



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	February 18, 2020
<b>SUBJECT/REPORT NO:</b>	Applications for Amendments to the Urban Hamilton Official Plan and Hamilton Zoning By-law No. 05-200 for Lands Located at 461 Green Road (Stoney Creek) (PED20043) (Ward 10)
<b>WARD(S) AFFECTED:</b>	Ward 10
<b>PREPARED BY:</b>	E. Tim Vrooman (905) 546-2424 Ext. 5277
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That **Urban Hamilton Official Plan Amendment Application UHOPA-18-013, by IBI Group (c/o Jared Marcus, Applicant) on behalf of 1426689 Ontario Inc. (Owner)** to add a site specific policy in order to permit a 14-storey 260 unit multiple dwelling with a maximum net residential density of 349 units per hectare, for lands located at 461 Green Road, Stoney Creek, as shown on Appendix “A” to Report PED20043, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment attached as Appendix “B” to Report PED20043, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
  - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2014) and conforms to A Place to Grow (2019).
- (b) That **Revised Zoning By-law Amendment Application ZAC-18-034, by IBI Group (c/o Jared Marcus, Applicant) on behalf of 1426689 Ontario Inc. (Owner)** to change the zoning from the Community Commercial (C3) Zone to the

**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Hamilton Zoning By-law 05-200 for Lands Located at 461 Green Road (Stoney Creek) (PED20043) (Ward 10) – Page 2 of 40**

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Mixed Use Medium Density (C5, 669, H34) Zone, in order to permit a 14-storey mixed use development with 465 m<sup>2</sup> of ground floor commercial space and 260 multiple dwelling units with on-site amenities, 97 surface parking spaces, and 293 underground parking spaces, for lands located at 461 Green Road, Stoney Creek, as shown on Appendix “A” to Report PED20043, be **APPROVED** on the following basis:

- (i) That the draft By-law attached as Appendix “C” to Report PED20043, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject property by introducing the Holding symbol ‘H34’ to the proposed Mixed Use Medium Density (C5, 669) Zone.

The Holding Provision ‘H34’ is to be removed to allow for the development of a 14-storey mixed use development with 465 m<sup>2</sup> of ground floor commercial space and 260 dwelling units, conditional upon:

    - a. The necessary upgrades to the sanitary sewers to accommodate additional flows are completed to the satisfaction of the Senior Director of Growth Management;
    - b. A final Traffic Impact Study prepared by a qualified Traffic Engineer is submitted, approved, and implemented, to the satisfaction of the Manager of Transportation Planning; and,
    - c. The Owner has acquired additional lands required for access along the Green Road frontage, to the satisfaction of the Ontario Ministry of Transportation.
  - (iii) That the proposed amendment is consistent with the Provincial Policy Statement (2014) and conforms to A Place to Grow (2019); and,
  - (iv) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. XX.
- (c) That upon approval of Urban Hamilton Official Plan Amendment Application UHOPA-18-013 and Zoning By-law Amendment Application ZAC-18-034, the subject lands be re-designated from “Local Commercial” to “High Density Residential” in the Lakeshore Neighbourhood Plan.

## **EXECUTIVE SUMMARY**

The applicant has applied for an Urban Hamilton Official Plan Amendment and a Zoning By-law Amendment to permit a 14-storey mixed use development with 465 m<sup>2</sup> of ground floor commercial space and 260 dwelling units, including on-site amenities, 97 surface parking spaces, and 293 underground parking spaces on the ±0.747 ha site. The site is currently developed with a ±1,400 m<sup>2</sup> one-storey commercial plaza.

The Official Plan Amendment proposes to add a site specific policy to permit a maximum net residential density of 349 units per hectare for High Density Residential development within the Neighbourhoods designation. The UHOP currently permits a maximum density of 200 units per hectare. The Zoning By-law Amendment proposes to change the zoning from the Community Commercial (C3) Zone to the Mixed Use Medium Density (C5, 669, H34) Zone. A number of site specific variances to the Mixed Use Medium Density (C5) Zone are proposed to accommodate the proposed development. Further, Holding provisions are being added to ensure that necessary upgrades to the sanitary sewers are complete, a revised Traffic Impact Study is approved, and the acquisition of lands from the Ministry of Transportation (MTO) necessary for the proposed access to Green Road is secured.

This application has merit and can be supported as the proposal is consistent with the Provincial Policy Statement (2014), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019), and complies with the general intent of the policies of the Urban Hamilton Official Plan (UHOP). In particular, the proposed development complements the existing function of the neighbourhood, contributes to a complete community by maintaining the existing local commercial uses, and provides residential intensification in an appropriate and strategic location in the Neighbourhoods designation. Given its proximity to employment areas and existing and planned regional and higher order transit, the proposal is compatible with the surrounding area in terms of use, scale, form, and character.

## **Alternatives for Consideration – See Page 40**

## **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 Official Plan Amendment and Zoning By-law Amendment.

**HISTORICAL BACKGROUND**

**Report Fact Sheet**

<b>Application Details</b>	
Owner:	1426689 Ontario Ltd. (Homes by DeSantis)
Applicant/Agent:	IBI Group (c/o Jared Marcus)
File Number:	UHOPA-18-013 ZAC-18-034
Type of Application:	Urban Hamilton Official Plan Amendment Zoning By-law Amendment
Proposal:	14-storey multiple dwelling with 465 m <sup>2</sup> of ground floor commercial space and 260 dwelling units with on-site amenities and 97 surface parking spaces, with eight additional unrequired surface parking spaces located within the Ministry of Transportation 14.0 m setback area, and an underground two-level parking garage containing 293 parking spaces for a total of 390 parking spaces (see Appendix “E” to Report PED20043).
<b>Property Details</b>	
Municipal Address:	461 Green Road (see Location Map attached as Appendix “A” to Report PED20043)
Lot Area:	±7,468 m <sup>2</sup> (rectangular)
Servicing:	Existing Full Municipal Services
Existing Use:	±1,400 m <sup>2</sup> one-storey commercial plaza
<b>Documents</b>	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS.
A Place to Grow:	The proposal conforms to A Place to Grow, 2019.

**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Hamilton Zoning By-law 05-200 for Lands Located at 461 Green Road (Stoney Creek) (PED20043) (Ward 10) – Page 5 of 40**

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Official Plan Existing:	<ul style="list-style-type: none"> <li>• “Neighbourhoods” on Schedule E – Urban Structure and Schedule E-1 – Urban Land Use Designations</li> <li>• Permitted uses: residential dwellings, local commercial uses</li> <li>• Maximum density: 200 units per hectare (high density residential)</li> </ul>
Official Plan Proposed:	To permit a maximum net residential density of 349 units per hectare for the High Density Residential development within the Neighbourhoods designation (see Appendix “B” to Report PED20043).
Neighbourhood Plan:	Lakeshore – Local Commercial
Zoning Existing:	Community Commercial (C3) Zone
Zoning Proposed:	Mixed Use Medium Density (C5, 669, H34) Zone (see Appendix “C” to Report PED20043)
Modifications Proposed:	<ul style="list-style-type: none"> <li>• Definitions with respect to lot lines fronting a public street;</li> <li>• Special Setbacks;</li> <li>• Building setback from a street line;</li> <li>• Parking: <ul style="list-style-type: none"> <li>○ Space sizes;</li> <li>○ Surface materials;</li> <li>○ Minimum and maximum number of spaces for a Multiple Dwelling and Commercial and Institutional Uses;</li> <li>○ Planting strips; and,</li> <li>○ Location between façade and front lot line;</li> </ul> </li> <li>• Loading Facility location;</li> <li>• Finished floor elevation of a dwelling unit;</li> <li>• Building height;</li> <li>• Built form for new development;</li> <li>• Minimum amenity area for dwelling units and multiple dwellings;</li> <li>• Minimum planting strips and visual barrier requirements; and,</li> <li>• Residential density.</li> </ul> <p>(See Appendix “D” to Report PED20043.)</p>

