendment to the Lakeshore Neighbourhood Plan is required to change the designation from “Medium Density Residential” to “High Density Residential”. Given the introduction of the Confederation GO station and future supportive transit in close proximity, its frontage on two Minor Arterial Roads, the stepped back design, its function as a transitional use between the QEW and the low density residential development to the north and that it complies with the UHOP, the redesignation can be supported for “High Density Residential”.

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

The subject property is currently zoned Multiple Residential “RM3-58”, Zone, Modified, in Zoning By-law No. 3692-92, as shown on Appendix “A” to Report PED19001.

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The “RM3-58” Zone, Modified permits the development of a four storey multiple dwelling containing 106 dwelling units and reflects a previous development proposal.

In order to permit the 151 unit, six storey multiple dwelling, a further modification to the Multiple Residential “RM3-58” Zone is required. Further, site specific modifications for an increase in the maximum density and an increase in the maximum building height are proposed to facilitate the development. The modifications are discussed in further detail in Appendix “D” to Report PED19001.

## **RELEVANT CONSULTATION**

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

- Operations Division, Public Works Department;
- Landscape Architectural Services, Strategic Planning Division, Public Works Department;
- Asset Management, Strategic Planning Division, Public Works Department; and,
- Construction Services, Strategic Planning Division, Public Works Department.

The following departments and agencies submitted comments:

**Forestry and Horticultural Section, Public Works Department** have reviewed the submitted Landscape Plan and require revisions which can be completed at the Site Plan Control stage. Forestry acknowledges receipt of the Tree Management Plan review fee.

**Public Health, Health Protection Division, Community Services** provided the requirements for Cooling Towers and pools.

Hamilton Public Health Services is requesting a Pest Control Plan and a written dust mitigation plan. The dust mitigation plan should identify all potential sources of dust generation from site clearance to final construction and lot development. Both plans will be reviewed at the Site Plan Control stage.

**Hamilton Conservation Authority (HCA)** has no objection to the approval of the Zoning By-law Amendment Application and will require the submission of detailed engineering drawings, including a Site Drainage Plan, a Site Grading Plan, a Site Servicing Plan, an Erosion and Sediment Control Plan and Storm Sewer Calculation Sheets at the Site Plan Control stage. HCA has indicated that the water levels in Teal Pond must remain unchanged by the proposal. The detailed storm sewer outfall alignment and detailed design will be reviewed to the satisfaction of HCA at the Site Plan Control stage. Further, HCA has noted that a permit will be required for the

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construction of the storm sewer and outfall structure within HCA's regulated area associated with Stoney Creek and the Lake Ontario shoreline, which will be secured at the Site Plan Control stage.

**Ministry of Transportation (MTO)** note that the site is within the Ministry Permit Control Area. As such, the applicant is required to obtain the following Ministry Permits:

- Building and Land Use Permit prior to any construction on site; and,
- Sign Permits if any signs are installed, namely development or real estate signs.

MTO has no objection to the Zoning By-law Amendment and has advised that nothing except at grade surplus parking can be located within the required 14.0 m setback from the highway limits. The MTO permit will be a requirement of the future Site Plan Control Application. Staff note that only landscaping is proposed within the 14.0 m setback.

## **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 61 property owners within 120 m of the subject property on January 29, 2018 for the proposed Zoning By-law Amendment Application.

A Public Notice Sign was posted on the property on March 21, 2018, and updated on December 11, 2018, with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on December 20, 2018.

Two letters (attached as Appendix "E" to Report PED19001) and one phone call were received from the public through this circulation and are summarized in the Analysis and Rationale for Recommendation Section of this Report.

A community meeting was held with respect to the development proposal, on April 19, 2018. Neighbourhood concerns raised included parking, traffic generated from the site, access to and from the site, stormwater management, urbanization of roads, and impacts during construction to residents. Additional concern was expressed as it relates to the submission of a Zoning By-law Amendment Application during the two year period from the last Zoning By-law Amendment (August 12, 2016) as per the new Bill 139 rules. The Meeting Minutes from the community meeting are included in Appendix "F" to Report PED19001 and are addressed in the Analysis and Rationale for Recommendation Section of this Report.

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## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposal has merit and can be supported for the following reasons:
  - (i) It is consistent with the Provincial Policy Statement, and conforms to the Growth Plan (2017);
  - (ii) It complies with the UHOP;
  - (iii) The proposed development is considered to be compatible with the existing development in the surrounding area; and,
  - (iv) The proposed development represents good planning by, among other things, providing a compact and efficient urban form.
  
2. A portion of the subject lands was previously located in both the City of Hamilton Zoning By-law No. 6593 with the remaining lands within the City of Stoney Creek Zoning By-law No. 3692-92. The site was placed, in its entirety, in the City of Stoney Creek Zoning By-law No. 3692-92 by By-law No. 16-227 which permitted the development of a four storey multiple dwelling for 106 residential units and associated parking.

The subject application (ZAC-18-017) will further modify the Multiple Residential “RM3-58” Zone, Modified to permit the development of a six storey multiple dwelling for 151 dwelling units and 191 below grade and 58 surface parking spaces. Given the transition in storeys, the proposed setbacks to residential development to the north, the site’s location, the opportunities for perimeter and interior landscaping, and that it complies with the UHOP, the proposed Zoning By-law Amendment can be supported.

The implementing by-law will further modify the maximum density and height of the Multiple Residential “RM3-58” Zone, Modified. The specific modifications are discussed in Appendix “D” to Report PED19001.
  
