

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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	September 17, 2019
<b>SUBJECT/REPORT NO:</b>	Application for Zoning By-law Amendment for Lands Located at 1351, 1355, 1359 and 1375 Upper James Street and 16, 24, 34, 40 and 48 Stone Church Road East, Hamilton (PED19059)(Ward 8)
<b>WARD(S) AFFECTED:</b>	Ward 8
<b>PREPARED BY:</b>	George T. Zajac (905) 546-2424 Ext. 3933
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That **Amended Zoning By-law Amendment Application ZAC-11-070 by A.R. Riccio Developments, Owner**, for a change in zoning from the Mixed Use Medium Density (C5, 318) Zone, "C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District to the Mixed Use Medium Density (C5, 724) Zone for lands located at 1351, 1355, 1359, 1375 Upper James Street and 16, 24, 34, 40 and 48 Stone Church Road East, Hamilton, as shown on Appendix "A" to Report PED19059, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix "B" to Report PED19059, 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 PED19059, be added to Schedule 1343 of Zoning By-law No. 05-200;
  - (iii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2014), conform to A Place to Grow (2019) and comply with the Urban Hamilton Official Plan.

- (b) That upon finalization of the amending By-law, the subject lands be re-designated from “Commercial”, “Attached Housing” and “Commercial and Retail Warehouse” (1375 Upper James Street) to “Mixed Commercial / Residential” and “Medium Density Apartments” in the Ryckmans Neighbourhood Plan.

## **EXECUTIVE SUMMARY**

The Owner, A.R. Riccio Developments, is proposing to rezone 1351, 1355, 1359 and 1375 Upper James Street and 16, 24 and a portion of 34 Stone Church Road East for an eight storey mixed-use building (Building “A”). The application also proposes to rezone the remaining portion of 34 Stone Church Road East, and 40 and 48 Stone Church Road East to permit two, four storey multiple dwellings (Buildings “B” and “C”). There are 220 residential units proposed within Building “A” and 138 units are proposed within Buildings “B” and “C”, for a total of 358 residential units, although the final number of units may vary, provided the overall number of units in the three buildings combined does not exceed a density of 200 units per hectare or 358 units, whichever is less. In addition, a total of 477 parking spaces are proposed, with 113 spaces being surface parking spaces and 364 being underground parking spaces.

To accommodate the above proposal, a rezoning from Mixed Use Medium Density (C5, 318) Zone, “C” (Urban Protected Residential, etc.) District and “AA” (Agricultural) District to the Mixed Use Medium Density (C5, 724) Zone for lands located at 1351, 1355, 1359, 1375 Upper James Street and 16, 24, 34, 40 and 48 Stone Church Road East is proposed. Modifications to the By-law are required to revise the definition of front lot line, to acknowledge encroachment and location of emergency stairs to below-grade parking, to increase the maximum permitted height, to permit a reduction in the permitted interior side yard and to permit a reduction in parking and loading requirements.

The application has merit and can be supported, as the proposal is consistent with the PPS, conforms to A Place to Grow (2019) and complies with the Urban Hamilton Official Plan (“UHOP”).

***Alternatives for Consideration – See Page 25***

## **FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

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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 currently contains eight vacant single detached dwellings. In total, the subject property has an area of approximately 1.79 hectares and is located on the south east corner of Stone Church Road East and Upper James Street.

To the north of the subject property is existing commercial, as well as single detached dwellings, to the east are existing single detached dwellings, to the south is existing commercial and a municipal park and to the west is an existing cemetery.

### **Original Submission – October 27, 2011**

The applicant's original submission was for an Official Plan and Zoning By-law Amendment to permit 13, three storey townhouses, two, 12 storey multiple dwellings with a two storey mixed-use podium, as well as three, one storey commercial buildings.

### **Second Submission – November 15, 2017**

After meetings with City staff, the applicants re-submitted for an eight storey mixed-use building with commercial uses on the ground floor at the corner of Upper James Street and Stone Church Road East and four, three and four storey multiple dwellings on the easterly portion of the subject property; these adjustments eliminated the need for an Official Plan Amendment.

### **Third Submission – January 19, 2019**

In response to City staff comments, the applicant further revised the subject proposal to maintain the eight storey mixed-use building, but proposed two, four storey multiple dwellings on the easterly portion of the subject property. This concept was later refined to address various staff comments and is attached as Appendix "E" to Report PED19059.