**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Hamilton Zoning By-law 05-200 for Lands Located at 461 Green Road (Stoney Creek) (PED20043) (Ward 10) – Page 6 of 40**

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<b>Processing Details</b>	
Received:	June 8, 2018
Deemed Incomplete:	June 27, 2018
Deemed Complete:	July 24, 2018
Notice of Complete Application:	Sent to 346 property owners within 120 m of the subject property on August 6, 2018.
Public Notice Sign:	Posted August 3, 2018 and updated with Public Meeting date January 22, 2020
Notice of Public Meeting:	Sent to 346 property owners within 120 m of the subject property on January 31, 2020.
Public Consultation:	Neighbourhood meeting held on January 24, 2019. 29 people, including the Ward Councillor, City staff, the applicant and their agent, attended the meeting (see Appendix “G” to Report PED20043).
Public Comments:	16 letters / emails including two separate resident petitions with a total of 176 signatories: 1 in support and 15 (along with petitions) expressing concern (see Appendix “F” to Report PED20043).
Revised Concepts:	<ul style="list-style-type: none"> <li>• April 26, 2019</li> <li>• August 26, 2019</li> </ul>
Processing Time:	560 days.

**EXISTING LAND USE AND ZONING**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b><u>Subject Lands:</u></b>	Retail Commercial and Offices	Community Commercial (C3) Zone
<b><u>Surrounding Land Uses:</u></b>		
<b>North</b>	Street Townhouse Dwellings	Multiple Residential “RM2” Zone
<b>South</b>	QEW and Business / Employment Uses	General Commercial “GC-35” Zone, Modified Prestige Business Park (M3) Zone
<b>East</b>	Vacant	Mixed Use Commercial “MUC-4” Zone, Modified
<b>West</b>	Block Townhouses	Multiple Residential “RM3-10” Zone, Modified

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Provincial Policy Statement (2014)**

The application has been reviewed with respect to the Provincial Policy Statement (PPS) policies that contribute to the development of healthy, liveable, and safe communities as contained in Policy 1.1.1. In particular, the application is consistent with Policy 1.1.1. b), by accommodating a range and mix of uses to meet long term needs.

The application is also consistent with Policy 1.1.3.1 of the PPS, which focuses on growth in settlement areas. The proposed development is located within a settlement area and proposes residential intensification on underutilized lands.

In addition, the following policies, amongst others, apply to the proposal.

- “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*.”

**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Hamilton Zoning By-law 05-200 for Lands Located at 461 Green Road (Stoney Creek) (PED20043) (Ward 10) – Page 8 of 40**

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- 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.
- 3.2.2 Sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no *adverse effects*.”

Staff have reviewed an environmental noise impact study entitled “Noise Feasibility Assessment – Proposed Residential Development at 461 Green Road” prepared by RWDI, dated May 8, 2018 in support of the above-noted development. The aforementioned study reviewed the acoustic requirements for this development with respect to road noise from North Service Road and the QEW.

In accordance with MOECP guidelines, sound level limits are specified for outdoor living areas (OLAs) which include balconies and elevated terraces with a minimum depth of 4.0 m. Terraces that do qualify as OLAs are on the north side of the building on the 5<sup>th</sup>, 7<sup>th</sup>, 9<sup>th</sup>, and 11<sup>th</sup> floors. There are rooftop areas on the southerly and westerly sides of the 2<sup>nd</sup>, 5<sup>th</sup>, 9<sup>th</sup>, and 12<sup>th</sup> floors which are greater than 4 m in depth; however, the useable space that would be occupied for an OLA would be restricted to less than 4 m through the use of railings. This matter is addressed through the implementing Zoning By-law (attached as Appendix “C” to Report PED20043) and will be detailed at the future Site Plan Control stage. Noise-sensitive indoor living areas, which include living rooms and sleeping quarters, are located on every floor.

Unmitigated sounds levels at the OLAs and indoor living areas are predicted to be greater than MOECP guidelines; however, the proposed sound attenuation measures, including the installation of parapets and specific building materials, would achieve acceptable levels. Staff are generally satisfied with the findings of the study, subject to the submission of a detailed noise study to identify the specific building materials, confirm grading information, implement the parapets, address potential noise from the parkade ramp, and confirm the location of any unitary equipment on site. This will be addressed at the future Site Plan Control stage.

In addition, warning clauses are to be identified in the Site Plan undertaking and in all offers of purchase and sale or lease agreements. Further, should the proposed development be subject to a future Draft Plan of Condominium application, the necessary noise warning clauses shall be included within the registerable portion of the Condominium Agreement.

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

**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Hamilton Zoning By-law 05-200 for Lands Located at 461 Green Road (Stoney Creek) (PED20043) (Ward 10) – Page 9 of 40**

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- 1) Within 250 m of known archaeological sites;
- 2) Within 300 m of a primary watercourse or permanent waterbody, 200 m of a secondary watercourse or seasonal waterbody, or 300 m of a prehistoric watercourse or permanent waterbody;
- 3) In an area of sandy soil in areas of clay or stone; and,
- 4) Along historic transportation routes.

Notwithstanding current surface conditions, these criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the PPS apply to the subject application. Staff will require that a written caution be added to any future Site Plan Control Application.

As the proposal is for a change of use from commercial to include residential, this constitutes a change to a more sensitive use and therefore it is mandatory for the proponent to submit a Record of Site Condition (RSC) to demonstrate that the site is suitable for the intended residential use. Record of Site Condition number 226094 was filed in the Environmental Site Registry with the Ministry of Environment, Conservation and Parks on October 17, 2019; therefore, City staff are satisfied that this requirement has been met.

Based on the foregoing, and subject to the proposed zoning by-law and future site plan requirements, the proposal is consistent with Section 3 of the *Planning Act* and the PPS 2014.

### **A Place to Grow (2019)**

The policies of A Place to Grow (2019) apply to any Planning decision.

The proposal conforms to the Guiding Principles, Section 1.2.1 of A Place to Grow (2019), as it supports the achievement of complete communities, provides residential intensification to make efficient use of land and infrastructure, supports a range and mix of housing options, meets people's needs for daily living, supports transit viability, and improves the integration of land use planning with planning and investment in infrastructure. The following policies, amongst others, apply to this proposal.

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

- a. the vast majority of growth will be directed to *settlement areas* that:
  - i. have a *delineated built boundary*;

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

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

- a. feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and *public service facilities*;
- c. provide a diverse range and mix of housing options, including second units and *affordable* housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;”

The subject lands are within the Urban Boundary and Built Up Area in a settlement area, with existing and planned municipal services available. As the proposed development is for a 14 storey mixed use development with ground floor commercial space and 260 dwelling units, it will contribute to a complete community as it provides mixed use and compact development, ensuring that new residential development is efficient and cost effective with appropriate densities, and provides opportunities to maintain existing local commercial uses intended to serve residents within the surrounding neighbourhood.

With respect to appropriate densities, it is noted that the site is not located in a specified strategic growth area (i.e. within planned nodes and corridors as shown in Appendix E – Urban Structure of the UHOP where greater changes in built form can be expected to occur) where direction for intensification and higher densities to make efficient use of land and infrastructure and support transit viability is targeted. However, this does not preclude opportunities for intensification and higher densities in other strategic locations. Forty percent of intensification is targeted to occur elsewhere throughout the

Built Up Area. Development is encouraged where there is planned transit, and the proposed development benefits integration of land use planning and investment in regional transit infrastructure as the site is in close proximity to the Confederation GO Station, approximately 3.6 km away. The proposed density will support ridership of GO transit. In addition, the site is in close proximity to the Employment Area on the south side of the QEW, making the subject lands desirable for high density residential uses.