3. With respect to Engineering details, the Development Engineering Approvals Section has indicated that they have no concerns with the Zoning By-law Amendment Application proceeding to approval provided that the owner obtains approval for the storm sewer outfall alignment and the detailed design as part of the future Site Plan Control Application.

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**SUBJECT: Application for Amendment to the City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 560 Grays Road (Hamilton and Stoney Creek) (PED19001) (Ward 10) - Page 19 of 22**

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All outstanding servicing, stormwater management, grading, municipal road improvements, road widening dedications, etc. will be reviewed in more detail at the Site Plan Control stage. The following more detailed comments were also provided.

Water Servicing

There is no objection to the proposed rezoning as the applicant has demonstrated that the municipal water system has the capacity to provide the required domestic and fire demands for the proposed development.

Source Protection Planning

There are no concerns from a Source Protection perspective, but the applicant should be advised that the subject location is within the delineation of the Intake Protection Zone for Hamilton's Municipal Water Intake. The proposed land use is acceptable within this regulated area. The proponent should be advised that conditions may be attached to future proposals if modifications to the development occur or if the land use changes in the future.

Due to the proposed underground parking and the shallow ground water levels found on site, it has been identified that any dewatering discharge must comply with the City of Hamilton Sewer Use By-law standards.

Stormwater Management

The owner must obtain approval for the storm sewer outfall alignment and the detailed design to the satisfaction of the Manager of Development Approvals at the Site Plan Control stage. The proposed alignment of the stormwater pipes is through Confederation Park, which is currently subject to a Site Plan Control Application (SPA-18-004). A Special Condition will be required at the Site Plan Control stage for the owner to obtain approval for the storm sewer outfall alignment and the detailed design to the satisfaction of the Manager of Development Approvals and the Hamilton Conservation Authority. Additional details including pipe sizes, alignment / route through Confederation Park, zone of influence and impact, number of manholes and type of pipe will be required prior to the clearance of the Special Condition. Further, cross sections of the proposed storm sewer alignment on Grays Road and Confederation Park and details related to the outlet and Oil-Grit Separator unit will also be required prior to the clearance of the Special Condition.

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The owner will be required to enter into an external works agreement, with all costs borne by the developer, for the construction of the storm sewer outfall works as part of the Site Plan Control Application. The owner will be required to complete the construction of the storm sewer outfall at their cost prior to issuance of the Building Permit.

Further, the stormwater should be self-contained on the site and diverted to an outlet with an ultimate outlet into Lake Ontario. The peripheral municipal lands will continue to drain into the existing ditches and continue to drain into Teal Pond to the northeast of the site. The drainage area plan should delineate the catchment area within the Confederation Park lands for a five year flow, subject to an appropriate overland route to Lake Ontario.

#### Additional Comments

The Owner is required to dedicate sufficient lands adjacent to North Service Road and dedicate daylight triangle requirements at the Site Plan Control stage. Further, a site grading plan, site servicing plan, construction management plan, erosion and sediment control plan, securities, external works agreement and a special storm sewer service agreement will be required at the Site Plan Control stage.

4. Staff will be reviewing the detailed site plan to ensure that bird-friendly design elements are included in the final design of the building at the Site Plan Control stage as the site is surrounded by Core Areas and a Linkage, which may provide temporary refuge for migratory birds and butterflies.

Staff further require the submission of a Vegetation Management Plan and a Landscape Plan at the Site Plan Control stage. The applicant submitted preliminary plans that staff have reviewed, but further clarification and approval, along with 1 for 1 compensation of trees (10 cm DBH or greater) will occur at the Site Plan Control stage.

5. To date, two letters of correspondence and one phone call have been received through public circulation, and additional comments were received at the community meeting (attached as Appendices "E" and "F" to Report PED19001). The comments can be summarized as follows.

#### Infrastructure

Submissions have been made expressing concern as it relates to sidewalks, ditches and storm sewers. Comments provided by Development Engineering state that sidewalks will be provided along Frances Avenue and along Drakes

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Drive to the entrance of the site. Further, Development Engineering has stated that the owner must obtain approval for the storm sewer outfall alignment and the detailed design as part of the future Site Plan Control application.

There was concern expressed at the community meeting related to the use of 100 year storm calculations and their sufficiency. Calculations using the 100 year storm are acceptable to the City.

#### Parking

Comments from the community meeting included the provision of sufficient parking for future residents and visitors. The applicant is providing 191 underground and 58 surface parking spaces for a total of 249 parking spaces which meets the requirements of Zoning By-law No. 3692-92.

#### Traffic and Access

Comments from the community meeting included concerns as they related to a second access point for the proposed development and if there would be a roundabout at the intersection of Drakes Drive and North Service Road. The Transportation Impact Study, completed by Paradigm Transportation Solutions Limited, dated December 2017, states that only one access point is required to the site and that a future signal will be located at the Drakes Drive and North Service Road intersection as there is insufficient space for a roundabout.

### **ALTERNATIVES FOR CONSIDERATION**

Should the application be denied, the lands could be developed in accordance with the Medium Density Residential “RM3-58” Zone, Modified.

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

#### **Community Engagement and 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.*

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**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" – Draft Zoning By-law No. 3692-92 Amendment

Appendix "C" – Concept Plan

Appendix "D" – Zoning By-law Amendment Summary

Appendix "E" – Public Submissions

Appendix "F" – Meeting Minutes

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