The applicant's submission was to keep the Mixed Use Medium Density (C5) Zone and add site specific modifications in Zoning By-law No. 05-200 to the portion of the subject lands with the eight storey mixed-use building and rezone the portion of lands with the

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four storey multiple dwellings to a site specific “DE-2” (Multiple Dwellings) District within Zoning By-law No. 6593. Upon further review, City staff amended the submission to include all the subject lands within Zoning By-law No. 05-200.

The proposal, therefore, is for a change in zoning from the Mixed Use Medium Density (C5, 318) Zone, “C” (Urban Protected Residential etc.) District and “AA” (Agricultural) District to the Mixed Use Medium Density (C5, 724) Zone for lands located at 1351, 1355, 1359, 1375 Upper James Street and 16, 24, 34, 40 and 48 Stone Church Road East, to permit an eight storey mixed use building and two, four storey multiple dwellings. Commercial uses will only be permitted within the eight storey mixed use building and will be limited to a maximum gross floor area of 4,500 square metres. A right-in / right-out access is to be located on Upper James Street and a full movement access is to be located on Stone Church Road East for the proposed development. There are 235 residential units proposed within Building “A” and 138 units are proposed within Buildings “B” and “C” for a total of 373 residential units. In addition, a total of 477 parking spaces are proposed, with 113 spaces being surface parking spaces and 364 being underground parking spaces. In addition, an outdoor amenity area will be located at the second storey for the mixed use building, as well as an outdoor landscaped courtyard will be located between the two multiple dwellings.

The following site specific modifications to the “C5” Zone are required:

- To revise the definition of Front Lot Line;
- To permit a fire escape or exterior stair to encroach into a required front, side or rear yard;
- To permit a reduction in Parking and Loading Regulations;
- To permit an increase in the Maximum Permitted Height; and,
- To permit a reduction in the Minimum Permitted Interior Side Yard.

**Chronology:**

<u>October 27, 2011:</u>	Submission of Official Plan and Zoning By-law Amendment Applications OPA-11-018 and ZAC-11-070.
<u>November 17, 2011:</u>	Applications OPA-11-018 and ZAC-11-070 deemed complete.
<u>November 25, 2011:</u>	Notice of Complete Applications and Preliminary Circulation was sent to 97 property owners within 120 m of the subject property.

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November 29, 2011: Public Notice Sign installed on the subject lands.

November 15, 2017: Second submission received, which eliminated the need for an Official Plan Amendment.

January 31, 2018: Public Information Meeting held by the applicant and agent.

January 19, 2019: Revised concept site plan and elevations submitted in response to comments.

August 21, 2019: Public Notice Sign updated with Public Meeting date.

August 30, 2019: Circulation of the Notice of Public Meeting to 97 property owners within 120 m of the subject property.

**Details of Submitted Applications:**

**Owner:** A.R. Riccio Developments

**Applicant:** A.R. Riccio Developments

**Agent:** mainline planning services inc. (c/o Joseph Plutino)

**Location:** 1351, 1355, 1359 and 1375 Upper James Street and 16, 24, 34, 40 and 48 Stone Church Road East, Hamilton (see Appendix “A” to Report PED19059)

**Property Description:**

<u>Lot Frontage:</u>	171 metres (Stone Church Road East)
<u>Lot Depth:</u>	106 metres
<u>Lot Area:</u>	1.79 hectares
<u>Servicing:</u>	Existing Full Municipal Services

**Existing Land Use and Zoning:**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b><u>Subject Property:</u></b>	Vacant Single Detached Dwellings	Mixed Use Medium Density (C5, 318) Zone; “C” (Urban Protected

Residential, etc.) District and “AA” (Agricultural) District

**Surrounding Land Uses:**

<b>North</b>	Commercial and Single Detached Dwellings	Arterial Commercial (C7) Zone and “C” (Urban Protected Residential, etc.) District
<b>East</b>	Single Detached Dwellings and Dr. William Bethune Park	“C” (Urban Protected Residential, etc.) District, “AA” (Agricultural) District and Community Park (P2) Zone
<b>South</b>	Dr. William Bethune Park and Commercial	Community Park (P2) Zone and Mixed Use Medium Density (C5, 318) Zone
<b>West</b>	Barton Stone United Cemetery and a Commercial Plaza	Neighbourhood Institutional (I1) Zone and Mixed Use Medium Density (C5) 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 (2014) (PPS). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS and conform to A Place to Grow Plan (2019).

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 (now Local Planning Appeal Tribunal) 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 and balanced growth) are reviewed and discussed in the Official Plan analysis below.

The Urban Hamilton Official Plan has not been updated with respect to Cultural Heritage and Archaeology policies of the PPS and therefore, the following policies, amongst others, applies.

Cultural Heritage and Archaeology

- “2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.
- 2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or area of archaeological potential unless significant archaeological resources have been conserved.
- 2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.”