Further, due to the isolated nature of the Lakeshore neighbourhood, being bounded by Lake Ontario to the north and the QEW to the south, it is important that new development be sustained as a self-sufficient complete community, which can be achieved through intensification and efforts to sustain viable commercial land uses.

Based on the foregoing, the proposal conforms with the applicable policies of A Place to Grow (2019).

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

The subject lands are designated “Neighbourhoods” on Schedule E – Urban Structure and Schedule E-1 – Urban Land Use Designations. The following policies, amongst others, apply to the proposal.

#### Neighbourhoods Designation

- “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*.; ...and,
  - d) local commercial uses.”

As discussed above, the proposed development contributes to the achievement of a complete community by further contributing to a full range of residential dwelling types in an area that offers a wide range of existing dwellings, including detached dwellings, townhouse units, and multiple dwellings. It also maintains existing local commercial uses intended to serve residents within the surrounding neighbourhood.

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.
- 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.”

The proposed development of a multiple dwelling with a proposed density of 349 units per net residential hectare is classified as a high density residential development. High density residential developments are to be located on the periphery of neighbourhoods in proximity to major or minor arterial roads. The site is located on the periphery of the Lakeshore neighbourhood, and North Service Road is designated a minor arterial roadway on Schedule C – Functional Road Classifications of the UHOP.

The subject site is within safe and convenient walking distance to a neighbourhood park (Edgelake Park) which includes walking trails, outdoor play structures, tennis courts, and a hard surface play area, and is also accessible to Confederation Park, which provides City-wide recreational services. The development also includes private indoor / outdoor amenity space for future residents.

The proposed development functions as an appropriate transition between the QEW and North Service Road to the south and the neighbourhood to the north, given the step-back design of the building, which maintains a 45° angular plane to the property lines (see the Angular Plane Analysis attached to Appendix “E” to Report PED20043). Further, the site is in close proximity to the Employment Area on the south side of the QEW, making this site desirable for high density residential uses, as noted in Policy E.3.6.5.

Residential Intensification

- “B.2.4.1.3 The residential intensification target specified in Policy A.2.3.3.4 shall generally be distributed through the built-up area as follows:

- c) 40% of the residential intensification target is anticipated to occur within the Neighbourhoods as illustrated on Schedule E – Urban Structure.

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;

**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Hamilton Zoning By-law 05-200 for Lands Located at 461 Green Road (Stoney Creek) (PED20043) (Ward 10) – Page 14 of 40**

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- 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; and,
- j) infrastructure and transportation capacity and impacts.”

As discussed above, the proposed development represents residential intensification in an appropriate location. The intent of the UHOP is to intensify the existing built up area in appropriate locations, with 40% of intensification targeted to occur within the Neighbourhoods. The subject property is designated Neighbourhoods and is situated on the periphery of the neighbourhood with access to a Minor Arterial Road (North Service Road).

Intensification ensures land, municipal services, and transportation systems are used efficiently and sufficient population is maintained to support community facilities, including regional transit, which builds on the strength of communities to create and maintain vibrant neighbourhoods and provide a wide range of housing types. The proposed development maintains and enhances the existing character and function of the neighbourhood by maintaining the existing commercial uses which contributes to a complete community. The additional density will strengthen the viability of improved transit service in the area, help sustain the local commercial uses, and attract interregional commuters to the area given its proximity to the Confederation GO Station.

In order to ensure infrastructure capacity is available, the Millen Road Water and Wastewater Analysis, prepared by GM BluePlan dated August 2019, recommends upgrading the sanitary sewers to accommodate additional capacity. A Holding provision will be assigned to the lands as part of the implementing Zoning By-law Amendment (attached as Appendix “C” to Report PED20043) until the necessary upgrades are complete and the development pays its proportionate share to the upgrades, which will be addressed at the future Site Plan Control stage.

Based on the Traffic Impact Study (TIS), prepared by Crozier Consulting Engineers and updated November 2019, the development can be supported from a traffic operations perspective as the road system can accommodate the increase in traffic volumes attributable to the proposed development. Traffic signals have been installed at the intersection of North Service Road and Green Road to alleviate increasing background traffic, which will further manage the increased traffic from the proposed development. Transportation Planning supports the application subject to revisions required to the TIS

**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Hamilton Zoning By-law 05-200 for Lands Located at 461 Green Road (Stoney Creek) (PED20043) (Ward 10) – Page 15 of 40**

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to address some inconsistencies; however, these concerns do not question the available capacity of the transportation network. The revisions to the TIS will be addressed through a second Holding provision assigned to the lands as part of the implementing Zoning By-law Amendment (attached as Appendix “C” to Report PED20043).

Careful consideration must be given to design, transition, and compatibility with existing and planned surrounding uses and neighbourhood character, and to minimize impacts. The area contains a mixture of low, medium and high density developments, including two existing 18-storey multiple dwellings constructed in the early 1970s. The lands to the east, across Green Road, are zoned Mixed Use Commercial “MUC-4” Zone, Modified, which permits a high density mixed use development with a minimum residential density of 585 units and has no maximum building height. Accordingly, the proposed redevelopment represents an appropriate transition.

The proposed development will be compatible with adjacent townhouses directly surrounding these lands. Based on a Shadow Study, prepared by IBI Group and dated May 16, 2018, the proposed massing will not cast significant shadows on adjacent properties. The following extracts summarize the impacts:

- The western townhouse blocks will only be in the shade in the morning, up to 12 (noon) in the winter, spring, and fall;
- The northern residential areas will not experience cast shadows in the spring, summer, and fall. The first two rows of townhouses and the first high-rise multiple dwelling will experience short exposure to cast shadow in winter, between noon and 4PM; however, overcast weather, short daylight, and the low position of the sun in winter do not deem these shadows significant, generally, in best practices; and,
- The eastern vacant property will be cast in shadow shortly before sunset in winter (after 4PM) and spring (after 4PM). Summer evening shadows are not expected to be significant.

The massing of the building is also offset from the adjacent low density uses through a stepped back design. The stepped back design recesses upper floors approximately every two to four storeys by a roughly equivalent distance to apply a 45° angular plane on the north and west elevations (see the Angular Plane Analysis attached to Appendix “E” to Report PED20043). This places the bulk of the building along the southerly and easterly edges of the lands along the North Service Road and Green Road frontages, to minimize impacts of overlook and facilitate the transition of height and density. The building itself will function as a noise barrier to help minimise noise impacts associated with the QEW and North Service Road. Lighting will be addressed with the detailed

design at the future Site Plan Control stage. Other land use compatibility matters are further discussed later in this Report.

### Scale and Design

“E.3.2.7 The City shall require quality urban and architectural design. *Development* of lands within the Neighbourhoods designation shall be designed to be safe, efficient, pedestrian oriented, and attractive, and shall comply with the following criteria:

- b) Garages, parking areas, and driveways along the public street shall not be dominant. Surface parking between a building and a public street (excluding a public alley) shall be minimized.
- 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.

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.
- c) Notwithstanding the maximum density requirement in Policy E.3.6.6 b), for smaller sites fronting on arterial roads, an increase in density may be considered, without an amendment to this Plan, provided the policies of this Plan are met. **(OPA 109)**

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 indirect access to a collector or major or minor arterial roads from a local road upon which only a small number of low density residential dwellings are fronting on the local road. **(OPA 109)**
- 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;
  - iii) utility and service structures such as garbage enclosures; and,
  - iv) expanses of blank walls.
- f) The City may require studies, in accordance with Chapter F - Implementation Policies, completed to the satisfaction of the City, to demonstrate that the height, orientation, design and massing of a building or structure shall not unduly overshadow, block light, or result in the loss of privacy of adjacent residential uses.