The subject property meets four of the 10 criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential:

- 1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
- 2) Local knowledge associates areas with historic events/activities/occupations;
- 3) In areas of pioneer EuroCanadian settlement; and,
- 4) Along historic transportation routes.

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the Provincial Policy Statement apply to the subject application.

Stage 1-2 archaeological reports (PIF# P018-347-2011 and P018-0722-2015), which included the lands at 16-48 Stone Church Road East and 1351, 1355, 1359 and 1375 Upper James Street, were submitted to the City of Hamilton and Ministry of Tourism, Culture and Sport in 2011 and 2015. The reports were reviewed by staff and the Ministry. Staff concurred with the recommendations made in the reports and have received the Ministry's letters of concurrence. Therefore, municipal archaeological interest for 16-48 Stone Church Road East and 1351 - 1375 Upper James Street has been satisfied.

Noise

- “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.”

dBA Acoustical Consultants Inc. prepared “Environmental Noise Impact Study, Riccio Place, Upper James and Stone Church Road East, Commercial / Residential Development”, dated November, 2017, in support of the proposed development. This study reviewed the acoustic requirements for this development with respect to Upper James Street and Stone Church Road East.

Based on the results of the study, specific building materials are required for window glazing for bedrooms and living rooms and noise warning clauses will be required to be included on the future site plan undertaking and in all agreements of purchase and sale or lease and all rental agreements.

When the future Site Plan Control Application is submitted, a detailed noise study or addendum will be required to address the following:

1. Any design changes regarding the rooftop amenity space provided on the second and seventh floors;
2. The existing commercial building at 1367 Upper James Street; and,
3. Any mechanical / unitary equipment provided in proximity to the landscaped courtyard or rooftop amenity space.

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; and,
- Conforms to A Place to Grow Plan (2019).

### **Urban Hamilton Official Plan**

The subject property is identified as “Neighbourhoods” (34, 40 and 48 Stone Church Road East), “Primary Corridor” (16 and 24 Stone Church Road East, 1351, 1355, 1359, and a portion of 1375 Upper James Street) and “Community Node” (16 and 24 Stone Church Road East, 1351, 1355, 1359 and 1375 Upper James Street) on Schedule “E” – Urban Structure, designated as “Neighbourhoods” (34, 40 and 48 Stone Church Road East) and “Mixed Use – Medium Density” (16, 24 Stone Church Road East, 1351, 1355,

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1359 and 1375 Upper James Street) on Schedule “E-1” – Urban Land Use Designations in the Urban Hamilton Official Plan (“UHOP”). The subject property is also identified as located on a Potential Rapid Transit Line (B.L.A.S.T.) per Appendix B - Major Transportation Facilities and Routes. The following policies, amongst others, are applicable to the subject application.

#### Urban Structure

##### “E.2.3.3 Community Nodes

E.2.3.3.1 The following areas are identified as Community Nodes on Schedule E – Urban Structure:

- b) Centre Mall area, Meadowlands area, the East Mountain/Heritage Green Centre and the Upper James Street/Rymal Road area; and,

#### Function

E.2.3.3.2 Within each Community Node a range of uses shall be provided that allow for access to housing, employment, services, and recreation in close proximity to each other and transit. The Community Nodes shall provide services to residents within the former area municipalities and surrounding neighbourhoods in a mixed use environment.

E.2.3.3.3 Community Nodes shall provide community scale retail stores and services to the residents within the Node and surrounding neighbourhoods.

E.2.3.3.5 Community Nodes shall function as vibrant, mixed use areas containing a range of housing opportunities, including affordable housing and housing with supports. The unique characteristics of the individual Community Nodes lend themselves to a range of built forms.

E.2.3.3.6 Community Nodes shall be linked to the higher order transit system through connecting conventional transit or by rapid transit, where possible. Where possible, the City shall direct local routes through the Community Nodes.

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Scale

- E.2.3.3.7 Community Nodes shall generally be planned to achieve a target density of 100 persons and jobs per hectare.
- E.2.3.3.9 The built form shall largely be in medium and low rise, mixed use buildings. Along the commercial and mixed use streets, single use commercial buildings shall be permitted along with residential housing forms on the periphery of the Nodes. However, the intent of this Plan is to increase the proportion of multiple storey, mixed use buildings that have retail and service commercial uses at grade.

The proposed development of a mixed-use eight storey building and two, four storey multiple dwellings are in keeping with the mid-rise built form outlined in the policies and provides a range of housing types for the neighbourhood, while the proposed commercial uses at grade contribute to a complete community and Community Node. The proposed development will also have a maximum density of 200 units per hectare, thereby contributing to the overall Community Node density target of 100 persons and jobs per hectare.