E.3.8.9 Development and redevelopment of local commercial uses shall:

**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Hamilton Zoning By-law 05-200 for Lands Located at 461 Green Road (Stoney Creek) (PED20043) (Ward 10) – Page 18 of 40**

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- a) front and have access to a major arterial, minor arterial, or collector road;
- b) provide safe and convenient access for pedestrians and cyclists; and,
- c) be compatible with the surrounding area in terms of design, massing, height, setbacks, on-site parking, noise impact, landscaping, and lighting.

E.3.8.10 Residential units located in the same building as local commercial uses shall generally be located above the ground floor. Some components of the residential use may be located in ground floor areas in the rear of buildings. All commercial space shall be located on the ground floor with the primary entrances to the commercial space through the principal façade of the building.

E.3.8.14 New local commercial buildings or uses in areas other than those referred to in E.3.8.13 shall:

- a) be located close to the street to create a strong pedestrian orientation particularly along adjoining collector roads;
- b) provide a principal entrance facing the arterial and collector road;
- c) provide direct access from the sidewalk;
- d) provide windows and signage facing the street; and,
- e) provide for a consistent minimum setback.”

To permit this development, an amendment to the UHOP is required as the proposal is for 260 units on a ±0.747 ha site, which converts to 349 units per net residential hectare, exceeding the maximum permitted density of 200 units per net residential hectare. Given that the site is in an appropriate location to support intensification, higher densities make efficient use of land and infrastructure and support transit viability.

Further, the site is located immediately adjacent to low rise townhouse developments, such as the street townhouse dwellings to the north, which are of a scale appropriate to low density typology and, as noted above, high-density residential shall not generally be permitted immediately adjacent to low-density residential uses without some form of intervening land use or transitional features. To mitigate adverse impact on these adjacent low profile residential uses, the proposed development incorporates design

**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Hamilton Zoning By-law 05-200 for Lands Located at 461 Green Road (Stoney Creek) (PED20043) (Ward 10) – Page 19 of 40**

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features to ensure compatibility through the site design, scale and massing of the building. The building is sited as far as possible from the property lines abutting the residential land uses, and the application of a 45° angular plane using a stepped back design on the north and west elevations facing the residential uses implements best practice standards for a compatible interface, demonstrating that the proposed development will not result in the loss of privacy or overlook concerns (see the Angular Plane Analysis attached to Appendix “E” to Report PED20043).

The development proposes additional screening by providing a planting strip with a minimum width of 2.75 m along the interior side and rear lot lines that will provide for a landscape buffer and screen to further mitigate privacy and overlook impacts on adjacent low profile residential uses. The building setbacks provided also allow for landscape areas around the perimeter of the site, which are generally greater setbacks than the existing lower-rise residential dwellings to ensure compatibility with these properties. These matters will be further detailed at the future Site Plan Control stage.

In support of the proposed development, the proponent has submitted an Urban Design Brief prepared by IBI Group dated May 2018. Staff have reviewed this study and are satisfied with the proposed design measures outlined in the report. Such design measures include, but are not limited to:

- Locating the building towards the southeast corner of the site, furthest away from the adjacent residential dwellings, and to frame the streetscape;
- Orienting the building in such a way that it is aligned lengthwise on a north / south axis on Green Road, which reduces the shadow cast on the residential blocks to the north and west as well as maximizing sightlines to Lake Ontario when viewed from the south;
- Proposing significant terracing, particularly on the north and west-facing sides of the building, meeting the required angular planes to reduce the impact on adjacent properties;
- The proposed building design offers visual interest through high contrast in colour, detailed articulation and variety of form. Cantilevered balconies and recessed terraces in a variety of configurations contrast each other to provide an interesting arrangement of horizontal and vertical components. A high percentage of glazing and variation in materiality and colour are proposed, furthering the visual interest; and,
- The majority of parking is located underground, minimizing the appearance of parking at grade which facilitates more room for amenity and green space. The

**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Hamilton Zoning By-law 05-200 for Lands Located at 461 Green Road (Stoney Creek) (PED20043) (Ward 10) – Page 20 of 40**

---

above ground parking lot and entry to the underground parking garage are located in the rear and interior side yards, which effectively uses the multiple dwelling as a visual screen when viewed from Green Road.

The development is located on the corner of a minor arterial road and a local road (North Service Road and Green Road, respectively), with adequate access provided on Green Road to minimize traffic and pedestrian conflicts. The commercial uses will provide safe, convenient, and direct pedestrian access, with the accesses located close to the street and maintaining consistent setbacks from the street. The commercial component is placed along the principal façade facing Green Road with entrances and storefronts addressing the street, with the residential component located above and behind the commercial areas. Adequate on-site parking, indoor amenities, and access to the property for vehicles and pedestrians will be provided onsite, as discussed further in this Report. The proposed landscape areas provide further opportunities to improve existing landscape features and the overall landscape character of the surrounding area. These matters will be further addressed with the detailed design at the future Site Plan Control stage.

The proposed development will contribute to an attractive public realm by placing a large portion of parking below grade and locating surface parking areas behind the building, away from the street lines. However, staff note that the proximity of the parkade ramp to the yards of adjacent townhouses could result in vehicular noise. Best practices (including the City's Tall Buildings Design Guidelines) discourage free-standing ramps to avoid this occurrence. To mitigate this, detailed noise studies will be required and screening could be required, which would be detailed at the future Site Plan Control stage. Further, the garbage collection is located below grade and will be brought to the surface only on collection days.

The detailed design of the building elevations will minimize expanses of blank walls. The proposed massing defines the street through consistent setbacks and building elevations and respects existing street proportions, given its strategic location at the entrance to the neighbourhood. The proposed building presents a sleek modern architecture design: a 14 storey building at approximately 42 m in height, rectangular in shape with a variety of step backs in the floors to provide screening to the adjacent existing residential dwellings to the north and west. The building façades have been designed with vertical and horizontal articulation to avoid expanses of blank walls. To enhance pedestrian perception and contextual integration, variation in balcony formatting and material treatment should help break down the sheer height of the wall to an acceptable level, and will be detailed at the future Site Plan Control stage.

Local Commercial

- “E.3.2.5 Supporting uses such as local commercial, community facilities/services, and open space and parks, should be clustered to create a focal point for the neighbourhood and to facilitate access by all forms of transportation.
- E.3.6.3 Local commercial uses may also be permitted on the ground floor of buildings containing multiple dwellings, provided the provisions of Section E.3.8 – Local Commercial are satisfied.
- E.3.8.1 Local commercial uses that primarily cater to the weekly and daily needs of residents within the surrounding neighbourhood may be permitted within the Neighbourhoods designation.
- E.3.8.4 Local commercial uses may be permitted in the following built forms:
- d) multiple storey buildings with the local commercial uses on the ground floor and residential units above.”

The proposed development will provide opportunities for local commercial uses permitted in the Mixed Use Medium Density (C5) Zone to be retained in 465 m<sup>2</sup> of commercial space located on the ground floor of the building. While the applicant’s initial proposal was for a multiple dwelling only, maintaining the existing local commercial uses that cater to the weekly and daily needs of residents within the surrounding neighbourhood will provide opportunities for residents of not only this building but also the surrounding neighbourhood to retain some of the local commercial uses currently servicing the area.

Natural Heritage

- “C.2.11.1 The City recognizes the importance of trees and woodlands to the health and quality of life in our community. The City shall encourage sustainable forestry practices and the protection and restoration of trees and forests.”

Trees have been identified on the subject property, and staff have reviewed and are satisfied with the submitted Tree Protection Plan prepared by IBI Group (Zara Brown, landscape architect), dated September 17, 2018. The City requires 1 for 1 compensation for any tree (10 cm diameter at breast height (DBH) or greater) that is proposed to be removed from private property, with said compensation to be identified on the Landscape Plan which will be required at the future Site Plan Control stage.

### 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:
  - iii) The basic maximum right-of-way widths for minor arterial roads shall be 36.576 metres...;”

North Service Road is classified as a Minor Arterial on Schedule C – Urban Road Classification of the UHOP. Accordingly, 3.58 metres are required to be dedicated to the right-of-way along North Service Road. Further, in accordance with Policy C.4.5.7 c), a 12.19 m x 12.19 m daylighting triangle is required at the intersection of the widened limits of Green Road and North Service Road. The applicant has illustrated on the Concept Plan (attached to Appendix “E” to Report PED20043) 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.

### Infrastructure and Servicing

“C.5.3.11 The City shall ensure that any change in density can be accommodated within the municipal water and wastewater system.”

The City has completed a Sanitary Capacity Analysis (Millen Road Water and Wastewater Analysis, prepared by GM BluePlan, August 2019) of the sanitary catchment area, which includes the subject site. The report recommends upgrading the sewers to accommodate additional flows including from the subject site. The development shall not proceed prior to the completion of the municipal sewer upgrades. As a result, the Zoning By-law Amendment will be subject to a Holding provision until the necessary upgrades are complete.

There are no concerns with the subject applications from a water servicing perspective; however, at detailed design the water demand and fire flow calculations shall be updated, as necessary, as part of the future Site Plan Control Application.

### Lakeshore Neighbourhood Plan

An amendment to the Lakeshore Neighbourhood Plan is required to change the designation from “Local Commercial” to “High Density Residential”. Given:

1. The introduction of the nearby Confederation GO station;

**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Hamilton Zoning By-law 05-200 for Lands Located at 461 Green Road (Stoney Creek) (PED20043) (Ward 10) – Page 23 of 40**

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2. The site’s frontage on a minor arterial road, location as a prominent entrance to the neighbourhood, function as a transitional use between the low density residential development to the north and west, the QEW, and the designated high density residential lands to the east; and,
3. That the development will comply with the Urban Hamilton Official Plan upon approval of the proposed Urban Hamilton Official Plan Amendment,

the redesignation to “High Density Residential” can be supported.

**Hamilton Zoning By-law No. 05-200**

The subject property is currently zoned Community Commercial (C3) Zone in Hamilton Zoning By-law No. 05-200, as shown on Appendix “A” to Report PED20043. The C3 Zone permits local commercial uses intended to serve residents within the surrounding neighbourhoods, including but not limited to financial establishments, medical clinics, motor vehicle gas bars, offices, personal services, restaurants, and retail.

The proposed Zoning By-law Amendment is for a change in zoning from the Community Commercial (C3) Zone to the Mixed Use Medium Density (C5, 669, H34) Zone for lands located at 461 Green Road, to permit a 14-storey multiple dwelling with 465 m<sup>2</sup> of ground floor commercial space and 260 dwelling units with on-site amenities, surface parking with 97 parking spaces, and an underground parking garage with 293 parking spaces. Site specific modifications to the C5 Zone have been requested to implement the subject proposal and are discussed in greater detail in Appendix “D” to Report PED20043, and the ‘H’ Holding provisions have been discussed above.

**RELEVANT CONSULTATION**

<b>Departments and Agencies</b>		
	<b>Comment</b>	<b>Staff Response</b>
<ul style="list-style-type: none"> <li>• Asset Management, Strategic Planning Division, Public Works Department;</li> <li>• Construction, Strategic Planning Division, Public Works Department; and,</li> <li>• Growth Planning Section, Growth Management Division, Planning and Economic Development Department.</li> </ul>		No Comment
Development Engineering	Water Servicing	<ul style="list-style-type: none"> <li>• At detailed design the water demand and fire flow</li> </ul>

**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Hamilton Zoning By-law 05-200 for Lands Located at 461 Green Road (Stoney Creek) (PED20043) (Ward 10) – Page 24 of 40**

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Approvals Section, Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none"> <li>There are no concerns with the subject applications from a water servicing perspective.</li> </ul>	calculations shall be updated, as necessary, as part of the future Site Plan Control Application.
	<p><b>Sanitary Capacity</b></p> <ul style="list-style-type: none"> <li>The City has completed a Sanitary Capacity Analysis (Millen Road Water and Wastewater Analysis, GM BluePlan, August 2019) of the sanitary catchment area, which includes the subject site. The report recommends upgrading the sewers to accommodate additional flows including from the subject site. The development shall not proceed prior to the completion of the municipal sewer upgrades.</li> <li>The applicant is not required to complete a separate sanitary capacity analysis; however, they are restricted to the population density and flow that the Sanitary Capacity Analysis has allocated for the property. The applicant will be required to cost share with the neighbouring lands for the sanitary system upgrades that will benefit the subject property from a capacity perspective.</li> </ul>	<ul style="list-style-type: none"> <li>The Zoning By-law Amendment application will be subject to a Holding provision until the necessary upgrades are complete, through the implementing Zoning By-law (attached as Appendix “C” to Report PED20043).</li> <li>Cost sharing and sanitary servicing will be further reviewed through the detailed design at the Site Plan Control stage.</li> </ul>
	<p><b>Source Water Protection</b></p> <ul style="list-style-type: none"> <li>Hamilton Water agrees with</li> </ul>	<ul style="list-style-type: none"> <li>These matters will be further reviewed through the detailed design at the Site</li> </ul>

**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Hamilton Zoning By-law 05-200 for Lands Located at 461 Green Road (Stoney Creek) (PED20043) (Ward 10) – Page 25 of 40**

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	<p>the Geotechnical Investigation prepared by Soil-Mat Engineers and Consultants Ltd., revised April 18, 2019, that monitoring well(s) should be installed. Groundwater levels will be required to estimate dewatering rates given the likelihood during construction. The applicant shall also confirm that waterproof membranes or other design will be implemented for subsurface foundations, as this has significant implications on ongoing dewatering to municipal infrastructure, after construction. The applicant shall also discuss the final shoring method as this decision has considerable implications on dewatering rates post-construction.</p> <ul style="list-style-type: none"> <li>• For information purposes, the proponent has been made aware that the property falls within the Intake Protection Zone for Hamilton’s municipal water intake. At this time there are no conditions concerning the proposed use; however, the applicant should be advised that conditions may be attached to future proposals if policies and programs are developed for the area.</li> </ul>	<p>Plan Control stage.</p>
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**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Hamilton Zoning By-law 05-200 for Lands Located at 461 Green Road (Stoney Creek) (PED20043) (Ward 10) – Page 26 of 40**

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	<p>Stormwater Management</p> <ul style="list-style-type: none"> <li>Based on the design of the proposed underground storage tank and the outlet orifice, it appears a portion of the tank would be located below the outlet. This logging of water may create nuisance, and if it is an open bottom tank, untreated water will percolate underground and contaminate groundwater.</li> </ul>	<ul style="list-style-type: none"> <li>This matter will be further reviewed, and revisions made to the design may be required, at the Site Plan Control stage.</li> </ul>
<p>Forestry and Horticulture Section, Environmental Services Division, Public Works Department</p>	<ul style="list-style-type: none"> <li>Reviewed and approved the Tree Management Plan, subject to receipt of applicable fees.</li> <li>Advised that a Landscape Plan is required.</li> </ul>	<ul style="list-style-type: none"> <li>The Landscape Plan and fees will be reviewed at the Site Plan Control stage.</li> </ul>
<p>Hamilton Conservation Authority</p>	<ul style="list-style-type: none"> <li>Reviewed the Functional Servicing and Stormwater Management Report “461 Green Road, City of Hamilton” dated May, 2018 and prepared by Crozier &amp; Associates along with associated drawings dated May, 2018, and Hydrogeological and geotechnical reports prepared by Soil-Mat Engineers dated November 14, 2017 and January 31, 2018 respectively, and provided comments with respect to quality control and final Functional Servicing Report and associated drawing</li> </ul>	<ul style="list-style-type: none"> <li>These matters will be further reviewed at the Site Plan Control stage.</li> </ul>