“E.2.4 Urban Corridors

Function

- 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.2.4.6 Urban Corridors shall function as commercial spines providing retail stores and commercial services that cater primarily to the weekly and daily needs of residents within the surrounding neighbourhoods. Small scale retail stores that cater to a broader regional market may be also permitted.

Scale

- E.2.4.10 The built form along the Urban Corridors shall generally consist of low to mid rise forms, but will vary along the length of the corridors with some areas permitted to accommodate high density and high rise built form. The Primary Corridors shall have a greater proportion of the corridor length in retail and mixed use forms, while the Secondary Corridors shall generally accommodate retail and mixed use forms in small clusters along the corridors with medium density housing located between the clusters.

- E.2.4.11 Urban Corridors shall be a focus for intensification through the Neighbourhoods which they traverse. However, it is anticipated that intensification will also occur within the surrounding Neighbourhoods, particularly on sites along other arterial roads that are not designated as Urban Corridors.

#### Design

- E.2.4.16 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. (OPA 98)
- E.2.4.17 Reductions in parking requirements shall be considered in order to encourage a broader range of uses and densities to support existing and planned transit routes. (OPA 98)”

The proposed development will add a higher density mixed-use development including low to mid rise buildings and retail and commercial services along a primary corridor, Upper James Street. In addition, the subject property is located on a Potential Rapid Transit Line (B.L.A.S.T.), serviced by various HSR bus routes and located on a Major Arterial (Upper James Street) and Minor Arterial road (Stone Church Road East). Further, density and scale of development is graduated in building height to respect existing single detached dwellings located immediately east of the subject property. This step back design will further minimize the effects of shadowing and overview on existing surrounding properties.

#### Neighbourhoods

- “E.3.1.3 Plan and designate lands for a range of housing types and densities, taking into account affordable housing needs.
- E.3.1.4 Promote and support design which enhances and respects the character of existing neighbourhoods while at the same time allowing their ongoing evolution.
- E.3.1.5 Promote and support residential intensification of appropriate scale and in appropriate locations throughout the neighbourhoods.

- 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;
  - d) local commercial uses.

#### Scale and Design

- E.3.2.4 The existing character of established Neighbourhoods designated areas shall be maintained. Residential intensification within these areas shall enhance and be compatible with the scale and character of the existing residential neighbourhood in accordance with Section B.2.4 – Residential Intensification and other applicable policies of this Plan.
- E.3.2.7 The City shall require quality urban and architectural design. Development of lands within the Neighbourhoods designation shall be designed to be safe, efficient, pedestrian oriented, and attractive, and shall comply with the following criteria:
- a) New development on large sites shall support a grid system of streets of pedestrian scale, short blocks, street oriented structures, and a safe and attractive public realm.
  - b) Garages, parking areas, and driveways along the public street shall not be dominant. Surface parking between a building and a public street (excluding a public alley) shall be minimized.
  - c) Adequate and direct pedestrian access and linkages to community facilities/services and local commercial uses shall be provided.
  - d) Development shall improve existing landscape features and overall landscape character of the surrounding area.”

The proposed two, four storey multiple dwellings comply with the above-noted policy goals, as the proposed form of housing contributes to a compact urban form and complete community, is transit supportive as it is located on a major arterial and minor

arterial roadway, contributes to a range of housing types, respects the existing character of the neighbourhood with a compatible form of residential dwellings and provides an appropriate scale and location for the development by incorporating appropriate setbacks and buffers to the existing residential development and Dr. William Bethune Park.

The proposed buildings will also be street oriented, thereby adding to the public realm; the surface parking area is proposed at the rear of the subject property, away from the street, the development will have internal pedestrian links, as well as concrete sidewalk connections to Upper James Street and Stone Church Road East and will have landscaped areas, including along Stone Church Road East, all contributing to be compatible with the landscape character of the surrounding area.

**“E.4.6           Mixed Use - Medium Density Designation**

**Function**

- E.4.6.1           The range of commercial uses is intended to serve the surrounding community or series of neighbourhoods as well as provide day-to-day retail facilities and services to residents in the immediate area. These areas shall also serve as a focus for the community, creating a sense of place.
- E.4.6.3           Newer areas designated Mixed Use - Medium Density shall evolve over time into compact, mixed use people places where people can live, work, and shop.
- E.4.6.4           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.