**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Hamilton Zoning By-law 05-200 for Lands Located at 461 Green Road (Stoney Creek) (PED20043) (Ward 10) – Page 27 of 40**

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	requirements.	
Landscape Architectural Services, Strategic Planning Division, Public Works Department	<ul style="list-style-type: none"> <li>Require cash-in-lieu of parkland dedication for the proposed development.</li> </ul>	<ul style="list-style-type: none"> <li>This matter will be further reviewed at the Site Plan Control stage.</li> </ul>
Public Health Services, Healthy Environments Division, Healthy and Safe Communities Department	<ul style="list-style-type: none"> <li>Requested a pest control plan for the construction of the proposed development.</li> </ul>	<ul style="list-style-type: none"> <li>This matter will be further reviewed at the Site Plan Control stage.</li> </ul>
Recreation Division, Healthy and Safe Communities Department	<ul style="list-style-type: none"> <li>Supports the proposal's inclusion of private indoor / outdoor amenity space for future residents of the development as the neighbourhood park deficiency will increase with construction of this high density residential dwelling.</li> </ul>	<ul style="list-style-type: none"> <li>The inclusion of private indoor / outdoor amenity space will be further reviewed at the Site Plan Control stage.</li> </ul>
Transit Planning and Infrastructure, Transit Operations Division, Public Works Department	<ul style="list-style-type: none"> <li>Plan to continue providing and monitoring Trans-Cab service in this area.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department	<ul style="list-style-type: none"> <li>Supports the applications subject to revisions required to the Traffic Impact Study (TIS).</li> <li>The TDM Report has been approved.</li> <li>Sidewalks and other pedestrian treatments should be provided within the development.</li> <li>3.58 m ROW dedication along North Service Road</li> </ul>	<ul style="list-style-type: none"> <li>The Zoning By-law Amendment (attached to Appendix "C" to Report PED20043) will be subject to a Holding provision until satisfactory revisions have been made to the TIS.</li> <li>Pedestrian facilities and ROW dedications have been identified on the Concept Plan (attached to Appendix "E" to Report PED20043), as</li> </ul>

**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Hamilton Zoning By-law 05-200 for Lands Located at 461 Green Road (Stoney Creek) (PED20043) (Ward 10) – Page 28 of 40**

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	<p>and 12.19 m by 12.19 m daylighting triangle at the intersection of Green Road required.</p> <ul style="list-style-type: none"> <li>• 5 m by 5 m visibility triangles must be provided at the driveway access.</li> <li>• The grade percentage of the parkade ramp needs to be shown.</li> <li>• The lay-bys along Green Road are not supported.</li> <li>• A truck turning plan needs to be illustrated.</li> </ul>	<p>discussed above under the UHOP design policies. These and other matters will be further reviewed at the Site Plan Control stage.</p>
<p>Ministry of Environment, Conservation and Parks</p>	<ul style="list-style-type: none"> <li>• As the use of the land is being changed from commercial to residential, this constitutes a change to a more sensitive use and therefore, it is mandatory as per O. Reg. 153/04 for the proponent to submit a Record of Site Condition to demonstrate that the site is suitable for the intended residential use.</li> </ul>	<ul style="list-style-type: none"> <li>• Record of Site Condition number 226094 was filed in the Environmental Site Registry on October 17, 2019. Therefore, City staff are satisfied that this requirement has been met.</li> </ul>
<p>Ministry of Transportation (MTO)</p>	<ul style="list-style-type: none"> <li>• No objection to the Official Plan and Zoning By-law Amendments.</li> <li>• The site is within the MTO Permit Control Area. Applicant is required to obtain MTO Building and Land Use permits prior to any grading / construction.</li> <li>• Nothing except at grade surplus parking can be located within the 14.0 m setback from the highway.</li> <li>• No concerns with the traffic</li> </ul>	<ul style="list-style-type: none"> <li>• MTO permits, drainage, and lighting will be further reviewed at the Site Plan Control stage.</li> <li>• Only landscaping and surplus parking is proposed within the 14.0 m setback.</li> <li>• The developer will need to coordinate the acquisition of the additional lands for the proposed access to Green Road with MTO prior to submitting a site plan application. This matter will</li> </ul>

**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Hamilton Zoning By-law 05-200 for Lands Located at 461 Green Road (Stoney Creek) (PED20043) (Ward 10) – Page 29 of 40**

	<p>generated by the development.</p> <ul style="list-style-type: none"> <li>• Detailed drainage / stormwater management design will be required.</li> <li>• There is a 0.3 m MTO reserve placed along the North Service Road and Green Road frontages, with the exception of the existing site access. MTO has no concerns to transfer an additional piece to the developer for the proposed access location.</li> <li>• Requires a lighting plan and report for the site.</li> </ul>	<p>be secured with a Holding provision through the implementing Zoning By-law (attached as Appendix “C” to Report PED20043).</p>
Horizon / Alectra Utilities	<ul style="list-style-type: none"> <li>• Provided information for electrical service and facility requirements.</li> </ul>	<ul style="list-style-type: none"> <li>• Developer to contact Alectra Utilities for hydro facilities and services.</li> </ul>
<b>Public Consultation</b>		
	<b>Comment</b>	<b>Staff Response</b>
Existing Neighbourhood Character, Density and Built Form (Height and Massing), Shadowing, Privacy and Overlook	<ul style="list-style-type: none"> <li>• Viewed as a quiet developed neighbourhood, and new development is expected to occur, just not to the extent that it has.</li> <li>• The area has been developed with townhouse and detached dwellings. A 14 storey high rise multiple dwelling will be out of character with the area.</li> <li>• This is too much density for such a small area that is essentially cut off from the rest of Stoney Creek by the QEW.</li> </ul>	<ul style="list-style-type: none"> <li>• The area contains a mixture of low, medium and high density developments, including two existing 18-storey multiple dwellings. The proposed development would not be out of character with the existing context.</li> <li>• The subject property is appropriate for residential intensification as it is situated on the periphery of the neighbourhood with access to a Minor Arterial Road (North Service Road), in close proximity to regional</li> </ul>

**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Hamilton Zoning By-law 05-200 for Lands Located at 461 Green Road (Stoney Creek) (PED20043) (Ward 10) – Page 30 of 40**

	<ul style="list-style-type: none"> <li>• The height of the building will reduce sunlight, which can allegedly cause dampness and mold and lead to mental and physical health issues, and reduce privacy in the backyards and windows for the abutting townhouses.</li> <li>• Would generally be more supportive of a building up to eight storeys in height.</li> <li>• One respondent excited about the proposed development and believe it will be a very beautiful and modern looking building.</li> </ul>	<p>transit services.</p> <ul style="list-style-type: none"> <li>• The proposed development is sited as far as possible from the property lines abutting the residential land uses, and the application of a 45° angular plane using a stepped back design on the north and west elevations facing the residential uses implements best practice standards for a compatible interface, in order to provide an appropriate transition from the surrounding uses and to address privacy and overlook concerns.</li> <li>• Based on the Shadow Study, prepared by IBI Group dated May 16, 2018, the proposed massing will not cast significant shadows on adjacent properties.</li> <li>• Screening and/or design features shall be incorporated into the design to mitigate any adverse impact on adjacent low profile residential which will be addressed through the future Site Plan Control stage.</li> </ul>
Traffic and Parking	<ul style="list-style-type: none"> <li>• Proposed development will cause an increase to already heavy traffic congestion in the area and at the intersection of Green Road and North Service Road resulting from other new developments in that area. Congestion on the</li> </ul>	<ul style="list-style-type: none"> <li>• The Traffic Impact Study (TIS), prepared by Crozier Consulting Engineers updated November 2019, concludes that the development can be supported from a traffic operations perspective as the boundary road system</li> </ul>