**Scale**

- E.4.6.7           Lands designated Mixed Use - Medium Density shall contain a range of building heights and densities to a maximum height of six storeys, which shall be set out in the implementing zoning by-law. The specific permitted heights and densities shall depend on the area and be established through secondary plans where one exists and the zoning by-law.
- E.4.6.8           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.

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 focus 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.”

A maximum of eight storeys is proposed for the mixed-use building with an overall density of 208 units per hectare for the whole development. The proposal will create minimal shadow impacts on the existing residential uses designated Neighbourhoods, with the greatest impacts being after 4 p.m. on December 21. Shadow impacts are further discussed under the Residential Intensification section of this Report.

The proposed eight storey building will be stepped back from the street, as well as provide a pedestrian focus designed to the street line. A proposed gradation of building height is being proposed from the eight storeys transitioning down to the four storey multiple dwellings with a proposed 13.1 metre landscape buffer to the east, adjacent to the existing detached dwellings and park. Staff have also reviewed the proposed elevations with respect to Upper James Street and Stone Church Road East and can conclude that the proposed eight storey building complies with the angular plane requirements taken from 80 percent of the adjacent right-of-way (Upper James Street and Stone Church Road East). The mixed use building falls outside of the angular

plane measurement. The subject proposal will contribute to a complete community with a range of housing types and densities, while respecting the character of the existing neighbourhood.

**“B.2.4 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.”

As mentioned, the subject proposal transitions from the proposed eight storey mixed use building down to the four storey multiple dwellings, as well as provides a 13.1 metre setback to the east, adjacent to the existing residential and thereby, respects the existing neighbourhood character. The subject proposal will also contribute to a range of dwelling types and densities for the neighbourhood. In addition, the proposal will be compatible and integrate with the surrounding area, as the proposed eight storey building will be at the corner of Upper James Street and Stone Church Road East and be stepped back at the 7<sup>th</sup> and 8<sup>th</sup> storeys. The proposed multiple dwellings will be restricted to residential use, as well as restricted to four storeys in height. The proposed eight storey building will contribute to a range of uses along a Primary Corridor, as well as retail and service uses within the Community Node. There are no

infrastructure or transportation capacity concerns. Therefore, the subject proposal conforms to the above-noted residential intensification 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.”

A Shadow Impact Study was submitted with the original application submission, which showed the greatest impact on the single detached dwellings on the north side of Stone Church Road East, during December at 4:00 p.m. as a result of the twelve storey height. In response, the proposed development was reduced in building height from twelve storeys to eight storeys, reducing the adverse impacts with respect to shadows on adjacent existing developments during the aforementioned period.



The eight storey mixed use building is to be located on the corner of Upper James Street and Stone Church Road East away from existing residential uses and the proposed four storey multiple dwellings will have a 13.1 metre setback adjacent to the existing residential minimizing overlook effects. With respect to appropriate transition in height and density, appropriate use of step backs and terracing have been incorporated in the design of the proposed eight storey building to define the base and tower. The 2<sup>nd</sup> and 6<sup>th</sup> storey will be flush with the 1<sup>st</sup> storey and the 7<sup>th</sup> and 8<sup>th</sup> storeys will be setback a further 3 metres from both Upper James Street and Stone Church Road East. Further, density and scale of development is graduated in building height, in addition to a 13.1 metre setback from the multiple dwellings to the east property line, to respect existing single detached dwellings located immediately east of the subject property.

A 916 square metre outdoor amenity area is proposed on the 2<sup>nd</sup> storey of the mixed use building, as well as a landscaped courtyard is proposed between the two multiple dwellings. The subject property is also adjacent to the existing municipal park (Dr. William Bethune Park). The proposed buildings will also be appropriately separated, as the proposed mixed use building will be separated 18 metres from the northerly proposed multiple dwelling and approximately 15 metres will be provided between the two multiple dwellings. There are no cultural heritage concerns, infrastructure or transportation capacity concerns.

#### Urban Design

“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.3.3.3.5 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;

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- 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 the sites or buildings, where appropriate; and,
- e) using design techniques, such as building step-backs, to maximize sunlight to pedestrian areas.”

The proposed multiple dwellings at four storeys in height are appropriate in respect to the transition in scale to the neighbouring dwellings to the east, which maintain a height of two and a half and three storeys, and the development is massed to respect the existing street proportions. The proposed development transitions from eight storeys to four storeys adjacent to the existing detached dwellings and park. Given that the multiple dwellings will be a maximum of four storeys in height and maintain proper setbacks from the existing residential development, adequate privacy will be maintained and the proposed development will not create adverse shadow impacts. The proposed mixed use building will be located away from the existing residential and will be stepped back 3 metres at the 7<sup>th</sup> and 8<sup>th</sup> storeys, thereby creating an optimum pedestrian environment. The proposed above grade parking is within the interior of the property and will include landscaped areas adjacent to the existing uses. Further, a detailed landscape plan will be required with the future Site Plan Control application.

“F.1.4 Interpretation of the Official Plan

F.1.4.7 Boundaries of land use designations, as shown on Schedule E-1 – Urban Land Use Designations, shall be considered approximate, and are not intended to define the exact limits of any land use, unless they coincide with a road, lot or concession line, railway, watercourse or prominent physical feature or specifically coincide with detailed area boundaries set out in a secondary plan or special policy or site specific area. Similarly, minor adjustments may be made in the Zoning By-law without amending this Plan, providing the By-law conforms to the general intent of this Plan.”

Although the easterly portion of the subject property (34, 40 and 48 Stone Church Road East) is not within the Mixed Use - Medium Density designation and is designated Neighbourhoods within the UHOP and since the entire subject property will function as one, the proposed By-law can be considered a minor adjustment, as only residential

uses will be permitted on the aforementioned portion of the subject property and the By-law complies with the general intent of the Official Plan.

Based on the foregoing, the subject proposal complies with the UHOP.

**City of Hamilton Zoning By-law No. 6593 and No. 05-200**

The properties 34, 40 and 48 Stone Church Road East are currently zoned “C” (Urban Protected Residential etc.) District and “AA” (Agricultural) District within the City of Hamilton Zoning By-law No. 6593. The “C” (Urban Protected Residential etc.) District permits single detached dwellings, a foster home, residential care facility or retirement home of not more than six persons, a day nursery, a school, a library, as well as other public uses. The “AA” (Agricultural) District permits a single detached dwelling, a foster home, a hospital, a private stable, as well as other public uses.

The properties at 1351, 1355, 1359 and 1375 Upper James Street, as well as 16 and 24 Stone Church Road East are currently zoned Mixed Use Medium Density (C5, 318) Zone within the City of Hamilton Zoning By-law No. 05-200. The Mixed Use Medium Density (C5, 318) Zone permits multiple dwellings, office uses, personal services, restaurant and retail uses, as well as other commercial related uses.

Exception 318 within Zoning By-law No. 05-200 permits the following uses:

- i) Commercial Motor Vehicle Sales, Rental and Service Establishment;
- ii) Equipment and Machinery Sales, Rental and Service Establishment;
- iii) Garden Centre;
- iv) Major Recreational Equipment Sales, Rental and Service Establishment;
- v) Motor Vehicle Dealership;
- vi) Motor Vehicle Rental Establishment;
- vii) Surveying, Engineering, Planning or Design Business; and,
- viii) Warehouse.

The special exception also establishes specific front, rear and side yard requirements, and a maximum building height of 14 metres.

The proposed Zoning By-law Amendment is for a change in zoning from the Mixed Use Medium Density (C5, 318) Zone, “C” (Urban Protected Residential etc.) District and “AA” (Agricultural) District to the Mixed Use Medium Density (C5, 724) Zone for lands located at 1351, 1355, 1359, 1375 Upper James Street and 16, 24, 34, 40 and 48 Stone Church Road East, to permit an eight storey mixed use building and two, four storey multiple dwellings. Commercial uses will only be permitted at 1351, 1355, 1359, 1375

Upper James Street and 16, 24 and a portion of 34 Stone Church Road East. A total of 373 residential units and 477 parking spaces are proposed, with 113 spaces being surface parking spaces and 364 being underground parking spaces.

Site specific modifications to the “C5” Zone have been requested to implement the subject proposal. An analysis of the site specific modifications is included in Appendix “C” to Report PED19059.

## **RELEVANT CONSULTATION**

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

- Hamilton Conservation Authority; and,
- Recreation Division, Healthy and Safe Communities Department.

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

**Health Hazards Office, Healthy and Safe Communities Department** staff have requested that a written dust mitigation plan be formulated and submitted prior to the demolition / construction phase. This matter will be a condition at the Site Plan Control stage.

**Healthy Environments Division, Public Health Services** staff have indicated that a Pest Control Plan will be required. This matter will be a condition at the Site Plan Control stage.

In addition, if the proposed development will use a cooling tower for air conditioning or other cooling needs the owner of the development is required to register their cooling tower(s) with Public Health Services (PHS) and comply with Hamilton Cooling Tower Registry Bylaw # 11-078.

The cooling tower(s) must be registered with PHS prior to being operated. PHS recommends that the owner consult with PHS prior to operating their cooling towers to ensure, as much as possible, that the cooling tower(s) will be constructed, operated, and maintained in compliance with By-law 11-078 and that a Risk Management Plan is prepared and completed.