**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Hamilton Zoning By-law 05-200 for Lands Located at 461 Green Road (Stoney Creek) (PED20043) (Ward 10) – Page 31 of 40**

	<p>QEW causes additional traffic to detour onto the service roads, adding to the existing heavy traffic congestion.</p> <ul style="list-style-type: none"> <li>• Concerns with Traffic Impact Study methodology: Were actual traffic counts taken? How do projected counts work?</li> <li>• North Service Road needs resurfacing, lower speed limits, proper and safe turning lanes, widening, improved lighting, and traffic signals.</li> <li>• Why is there no alternative traffic route via connection of Frances Avenue through to Millen Road?</li> <li>• Illegal parking, speeding through neighbourhood, and disregard for stop sign.</li> <li>• One parking space per unit is insufficient to accommodate second vehicles and visitors who would have to park on the street.</li> </ul>	<p>can accommodate the increase in traffic volumes attributable to the proposed development.</p> <ul style="list-style-type: none"> <li>• All Traffic Impact Studies are to be prepared in accordance with the City's Traffic Impact Study Guidelines, July 2009.</li> <li>• The neighbourhood could petition for traffic calming solutions and other road improvements, however, these matters are beyond the scope of this development application. Frances Avenue will not be constructed as a through street east of the development site to prevent through traffic from shortcutting through the neighbourhood, and to preserve the existing Environmentally Significant Area.</li> <li>• Through revisions made to the proposed design, the proponent proposes 1.5 parking spaces per dwelling unit, inclusive of visitor parking, from the original proposal of 1.25 spaces per unit, which is more than the minimum residential parking spaces required by the by-law.</li> </ul>
<p>Local Commercial Amenities</p>	<ul style="list-style-type: none"> <li>• The community needs commercial amenities, as the next nearest commercial uses are</li> </ul>	<ul style="list-style-type: none"> <li>• Revisions to the proposed development now includes 465 m<sup>2</sup> of at grade commercial space.</li> </ul>

**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Hamilton Zoning By-law 05-200 for Lands Located at 461 Green Road (Stoney Creek) (PED20043) (Ward 10) – Page 32 of 40**

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	<p>across the QEW, which is rather inaccessible as well as with the area not being provided with regular transit service.</p> <ul style="list-style-type: none"> <li>• Hope to see local commercial space designated on the first floor, and with the recent and future growth of the area believe there is a need for this and that the businesses would thrive.</li> </ul>	
Extent of Zoning Modifications	<ul style="list-style-type: none"> <li>• Several modifications to the development regulations of the zoning by-law are required.</li> </ul>	<ul style="list-style-type: none"> <li>• The proposed development was designed according to a modified Multiple Residential “RM5” Zone within the Former City of Stoney Creek Zoning By-law 3692-92, and was changed to a modified Mixed Use Medium Density (C5) Zone. In either case, these zones were proposed as a “best fit” for the proposed development. The proposed modifications are further discussed in Appendix “D” to Report PED20043, focusing on compatibility of the proposed development with surrounding uses and the general intent and purpose of the Zoning By-law.</li> </ul>
Loss of Views to Lake Ontario	<ul style="list-style-type: none"> <li>• Development has reduced picturesque views of Lake Ontario to small peeks seen between multiple buildings.</li> </ul>	<ul style="list-style-type: none"> <li>• The building is oriented lengthwise on a north / south axis, maximizing sightlines to Lake Ontario. The proposed building would not block existing vistas along Green</li> </ul>

**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Hamilton Zoning By-law 05-200 for Lands Located at 461 Green Road (Stoney Creek) (PED20043) (Ward 10) – Page 33 of 40**

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		Road.
Perceived Loss of Property Values	<ul style="list-style-type: none"> <li>The proposed development will lower the value of homes in the area as it would overshadow the properties and limit views blocking any sun and green space, and may result in vacancies of properties as they may be less desirable.</li> </ul>	<ul style="list-style-type: none"> <li>The City is not aware of any empirical evidence to support this claim.</li> </ul>
Safety and Crime	<ul style="list-style-type: none"> <li>There has allegedly been an increased police presence in the area and shoplifting at the variety store.</li> </ul>	<ul style="list-style-type: none"> <li>It is important that development be properly designed to create safe conditions, and to note that increases in population density does not directly correlate to an increase in crime. Effectively reducing opportunities for crime is achieved through implementing Crime Prevention Through Environmental Design (CPTED) principles. Staff believes the proposed development achieves these principles by providing opportunities for natural surveillance and visually legible and intuitive means of access as well as defined distinctive public and private property.</li> </ul>
Nuisance from Parkade Vents	<ul style="list-style-type: none"> <li>What are the vents shown on the site plan for and will there be any noise or fumes from them as they are close to existing homes?</li> </ul>	<ul style="list-style-type: none"> <li>The vents are for intake and exhaust from the proposed underground parking structure. Any nuisance resulting from noise or odours emanating from the</li> </ul>

**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Hamilton Zoning By-law 05-200 for Lands Located at 461 Green Road (Stoney Creek) (PED20043) (Ward 10) – Page 34 of 40**

		vents will be further reviewed at the Site Plan Control stage.
Nuisance and Damage from Construction	<ul style="list-style-type: none"> <li>• Vibration caused by excavation and construction is concerning for the integrity of existing foundations.</li> <li>• Likelihood for disruption of normal living due to construction noise, traffic detours, dust and debris, and wear and tear on local roads.</li> <li>• Does the soil have the bearing capacity for this size of development?</li> </ul>	<ul style="list-style-type: none"> <li>• To mitigate impacts of construction activities during redevelopment of the site, plans or procedures for dealing with issues concerning dust control and construction management will be further reviewed at the Site Plan Control stage.</li> <li>• The Geotechnical Investigation prepared by Soil-Mat Engineers and Consultants Ltd., revised April 18, 2019, indicated that the subsurface conditions are suitable for the proposed development provided the appropriate foundation scheme to support the anticipated loads of the proposed structure is used, which would be detailed at the future Site Plan Control stage.</li> </ul>
Impacts on Trees and Green Space	<ul style="list-style-type: none"> <li>• Green space should be larger with the size of the building, and not only on North Service Road but also along Green Road and Frances Avenue.</li> <li>• Will trees planted on adjacent properties be cut or damaged during construction?</li> </ul>	<ul style="list-style-type: none"> <li>• The site is privately owned and is not designated as a public park or open space, and the landscaped and amenity areas provided within the development is intended for private use.</li> <li>• A detailed Landscape Plan, including plantings along the required planting strips along the property lines adjoining the adjacent residential uses (as shown on the Site Plan</li> </ul>

**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Hamilton Zoning By-law 05-200 for Lands Located at 461 Green Road (Stoney Creek) (PED20043) (Ward 10) – Page 35 of 40**

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		<p>as part of Appendix “E” to Report PED20043), will be required at the Site Plan Control stage.</p> <ul style="list-style-type: none"> <li>• Staff have reviewed and are satisfied with the Tree Protection Plan prepared by IBI Group dated September 17, 2018. All existing trees to remain on site, or on adjacent properties, shall be tagged and fully protected with fencing beyond their dripline complete with notice signs advising of the tree protection zones.</li> </ul>
Light Pollution	<ul style="list-style-type: none"> <li>• Will there be lights on the outside and from inside each of the units shining down from all 14 floors onto adjacent properties?</li> </ul>	<ul style="list-style-type: none"> <li>• A Site Lighting Plan will be required as a condition of Site Plan Control and shall be prepared in accordance with Section 3.9 of the City of Hamilton’s Site Plan Guidelines, which applies standards which protect adjacent properties from light trespass.</li> </ul>
Municipal Service Capacity	<ul style="list-style-type: none"> <li>• Can the existing water and wastewater infrastructure and other municipal and emergency services support such a high density development?</li> </ul>	<ul style="list-style-type: none"> <li>• Development Engineering has reviewed the Functional Servicing Report, prepared by Crozier Consulting Engineers dated October 2019, and advise they have no concerns from a water servicing perspective. The Millen Road Water and Wastewater Analysis, prepared by GM BluePlan dated August 2019, recommends upgrading the sanitary sewers to</li> </ul>

**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan and Hamilton Zoning By-law 05-200 for Lands Located at 461 Green Road (Stoney Creek) (PED20043) (Ward 10) – Page 36 of 40**

		<p>accommodate additional capacity. A Holding provision will be assigned to the lands as part of the implementing Zoning By-law Amendment (attached as Appendix “C” to Report PED20043) until the necessary upgrades are complete and the development pays its proportionate share to the upgrades, which will be addressed at the future Site Plan Control stage.</p>
Public Notice and Planning Process	<ul style="list-style-type: none"> <li>Concerned that the notification radius is insufficient to provide notice to all affected property owners of the Lakeshore Neighbourhood, and that the Public Notice Sign is posted on the North Service Road frontage, which is an unsafe place to stop and is located away from the sidewalk and entrance to the commercial plaza along Green Road.</li> <li>Why are Public Meetings set for 9:30 am when most residents are at work and why at City Hall where travel and parking are a challenge, instead of a local evening meeting?</li> </ul>	<ul style="list-style-type: none"> <li>In accordance with the <i>Planning Act</i> and the Council Approved Public Participation Policy, notice is sent within a 120 m radius of the site and a Public Notice Sign is posted on the property notifying that a complete application has been received. The sign posting requirements state that the sign should be posted on the site of the application and provide maximum exposure and is not to obstruct visibility for pedestrians and motorists.</li> <li>The Statutory Public Meeting is held in accordance with the City’s Procedural By-law.</li> </ul>
“MUC-4” Zone	<ul style="list-style-type: none"> <li>Adjacent residents have expressed curiosity over what the vacant lands to the east, located at 310 Frances Avenue and zoned</li> </ul>	<ul style="list-style-type: none"> <li>The “MUC-4” Zone permits a limited variety of commercial uses with apartment dwelling units above. Notably, the special exception requires a</li> </ul>

	<p>Mixed Use Commercial “MUC-4” Zone, Modified, permits.</p>	<p>minimum residential density of 585 units and has no maximum building height.</p> <ul style="list-style-type: none"> <li>• In the time since comments on this application were received, Site Plan Control application (DA-19-020) was received for a mixed use multiple dwelling with 1,836 units consisting of three towers with heights of 48, 54, and 59 storeys, with a four storey parking podium and 400 m<sup>2</sup> of commercial space. This application remains under review and has not received conditional site plan approval.</li> </ul>
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### **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 346 property owners within 120 m of the subject property on August 6, 2018.

A Public Notice Sign was posted on the property on August 3, 2018, and updated on January 22, 2020, with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on January 31, 2020.

### **Public Consultation Strategy**

Pursuant to the City’s Public Consultation Strategy Guidelines, the applicant prepared a Public Consultation Strategy which included a neighbourhood meeting held on January 24, 2019 and hosted by the Ward Councillor at the Stoney Creek Municipal Centre located at 777 Highway No. 8, Stoney Creek. The applicant presented the proposal to members of the public and addressed questions and concerns associated with the application. A notice advising of the neighbourhood meeting was sent from the Ward Councillor’s office to all residents within 120 m of the subject land and local media. A total of 29 people, including the Ward Councillor, City staff, the applicant and their agent, attended the meeting. The Meeting Comments, including applicable responses

from the applicant, are included in Appendix “G” to Report PED20043 and are addressed in the table above.

## **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 (2014) and conforms to A Place to Grow Plan (2019). Both policy documents encourage intensification within settlement areas;
  - ii) It complies with the general intent and purpose of the UHOP, in particular the function, scale and design of the High Density Residential and Local Commercial policies as they relate to residential intensification and complete communities in the Neighbourhoods designation; and,
  - iii) The proposed development complements the existing function of the neighbourhood by maintaining the existing local commercial uses to achieve a complete community. In addition, it provides for residential intensification in a strategic location in proximity to existing and planned regional and higher order transit, ensuring land, municipal services, and transportation systems are used efficiently and contribute to a full range of residential dwelling types. This proposal builds on the strength of the community and maintains and creates a vibrant neighbourhood. The additional density will strengthen the viability of improved transit service in the area and sustain the local commercial uses.

### **2. Urban Hamilton Official Plan Amendment**

The proposed Urban Hamilton Official Plan (UHOP) Amendment is required to create a site specific policy to permit a 14-storey multiple dwelling with a maximum net residential density of 349 units per hectare for High Density Residential development within the Neighbourhoods designation, which currently permits a maximum density of 200 units per hectare.

As per the UHOP policies identified above, the Official Plan Amendment can be supported given the site is located on the periphery of the neighbourhood, fronts onto a minor arterial road, and the proposed development represents residential intensification in an appropriate location that is compatible with the surrounding area in terms of use, scale, form and character. The proposed development will sustain and further contribute to a self-sufficient complete community through intensification and maintaining the existing commercial uses. The subject site is strategically located in close proximity to planned transit where compact

development is encouraged, with the Confederation GO Station approximately 3.6 km away. Therefore, staff support the proposed Official Plan Amendment.

3. Zoning By-law Amendment

The proposed Zoning By-law Amendment is to change the zoning from the Community Commercial (C3) Zone to the Mixed Use Medium Density (C5, 669, H34) Zone. The purpose of the proposed amendment is to permit a 14-storey multiple dwelling with 465 m<sup>2</sup> of ground floor commercial space and 260 multiple dwelling units with on-site amenities, surface parking, and an underground parking garage. Given the site's location and:

- That the zoning will maintain commercial uses intended to serve the day to day needs of local residents;
- That the proposed development will accommodate residential uses to support and enhance the character of the neighbourhood through intensification;
- The stepped back design of the proposed development;
- The proposed setbacks to residential development to the north and west; and,
- That it will comply with the Urban Hamilton Official Plan upon the adoption of Urban Hamilton Official Plan Amendment discussed above;

The proposed Zoning By-law Amendment can be supported.

The implementing by-law proposes modifications to the Mixed Use Medium Density (C5) Zone with respect to setbacks, building height, parking, and perimeter landscaping and screening to accommodate the proposed development. The proposed development is an innovative design which is not tailored to any specific zone found within the Zoning By-law, and the specific modifications are further discussed in Appendix "D" to PED20043, focusing on compatibility of the proposed development with surrounding uses and the general intent and purpose of the Zoning By-law.

4. Holding 'H' Provisions are recommended in order to ensure the necessary upgrades to the sanitary sewers to accommodate additional flows for the catchment area, which includes the subject site, are complete, a final Traffic Impact Study is approved by Transportation Planning, and the acquisition of lands from the Ministry of Transportation (MTO) necessary for the proposed onto to Green Road is secured.

A Traffic Impact Study was submitted with the application and needs to be revised to address some inconsistencies; however, the concerns do not question the available capacity of the transportation network.

## **ALTERNATIVES FOR CONSIDERATION**

Should the application be denied, the lands could be developed in accordance with the Community Commercial (C3) Zone, which permits local commercial uses intended to serve residents within the surrounding neighbourhoods, including but not limited to financial establishments, medical clinics, motor vehicle gas bars, offices, personal services, restaurants, and retail.

## **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.*

### **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 Official Plan Amendment

Appendix “C” – Draft Zoning By-law Amendment

Appendix “D” – Zoning Modification Chart

Appendix “E” – Preliminary Site Plan, Elevations and Angular Plane Analysis

Appendix “F” – Public Submissions

Appendix “G” – Neighbourhood Meeting Notes

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