**Transportation Planning Services (TPS), Planning and Economic Development Department** have reviewed the turning plans provided by the applicant and provided the following comments:

- The turning plans are acceptable and no additional information is required at this time: turning plans are illustrated on the “Concept Site Plan Re-Zoning Application” Revision 6, dated January, 2019 and successfully demonstrate large trucks (and emergency vehicles, if required by OBC) will maneuver to and from the loading and garbage within the site.
- Also, we appreciate that access to the underground garage has been relocated to / from an internal aisle and ramp slopes are now consistent with City standards.
- We accept and concur that the following items can be addressed with conditions of Site Plan Approval:
  - Land transfer to City for right-of-way dedication;
  - Road improvements including, but not limited to northbound Upper James Street right-turn lane;
  - External Works Agreement and securities through Engineering Approvals; and,
  - Driveway access design and construction.

**Forestry and Horticulture Section, Public Works Department** has no concerns regarding the subject applications, however, noted that there are municipal tree assets on the subject property. Therefore, a Tree Management Plan and Landscape Plan will be conditions at the Site Plan Control stage.

**Growth Planning Section, Planning and Economic Development Department** commented that the Owner and agent should be made aware that separate municipal addresses will be assigned to each building through the Site Plan application process.

**Recycling & Waste Disposal, Environmental Services Division, Public Works Department** commented that the proposed development is eligible for municipal waste collection service subject to meeting the City’s requirements.

## **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 103 property owners within 120 metres of the subject property on November 25, 2011. It should be noted that when the November 15, 2017 revised proposal was submitted, it was re-circulated to 97 property owners within 120 metres of the subject property. A Public Notice sign was posted on the property on November 29, 2011, and updated on August 21, 2019, with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act*.

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## **Public Consultation Strategy**

The applicant held a Public Information Meeting on January 31, 2017 at the Barton Stone-Mount Hope United Church. Invitations were sent to properties within a 120 metre radius of the subject lands. There were 21 attendees at the Information Meeting, including City staff and the Ward Councillor. Residents conveyed concerns at the meeting regarding a future change in height, proposed setbacks, form of tenure, traffic, access and use. To date, five letters have been submitted expressing concerns with the proposed development regarding traffic attached as Appendix “E” to Report PED19059. These concerns are addressed in the Analysis and Rationale for Recommendation section of this report.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposed Zoning By-law Amendment has merit and can be supported for the following reasons:
  - (i) The Amendment is consistent with the PPS (2014) and conforms to A Place to Grow Plan (2019);
  - (ii) The subject proposal complies with the UHOP;
  - (iii) The addition of 373 residential units and at-grade commercial will be compatible with the character of the area; and,
  - (iv) The proposed development represents good planning by, amongst other things, providing a compact and efficient urban form that is compatible with the area, maintains commercial opportunities, provides a wider range of housing and is pedestrian and transit supportive.
2. Zoning By-law Amendment

The proposed Zoning By-law Amendment is for a change in zoning from the Mixed Use Medium Density (C5, 318) Zone, “C” (Urban Protected Residential etc.) District and “AA” (Agricultural) District to the Mixed Use Medium Density (C5, 724) Zone for lands located at 1351, 1355, 1359, 1375 Upper James Street and 16, 24, 34, 40 and 48 Stone Church Road East, to permit an eight storey mixed use building and two, four storey multiple dwellings. Commercial uses will only be permitted within the eight storey mixed use building.

Staff's analysis and recommendation on the requested site specific modifications to the Mixed Use Medium Density (C5, 724) Zone is provided in Appendix "C" to Report PED19059. Since the subject proposal will function as one comprehensive development, the subject lands will be zoned Mixed Use Medium Density (C5,724) Zone.

The Amendment to Zoning By-law No. 05-200 can be supported by staff as the proposed built form contributes to a complete community through a compact urban design with an additional housing type and form for the area, while adding a higher density mixed-use development, including retail space and residential homes in low to mid rise buildings adjacent to a primary corridor, Upper James Street. In addition, the subject property is located on a Potential Rapid Transit Line (B.L.A.S.T.), serviced by various HSR bus routes and located on major arterial (Upper James Street) and minor arterial roadways (Stone Church Road East). The Amendment also complies with the UHOP density range, urban design provisions, shadow impacts, as well as archaeological and noise requirements.

### 3. Engineering

The applicant submitted a Functional Servicing and Storm Water Management Report in January, 2011, March, 2015 and November, 2017. Staff have reviewed the Report and are generally satisfied with the analysis, however, additional comments will be addressed at the Site Plan Control stage.

#### Stormwater Management

In accordance with the FSR, the applicant is prepared to control the 100 year storm flow within the site and discharging the pre-development flow to the storm system. The applicant has also proposed to install an Oil Grit Separator (OGS) on site to address the quality control. The sanitary flows from this development are proposed to discharge to Stone Church Road. As part of the Site Plan Control application, staff will review the detailed sanitary sewer design calculations to address any further concerns.

#### Water Servicing

##### 1. Water Demands:

The water demand calculations are acceptable to the City at this stage. In addition, the applicant will have to submit Fixture Unit calculations to confirm the overall water demand for this site.

2. Required Fire Flow:

Building A has been determined to be the worst case RFF of 267 L/s based on a fire-resistive construction ( $C=0.6$ ), fire area of 18,725 square metres, limited combustible occupancy (-15%), a 40% credit for a sprinkler system and a 45% exposure charge. The applicant will have to submit a water generation report as part of the Site Plan Control application for staff's review and approval. The exposure charge for building E should be 60%. This will not change the worst case RFF. A 40% reduction for sprinkler system has been used for building A. When the sprinkler system parameters become available they should be provided to the City for records with the understanding that the approved domestic and fire water demands constitute upper bounds and cannot be exceeded. The City's hydrant testing at the closest municipal hydrant (HC46H010 dated July 24, 2017) resulted in a theoretical available flow of 7394 IGPM (560 L/s) at 20psi. The aforementioned calculations are acceptable to staff at this stage, however, the proponent should ensure that the Building Department is satisfied with the hydrant coverage, accessibility and firefighting provisions.

4. Concerns were raised by residents regarding height, proposed setbacks, form of tenure, traffic, access and use.

Use and Form of Tenure

Concerns were raised regarding use and form of tenure of the subject proposal. In response, the subject proposal will provide a range of housing types for the neighbourhood as well as proposed retail and service commercial uses at grade, all contributing to a complete community. Type of tenure at this time has not been determined, however, if the applicant decides on condominium tenure, a future Draft Plan of Condominium application will be required.

Traffic / Access

Concerns were raised with respect to the amount of traffic being generated as a result of the subject proposal. In support of the proposed development, the applicants submitted a Traffic Impact Study, prepared by Paradigm Transportation Solutions and Addendum, which was reviewed by Transportation Planning; detailed comments are contained within this Report. In summary, Transportation Planning found the turning plans and level of increased vehicles acceptable. The proposed development will be subject to Site Plan Control, where the development will be reviewed in greater detail.



### Height / Setbacks

The proposed eight storey mixed use building proposes a step back from Upper James Street and Stone Church Road East to the 2<sup>nd</sup> and 8<sup>th</sup> storeys, which will provide a street presence promoting a comfortable pedestrian environment. In addition, the proposed mixed use building will be setback 7.5 metres from the existing two storey dwelling at 1367 Upper James Street. The proposed two, four storey multiple dwellings will be setback 13.1 metres from the existing two storey dwelling at 54 Stone Church Road East, as well as the Park.

As mentioned previously in this Report, a Shadow Impact Study was submitted for the twelve storey proposal, showing the greatest impact on the single detached dwellings on the north side of Stone Church Road East, during December at 4:00 p.m. The proposed development was reduced in building height from 12 storeys to eight storeys thereby reducing the shadow impacts of the proposed development. Density and scale of development is graduated in building height to respect existing single detached dwellings located immediately east of the subject property. This will minimize the effects of shadowing and overview on existing properties in adjacent neighbourhoods. The proposed 2<sup>nd</sup> and 6<sup>th</sup> storeys will be flush with the 1<sup>st</sup> storey and the 7<sup>th</sup> and 8<sup>th</sup> storeys will be setback a further 3 metres from both Upper James Street and Stone Church Road East.

## **ALTERNATIVES FOR CONSIDERATION**

Should the proposed Zoning By-law Amendment applications be denied, the property could be utilized in accordance with the current “C” (Urban Protected Residential etc.) District and “AA” (Agricultural) District within the City of Hamilton Zoning By-law No. 6593 and the Mixed Use Medium Density (C5, 318) Zone within the City of Hamilton Zoning By-law No. 05-200.

## **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.*

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### **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.*

## **APPENDICES AND SCHEDULES ATTACHED**

- Appendix “A”: Location Map
- Appendix “B”: Zoning By-law No. 05-200 Amendment
- Appendix “C”: Zoning By-law Amendment Assessment
- Appendix “D”: Proposed Site Plan
- Appendix “E”: Public Submissions

GZ: