



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	September 18, 2018
SUBJECT/REPORT NO:	Applications to Amend the Urban Hamilton Official Plan and City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 928 Queenston Road (PED18221) (Ward 9)
WARD(S) AFFECTED:	Ward 9
PREPARED BY:	Adam Lucas (905) 546-2424 Ext. 7856
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Amended Urban Hamilton Official Plan Amendment Application UHOPA-17-020 by Marfad Holdings Inc. (c/o Mario Marazzo), Owner**, to re-designate the subject lands from “Mixed Use – Medium Density” to “Neighbourhoods” in Volume 1; and to re-designate the subject lands from “Mixed Use – Medium Density” to “High Density Residential 1” and establish a site specific policy to permit a maximum net residential density of 290 units per hectare in the Old Town Secondary Plan to permit a mixed use development having a maximum building height of 14 storeys, on lands located at 928 Queenston Road, Stoney Creek, as shown on Appendix “A” to Report PED18221, be **APPROVED**, on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED18221, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2014) and conforms to the Places to Grow Plan.
- (b) That **Amended Zoning By-law Amendment Application ZAC-17-049 by Marfad Holdings Inc. (c/o Mario Marazzo), Owner**, for a modification to the Mixed Use Commercial “MUC” Zone to permit a mixed use building having a maximum height

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of 49 m (14 storeys) as shown on Appendix “A” to Report PED18221 be **Approved** on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED18221 which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law, attached as Appendix “C” to Report PED18221, be added to Map No 5 of the City of Stoney Creek Zoning By-law No. 3692-92;
- (iii) That Schedule “A” of Zoning By-law No. 3692-92, be amended by adding the additional Holding Provision as follows:

For the lands identified as Mixed Use Commercial “MUC-11(H)” Zone on Map No. 5 in the City of Stoney Creek Zoning By-law No. 3692-92, no development shall proceed until such time as:

- (a) The owner enters into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MECP, and submission of the City of Hamilton’s current RSC administration fee.
- (iv) That this By-law is in conformity with the Urban Hamilton Official Plan, upon approval of Urban Hamilton Official Plan Amendment No. _____ ;
- (c) That approval be given for a modification to the Mixed Use Medium Density (C5) Zone, to permit a 14 storey multiple dwelling for lands located at 928 Queenston Road, Stoney Creek, as shown on Appendix “A” to Report PED18221, subject to the following:
 - (i) That the draft By-law, attached as Appendix “D” to Report PED18221, be held in abeyance until such time as By-law No. 17-240, being a by-law to establish new Commercial and Mixed Use Zones in Zoning By-law No. 05-200 is in force and effect;
 - (ii) That staff be directed to bring forward the draft By-law, attached as Appendix “D” to Report PED18221, for enactment by City Council, once By-law No. 17-240, being a by-law to establish new Commercial and Mixed Use Zones, is in force and effect.

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EXECUTIVE SUMMARY

The Owner, Marfad Holdings Inc. (c/o Mario Marazzo), has applied for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment to permit the redevelopment of lands located at 928 Queenston Road in the former City of Stoney Creek to permit a mixed use development having a maximum building height of 49 m, 14 storey, 160 residential units and 583 sq m of commercial floor space at grade, 20 surface vehicular parking spaces, and 173 vehicular parking spaces and 130 bicycle parking spaces located in a one level underground parking garage.

The amended Urban Hamilton Official Plan Amendment proposes to re-designate the subject lands from “Mixed Use – Medium Density” to “Neighbourhoods” in Volume 1. Further, an amendment to the Old Town Secondary Plan is required to re-designate the lands from “Mixed Use – Medium Density” to “High Density Residential 1” and to establish a site specific policy in order to permit a maximum net residential density of 290 units per hectare.

The amended Zoning By-law Amendment proposes to permit a site specific amendment to the Mixed Use Commercial “MUC” Zone in the City of Stoney Creek Zoning By-law No. 3692-92 to permit the proposal with modifications to increase lot coverage, residential density, building height, reduce minimum yards, landscape area, amenity area, parking rate requirements, landscape strips, location of residential loading space to a front lot line, and allow commercial and residential parking areas to be located together.

Further, once the Commercial and Mixed Use Zones (CMU zoning) under the City of Hamilton Zoning By-law No. 05-200 are in force and effect, the property will be zoned Mixed Use Medium Density (C5) Zone. Site specific modifications to the (C5) Zone are required to address maximum building height, finished floor area elevation, building setback from a streetline, parking space size and location of parking spaces and aisles.

The applications have merit and can be supported as they are consistent with the Provincial Policy Statement (2014), conform to the Growth Plan for the Greater Golden Horseshoe (2017) and upon finalization of the UHOP Amendment, will comply with the intent of the UHOP. The proposal is considered to be compatible with the existing development pattern in the area, provides for the redevelopment of a brownfield site, and represents good planning by establishing compatible infill development.

Alternatives for Consideration – See Page 32

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

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Staffing: N/A

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

HISTORICAL BACKGROUND

The subject property is located on the south side of Queenston Road, east of Lake Avenue Drive, and is municipally known as 928 Queenston Road (see Appendix “A” to Report PED18221). The property is approximately 0.55 ha (1.36 ac) in size with 55.4 m of lot frontage along Queenston Road, and 31.5 m of lot frontage along Lake Avenue Drive. The property currently contains a two storey motor vehicle repair garage (Stoney Creek Collision Centre), which is proposed to be demolished to accommodate the proposed development.

Proposal:

First Submission – June 1, 2017 (See Appendix “E” to Report PED18221)

Applications for Official Plan Amendment and Zoning By-law Amendment were submitted seeking to permit a mixed use development having a maximum height of 38.6 m (12 storeys). The proposal consisted of a multiple dwelling with 142 dwelling units and 548 sq m of commercial floor space at grade, 36 surface vehicular parking spaces, and 161 vehicular parking spaces and 170 bicycle parking spaces located in a one level underground parking garage. The proposal also included private balconies and a roof top amenity area. The residential density proposed was 258 units per hectare.

Based on a review of the initial proposal, staff provided comments to the applicant indicating concerns with the scale of the proposal from a massing and transition perspective respecting the adjacent residential lots to the south and along Queenston Road.

Second Submission – March 6, 2018 (See Appendix “F” to Report PED18221)

In response to the comments noted above, the concept plan and elevation drawings were revised to reduce the scale of the building along the southerly lot line, while providing further massing along the Queenston Road frontage. In addition, the following changes were made to the concept plan and elevation drawings:

- The building height was increased to 44.6 m (14 storeys);
- The residential density was increased to 269 units per hectare;

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- The commercial floor area was increased to 583 sq m;
- The number of dwelling units increased to 149;
- The underground parking spaces decreased to 155 parking spaces;
- The surface parking spaces increased to 38 parking spaces;
- The bicycle parking decreased to 130 parking spaces;
- The front yard was decreased to 31 m (along Lake Avenue Drive); and,
- The landscaped area of the site was decreased to 1,577.28 sq m.

After reviewing and assessing the revised proposal, staff provided further comments indicating concerns with the proposed scale of the proposal from a massing and transition perspective to the residential lots to the south of the subject land and along Queenston Road.

Third Submission – April 12, 2018

In response to comments provided by staff on the second submission, further justification was provided by the applicant's architect as to the appropriateness of the scale of the building. A revised concept plan was provided which reduced the landscaped area on the subject lands by 82 sq m while increasing the paved surface area by 82 sq m. This was to facilitate additional surface parking on the subject lands. Staff met with the applicant to provide additional comments on the amended proposal.

Fourth Submission – May 9, 2018 (See Appendix "G" to Report PED18221)

In response to staff's concerns with the justification provided respecting the scale of the building as proposed in the third submission, a revised concept plan and elevation drawings were submitted to further reduce the scale of the building along the north and south elevations by introducing greater step-backs. In addition, the following changes were made to the concept plan and the elevation drawings as follows:

- The lot coverage of the building was reduced to 1,744.5 sq m;
- The number of dwelling units increased to 160;
- The residential density increased to 290 units per hectare;
- The paved surface area increased to 2,172 sq m;
- The landscaped area of the site decreased to 1,615 sq m; and,
- The southerly yard setback increased to 11.0 m.

The fourth submission is the amended application that is the subject of this Report.

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Chronology

- June 1, 2017: Official Plan Amendment Application UHOPA-17-020 and Zoning By-law Amendment Application ZAC-17-049 received.
- June 30, 2017: Official Plan Amendment Application UHOPA-17-020 and Zoning By-law Amendment Application ZAC-17-049 deemed incomplete.
- July 14, 2017: Receipt of outstanding information (i.e. signed Formal Consultation Document and payment of outstanding application fees) from Applicant.
- July 28, 2017: Applications UHOPA-17-020 and ZAC-17-049 deemed complete.
- August 15, 2017: A Public Notice Sign was posted on site.
- September 1, 2017: Notice of Complete Application and Preliminary Circulation sent to 172 property owners within 120 m of the subject property.
- March 6, 2018: Second submission including a revised concept plan, elevation drawings and sun shadow analysis submitted.
- April 12, 2018: Third submission including revised elevation drawings, sun shadow analysis, visual assessment and additional urban design justification submitted.
- May 9, 2018: Fourth submission including a revised concept plan, elevation drawings and sun shadow analysis submitted.
- August 22, 2018: Public Notice Sign updated with Public Meeting date.
- August 31, 2018: Circulation of the Notice of Public Meeting to 172 property owners within 120 m of the subject property.

Details of Submitted Applications:

Owner / Applicant: Marfad Holdings Inc. (c/o Mario Marazzo)

Agent: Fothergill Planning & Development Inc. (c/o Ed Fothergill)

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Location: 928 Queenston Road (see Appendix “A” to Report PED18221)

Property Description: Lot Frontage: 55.4 m (Queenston Road)
31.5 m (Lake Drive Avenue)

Lot Depth: irregular

Lot Area: 0.55 ha (1.36 ac)

Servicing: Existing Full Municipal Services

Existing Land Use and Zoning:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Property:</u>	Two storey motor vehicle repair garage	Mixed Use Commercial “MUC” Zone and Mixed Use Medium Density (C5) Zone.

Surrounding Lands:

North	Bank and retail store	General Commercial “GC” Zone.
East	One storey motor vehicle repair garage	General Commercial “GC” Zone.
South	Single detached dwellings	Multiple Residential “RM1” Zone, Residential “R6” Zone and Single Residential “R2” Zone.
West	One storey professional office	Mixed Use Commercial “MUC” Zone.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2014)

The Provincial Planning Policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (2014). The *Planning Act* requires that

all municipal land use decisions affecting planning matters be consistent with the PPS. The following policies, amongst others, apply to the proposed development.

Settlement Areas

With respect to Settlement Areas, the PPS provides the following:

- “1.1.3.1 *Settlement areas* shall be the focus of growth and development, and their vitality and regeneration shall be promoted.
- 1.1.3.2 Land use patterns within *settlement areas* shall be based on:
- a) densities and a mix of land uses which:
 - 1. efficiently use land and resources;
 - 2. are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and / or uneconomical expansion;
 - 3. minimize negative impacts to air quality and climate change, and promote energy efficiency;
 - 4. support *active transportation*; and,
 - 5. are *transit-supportive*, where transit is planned, exists or may be developed.
 - b) a range of uses and opportunities for *intensification* and *redevelopment* in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.
- 1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for *intensification* and *redevelopment* where this can be accommodated taking into account existing building stock or areas, including *brownfield sites*, and the availability of suitable existing or planned *infrastructure* and *public service facilities* required to accommodate projected needs.”

The subject property is located within a settlement area as defined by the PPS. The proposal is for a mixed use development consisting of 160 dwelling units and 583 sq m of commercial floor space. The proposal is contributing to the mix of land uses in the City of Hamilton that efficiently use land and existing infrastructure, and represents a form of intensification. The proposal seeks a reduction in the amount of vehicular parking and is located in close proximity to public transit including current east and westbound bus services.

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Cultural Heritage and Archaeology

With respect to Cultural Heritage and Archaeology, the PPS provides the following:

“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.”

In respect to archaeological potential, the subject property meets four of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential:

- 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;
- Local knowledge associates areas with historic events / activities / occupations;
- In an area of sandy soil in area of clay or stone; and,
- 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 Provincial Policy Statement apply to the subject application. At the Site Plan Control stage, a written caution note would be applied to the site plan.

Lastly, matters in relation to environmental site conditions and noise are addressed under the UHOP section of this Report.

In consideration of the foregoing, staff are of the opinion that the proposal is consistent with the PPS.

Growth Plan for the Greater Golden Horseshoe (2017):

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

The subject lands are located within the built-up area, as defined by the Growth Plan. Section 1.2.1 of the Growth Plan outlines a number of Guiding Principles regarding how land is developed, resources are managed and protected, and public dollars are invested. The subject proposal conforms to these Guiding Principles in that:

- It supports the achievement of *complete communities* that are designed to support healthy and active living and meeting people’s needs for daily living throughout an entire lifetime; and,

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- It supports a range and mix of housing options to serve all sizes, incomes, and ages of households.

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

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

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

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

- a) feature a diverse mix of land uses, including residential and employment uses, convenient access to local stores, services, and *public service facilities*;
- c) provide a diverse range and mix of housing options, including second units and *affordable* housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes; and,
- d) expand convenient access to:
 - i. a range of transportation options, including options for the safe, comfortable and convenient use of *active transportation*;

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2.2.2 Delineated Built-up Areas

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

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

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

Urban Hamilton Official Plan

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

Urban Structure

- “E.2.4.3 Urban Corridors shall be the location for a range of higher density land uses along the corridor, including mixed uses where feasible, supported by higher order transit on the primary corridors.
- E.2.4.10 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 of *intensification* through the Neighbourhoods which they traverse. However, it is anticipated that intensification will also occur within Neighbourhoods, particularly on sites along other arterial roads that are not designated as *Urban Corridors*.
- E.2.4.14 Urban Corridors shall provide a comfortable and attractive pedestrian experience.

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E.2.4.15 New development shall respect the existing built form of adjacent neighbourhoods where appropriate by providing a gradation in building height. New development shall locate and be designed to minimize the effects of shadowing and overview on properties in adjacent neighbourhoods.”

With respect to the above policies, the proposal represents a form of high density and high rise residential development which is a more intensive land use relative to the existing current two storey motor vehicle repair garage on the subject property. The first level of the proposed building is setback 1.9 m from the front lot line, while floors two to four are located 0.0 m from the front lot line as they cantilever over the ground floor. Vehicular parking has been situated to the rear of the building property and within one level of underground parking. Further, the proposed mixed use development will include commercial uses at grade which contribute to the creation of a positive pedestrian experience. The property is located within a cluster along this stretch of the Secondary Corridor which contains both retail uses and residential and office uses in the area. As a result, staff consider that the proposed uses to be appropriate and the location of the building and parking areas on the property create a comfortable and attractive pedestrian experience.

With respect to shadowing of the building on adjacent neighbourhoods (Policy E.2.4.15), there are existing single detached dwellings located immediately south of the subject lands. In support of the proposed development, the applicants submitted a sun shadow analysis by Lintack Architects Incorporated dated April 12, 2018. The sun shadow images were taken at 9:00 a.m., 12:00 p.m., 2:00 p.m., 4:00 p.m., 6:00 p.m., and 8:00 p.m. on March 21st, September 21st, June 21st and December 21st. These specific dates / times are within the range of industry accepted dates / times to assess sun shadow impacts, while guidance is also provided from the City’s Site Plan Guidelines. Staff have reviewed the sun shadow impact and consider the impacts on the properties in the adjacent neighbourhood to be acceptable and meets the intent of the UHOP.

In terms of overview, the applicants have submitted 45 degree angular build to plane illustrations to the rear property line and across the road allowance of Queenston Road. Staff note that commercial uses exist on the north side of Queenston Road and to the east and west of the subject lands. As such, compliance with Policy E.2.4.15 is maintained as it is not adjacent to neighbourhoods. With respect to the rear property line which is adjacent to neighbourhoods, the applicant has revised the design of the building to provide a series of stepbacks at floors 3-6, 7-8, 9-11, 12, 13 and 14 from the rear property line to reduce the overall impact. The angular building to plane drawing along the rear property line was taken from a height of 1.57 m at the rear property line which is approximately the height of someone standing along the rear property line. Further, a new fence will be erected along the rear property line and would be 1.8 m in

height which would further impede someone viewing into the rear yards of the adjacent residential lots. Staff note that the building is providing minor projections into the angular build to plane along the rear property line. These projections consist of outdoor balconies and architectural features on the building. However, these projections are minor and will have a negligible impact on the overview to the adjacent residential dwellings. Therefore, staff are of the opinion that the intent of the angular build to plane is being maintained.

Given the subject property is being re-designated from “Mixed Use – Medium Density” to “Neighbourhoods”, the following policies apply:

General Policies

- “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.”

The proposal includes a mixed use development consisting of ground floor commercial space, and a multiple dwelling consisting of 160 dwelling units. Staff are of the opinion that the proposal complies with the uses permitted in the Neighbourhoods designation.

High Density Residential

- “E.3.6.1 High density residential areas are characterized by multiple dwelling forms on the periphery of neighbourhoods in proximity to major or minor arterial roads.
- E.3.6.2 Uses permitted in high density residential areas include multiple dwellings, except street townhouses.
- 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.

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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.”

With respect to the above policies, the following is provided:

- The subject property is located along a secondary corridor (Queenston Road), which is on the periphery of the adjacent neighbourhood to the south. The proposed use includes a multiple dwelling which is permitted within the Neighbourhoods designation (Policies E.3.6.1 and E.3.6.2).
- The subject lands are located in close proximity to John Watson Park and Henry and Beatrice Warden Park, as well as the Eastgate Node which is considered a sub-regional node with transit hubs (Policies E.3.6.4 and E.3.6.5).
- The proposal includes 160 dwelling units having a net residential density of 290 dwellings per hectare. While the use of the land for a multiple dwelling is considered a permitted use in the Neighbourhoods designation, the density proposed does not comply with the maximum residential density envisioned in this designation of the UHOP (Policy E.3.6.6). As such, an amendment to the UHOP is required to accommodate the proposed density.

“E.3.6.7 Development within the high density residential category shall be evaluated on the basis of the following criteria:

- a) Development should have direct access to a collector or major or minor arterial road. If direct access to such a road is not possible, the development may be permitted direct access to a collector or major or minor arterial roads via a local road upon which abut only a small number of low density residential category dwellings.
- b) High profile multiple dwellings shall not generally be permitted immediately adjacent to low profile residential uses. A separation distance shall generally be required and may be in the form of a suitable intervening land use, such as a medium density residential use. Where such separations cannot be achieved, transitional features such as effective screening and / or design features shall be incorporated into the design of the high density development to mitigate adverse impact on adjacent low profile residential uses.

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- 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.”

In response to the above policies, the following is provided:

- The subject lands are located on the south side of Queenston Road. Pursuant to Schedule “C” - Functional Road Classification of the UHOP, Queenston Road is considered a Major Arterial Road (Policy 3.6.7a)).
- As previously noted, the proposed development has incorporated a series of stepbacks and building articulation at floors 3-6, 7-8, 9-11, 12, 13 and 14 and to provide an appropriate transition to the low profile residential uses to the south (see Appendix “G” to Report PED18221). There is also an access road between

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the building and the rear lot line and the base of the building has been setback 11.02 m from the rear lot line. Further, the building has been oriented to Queenston Road, away from the adjacent residential dwelling to the south with additional step-backs at the fifth and 12th storeys. The adjacent uses to the north (north side of Queenston Road), east and west are commercial uses. The building has been designed to ensure that all floors above the third floor are setback 14.5 m from adjacent uses to the east and west. As a result, staff are of the opinion that the proposal mitigates any adverse impacts on the adjacent uses (Policies E.3.6.7 b) and E.3.6.7 d)ii)).

- The proposed development includes outdoor amenity areas in the form of private balconies and a rooftop amenity area. Further, buffering has been included in the form of a minimum 2.1 m landscape strip along the south property line and along the Lake Avenue Drive frontage. Further, staff will be requiring landscaping on the subject lands as part of a future Site Plan Control application (Policy 3.6.7 d)i)).
- The concept plan illustrates two driveways. Transportation Planning Services has indicated that the driveway from Queenston Road will be a right in / right out access, whereas the driveway from Lake Avenue Drive will be for both ingress and egress. Further, the concept plan is illustrating three pedestrian connections from the southerly sidewalk on Queenston Road. As a result, staff are of the opinion that conflicts will be minimized between traffic and pedestrians (Policy E.3.6.7 d) iii)).
- As previously indicated, the building has been located close to the streetline of Queenston Road while surface parking and parking has been provided within one level of underground parking. Further, at grade commercial uses are provided, which provides for ample glazing and avoids expanses of blank walls (Policy E.3.6.7 e)).
- As discussed previously, in support of the proposal the applicant submitted a Sun Shadow Impact Analysis. Sun Shadow Impacts have determined to be minimal and staff are of the opinion that the proposal will have a negligible impact on public view corridors and general public views of the Niagara Escarpment (Policies E.3.6.7 f) and g)).

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:

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- 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.”

In response to the above policies, the following is provided:

As previously noted, the subject property is located along Queenston Road which is identified as a Secondary Corridor in the UHOP. This area has historically been dominated and catered to the automobile, with the existence of large tracts of land, surface parking located close to the road, and buildings being constructed to the rear of properties (i.e. away from the street line). The UHOP policies aim to transform this area to a more pedestrian friendly and transit supportive area. In keeping with the direction of the UHOP, the proposal represents a shift in built form where the building has been located close to the street, while the surface parking has been located in behind the building, to the rear of the subject land, and within one level of underground parking. As a result, staff are of the opinion that the proposal enhances and builds upon the desirable patterns and built form in this area moving forward (Policy B.2.4.1.4 b)).

The proposed building contributes to the range of dwelling types and tenures in this area of the City relative to the low rise residential dwellings located in the nearby neighbourhoods, by providing dwelling units within a mixed use multiple dwelling development that are intended to be owner occupied (Policy B.2.4.14 c)). With a maximum building height of 49 m, a rear yard setback of 10.36 m, a rear yard planting strip that is 2.1 m wide, and the use of step-backs and building articulation articulation at floors 3-6, 7-8, 9-11, 12, 13 and 14, the proposed height and location of the building and provision of landscaping has been carefully considered to minimize the impact of sun shadows and overview, and provides for a height that is appropriate in transition / built

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form relative to the adjacent residential area to the south. Further, staff are of the opinion that the proposed built form is compatible with the adjacent commercial / office uses to the north, east and west of the subject property (Policy B.2.4.1.4 d) and e)).

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

Urban Design

- "B.3.3.2.6 Where it has been determined through the policies of this Plan that compatibility with the surrounding areas is desirable, new development and redevelopment should enhance the character of the existing environment by:
- a) complementing and animating existing surroundings through building design and placement as well as through placement of pedestrian amenities;
 - c) allowing built form to evolve over time through additions and alterations that are in harmony with existing architectural massing and style;
 - d) complementing the existing massing patterns, rhythm, character, colour, and surrounding context; and,
 - e) encouraging a harmonious and compatible approach to infilling by minimizing the impacts of shadowing and maximizing light to adjacent properties and the public realm."

The development proposes to situate the first floor of the building 1.9 m from the front lot line, while cantilevering floors two to four and providing a 0.0 m setback from the front lot line. Surface parking has been located behind the building and underground. Staff are supportive of this site layout as it will help animate the street through pedestrian activity while reducing the historical dominance of the automobile in this area (Policy B.3.3.2.6a)). The building's design and location on the lot has minimized the

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impact of shadowing and maximized light to adjacent properties and the public realm, while accommodating a higher density of development envisioned by the UHOP (Policy B.3.3.2.6 e)). With respect to the surrounding area, staff note that the proposed development respects the existing massing patterns and style of the area, which consists of other mid – high rise buildings ranging in heights of 8 – 12 storeys located to the east and west of the low rise commercial uses along Queenston Road within the surrounding area (Policies B.3.3.2.6 c) and d)).

Built Form

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

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

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

B.3.3.3.4 *New development* shall define the street through consistent setbacks and building elevations. Design directions for setbacks and heights are found in Chapter E – Urban Systems and Designations and in the Zoning By-law.

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

- a) locating principal façades and primary building entrances parallel to and as close to the street as possible;
- b) including ample glazing on ground floors to create visibility to and from the public sidewalk;
- c) including a quality landscape edge along frontages where buildings are set back from the street;
- d) locating surface parking to the sides or rear of sites or buildings, where appropriate; and,

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- e) using design techniques, such as building step-backs, to maximize sunlight to pedestrian areas.”

Transition

The subject land is located in an area that is characterized by service / commercial / office uses to the west, north and east, with shallow low rise residential lots abutting the subject land to the south. The mixed use building is proposed to be setback 2.1 m and 1.7 m from the easterly and westerly side lot lines respectively. Pertaining to the east lot line, the adjacent property is being utilized as a motor vehicle repair garage. The proposed reduced side yard setback is only applying to the first four storeys of the building for a length not exceeding 19.5 m, while the remainder of the building will be setback 15.9 m from the side lot line. With respect to the west side lot line, the adjacent property is being used as a professional office. This reduced setback is also only applying to the first four storeys of the building for a length not exceeding 19.5 m, while the remainder of the building will be setback approximately 12.2 m from the lot line.

With respect to the low density residential uses to the south and commercial uses to the north, as previously discussed, staff are of the opinion that the applicant has demonstrated that the proposed setbacks and scale of the building is appropriate.

Given all the above, staff are of the opinion that adequate transitions and privacy has been achieved (Policy B.3.3.2 a) and b)), while the development has been massed to respect the existing and planning street proportions along Queenston Road (Policy B.3.3.3).

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

As previously noted, the sun shadow impact analysis demonstrated that there are minimal impacts being created on adjacent properties or the public realm.

With respect to wind conditions, the applicant undertook a formal consultation with City staff to determine what reports / studies would need to be submitted in support of the proposed development. It was determined that a wind study was not required given that the proposal was for a 10 storey mixed use building and negative impacts associated with wind were not anticipated. Given that the development has been amended to propose a 14 storey building which is considered a tall building, a wind study will be required as a condition at the Site Plan Control stage. Any mitigation measures identified through the study will need to be implemented as part of the development of the lands. It is noted that through the terracing of the building and the use of a podium, the building design typology reflects best practices to minimize adverse wind conditions, and ensuring a comfortable pedestrian realm is created and maintained.

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Pedestrian Environment

The proposed building is to be setback from the front lot line approximately 1.9 m, allowing for a landscaped strip between the building's façade and the front line (see Appendix "G" to Report PED18221), which will provide an enhanced landscape treatment and will be further reviewed at the Site Plan Control stage (Policy B.3.3.3.5 c). The proposed building has incorporated ample glazing on the ground floors and located the primary commercial entrances parallel and close to the street (Policy B.3.3.3.5 a) and b)), while locating surface parking to the rear of the building and in an underground parking garage (Policy B.3.3.3.5 d). As previously noted, the applicant has incorporated design techniques, such as building step-backs and building articulation at floors 5 and 14 to maximize sunlight to pedestrian areas (Policy B.3.3.5 e)).

Integrated Transportation Network

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

C.4.2.4.1 Transportation demand management measures may include:

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

The proposal provides Transportation Demand Management (TDM) measures such as large areas for secure bicycle storage within the underground parking garage of building. At the Site Plan Control stage, staff will also be requiring the provision of short term visitor bicycle parking on site in keeping with the requirements of the (C5) Zoning in Zoning By-law No. 05-200. Further, the subject property is seeking a reduction to the number of parking spaces required under the City of Stoney Creek Zoning By-law No. 3692-92 to align with the recently approved reduced parking rate requirements under Zoning By-law No. 05-200. Also, as previously noted, the subject property is accessible

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to public transit (bus) services along Queenston Road with an eastbound bus stop located approximately 75 m from the subject property and a westbound bus stop approximately 28.5 m from the subject property.

Housing

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

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

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

Environmental Site Conditions

“B.3.6.1.2 Where there is potential for site contamination due to previous uses of a property and a more sensitive land use is proposed, a mandatory filing of a Record of Site Condition is triggered as outlined in provincial guidelines. The Record of Site Condition shall be submitted by the proponent to the City and the Province. The Record of Site Condition shall be to the satisfaction of the City.

B.3.6.1.4 Where there is potential for site contamination due to a previous use or uses on lands subject to development or redevelopment proposals, and a mandatory filing of a Record of Site Condition is triggered, the City shall:

- a) withhold final approval of an application until acceptance of a Record of Site Condition. In the interim, conditional approval may be considered; or,
- b) defer or establish conditions of approval for applications involving official plan amendments, zoning by-law amendments, plans of

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subdivision, and site plan approvals where a Record of Site Condition is necessary.”

The subject property is recognized as a potentially contaminated site due to the current use of the property for a motor vehicle repair garage. Prior to establishing residential uses on this portion of the subject lands, the applicant will be required to complete a Record of Site Condition (RSC) and any necessary remediation to the satisfaction of the Ministry of Environment, Conservation and Parks (MECP). A Holding Provision has been included in the amending Zoning By-law for these lands as the provision of a Notice of Acknowledgment letter from the MECP, or alternatively a conditional building permit agreement, for the RSC is a requirement.

Noise Policies

“B.3.6.3.7 A noise feasibility study, or detailed noise study, or both, shall be submitted as determined by the City prior to or at the time of application submission, for development of residential or other noise sensitive land uses on lands in the following locations:

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

As previously noted, the proposed development is located on a major arterial road (Queenston Road) and is therefore subject to a noise assessment. The noise assessment is required to address both indoor noise levels for the arterial road as well as noise levels on the rooftop outdoor amenity area. In support of the proposal, a Noise Feasibility Study was completed by HGC Engineering dated May 15, 2017. Staff have reviewed the assessment and have indicated no objection with the approval of the development as proposed. However, mitigation measures have been recommended to reduce the impact of noise. Staff note these mitigation measures will be implemented at the Site Plan Control stage.

Old Town Secondary Plan

Given that the subject property is proposed to be re-designated from “Mixed Use – Medium Density” to “High Density Residential 1”, the following policies, amongst others, apply:

General Policies

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

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

As previously noted, the proposal is providing landscaping within the front yard and locating surface parking to the rear of the building and within one level of underground parking. Further, based on the building’s overall height and placement on the property, staff do not anticipate any conflicts with adjacent uses. Further, as a condition of Site Plan Control, the applicant will be required to provide privacy fencing on the east, west and south sides of the subject land.

Land Use

“B.7.2.2.4 In addition to Section E.3.6 – High Density Residential of Volume 1, the following policies shall apply to the lands designated High Density Residential 1 on Map B.7.2-1 – Old Town – Land Use Plan:

- a) Notwithstanding Policy E.3.6.6 of Volume 1, the density range for development shall be from 100 to 200 units per net residential hectare.
- b) Notwithstanding Policies E.3.6.2 and E.3.6.3 of Volume 1, permitted uses shall include apartment buildings above six storeys in height.
- c) High density residential uses should be located within the Stoney Creek Community Node and along Queenston Road.”

With respect to the above policies, the proposed net residential density on the subject land is 290 units per hectare. It is on this basis that a site specific amendment to the secondary plan is required for the proposed density on the subject lands (Policy B.7.2.2.4 a)).

The development includes a 14 storey mixed use development which is permitted. Further, the subject property is located on the south side of Queenston Road (Policy B.7.2.2.4 b) and c)).

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Urban Design

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

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

With respect to the above policies, the subject property is a redevelopment of an underutilized site that currently contains a two storey motor vehicle repair garage. The redevelopment includes the replacement of landscaped plant material along the front yard where an asphalt parking area once existed. The proposed setback is not in unison with the setbacks of the adjacent buildings; however, in keeping with other policies of the UHOP, the building has been sited close to Queenston Road to reinforce the pedestrian nature of the area and includes one driveway access.

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

The subject property is currently zoned Mixed Use Commercial “MUC” Zone (see Appendix “A” to Report PED18221). Permitted uses within this Zone include such uses as a retail store, restaurant, financial institutions, professional offices and dwelling units above a commercial use.

An amendment is required to rezone the subject lands to a site specific Mixed Use Commercial “MUC” Zone to permit the following site specific modifications:

- A maximum lot coverage of 32%;
- A minimum front yard of 1.9 m for the ground floor, 0.0 m for floors two to four and 3.8 m for floors five to 10 and 6.3 m for floors 11 to 14;
- A minimum side yard of 1.7 m (west interior side) and 2.1 m (east interior side);
- A maximum residential density of 290 units per hectare;
- A maximum overall height of 49.0 m;

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- A minimum amenity area of 587 sq m for the entire site;
- A minimum landscape open space of 28%;
- A minimum parking rate in compliance with the CMU zoning requirements;
- A minimum landscape strip abutting Queenston Road of 1.5 m, abutting Lake Avenue of 3.0 m, abutting a residential zone of 2.0 m, abutting the easterly side lot line of 0.0 m and 1.0 m abutting the northerly side lot line;
- Commercial and residential parking spaces to be together; and,
- A residential loading space to be located within a front yard (Lake Avenue Drive)

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

As previously noted, on November 8, 2017, the City of Hamilton approved new Commercial and Mixed Use Zoning in the City of Hamilton Zoning By-law No. 05-200. The subject land was affected by the new zoning in that the property was rezoned to a Mixed Use Medium Density (C5) Zone. Council's approval of the Commercial and Mixed Use Zoning was appealed to the Local Planning Appeal Tribunal. A hearing date and subsequent decision on the appeals have not occurred as of the writing of this Report. In anticipation of a resolution to the appeals pertaining to the CMU Zoning, a draft amending Zoning By-law to Zoning By-law No. 05-200 has been prepared for this property (attached as Appendix "D" to Report PED18221). In order for the proposal to proceed under the (C5) Zone, site specific modifications are required to the (C5) Zone, as follows:

- Maximum finished floor elevation of 0.0 m;
- Maximum height of 49.0 m;
- Maximum building setback to the streetline of Lake Avenue Drive of 32.2 m;
- Minimum parking space size of 2.75 by 5.8 m; and,
- Permit parking spaces and aisles to be located between the building façade and the Lake Avenue Drive flankage lot line.

RELEVANT CONSULTATION

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

- Alectra Utilities (formerly Horizon Utilities Corporation);
- Recreation Division, Healthy & Safe Communities Department;
- Strategic Planning, Public Works Department; and,
- Transit Division, Public Works Department.

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

Forestry and Horticulture Division, Public Works Department has indicated that a detailed landscape planting plan showing the placement of trees on internal / external city property will be required.

Healthy Environments Division, Public Works Department has indicated that a written dust mitigation plan will be required. This matter will be addressed as part of a future Site Plan Control Application.

Transportation Planning Services (TPS), Planning and Economic Department has requested that the applicant will need to revise the submitted Transportation Demand Management (TDM) Options report. More specifically, TPS has requested that the TDM meet the TDM for development guidelines, and provide short and long term bicycle parking. Further TPS has requested that the Traffic Impact Study submitted as part of the development applications be updated or the inclusion of two additional of Site Plan Conditions which will restrict the Queenston Road driveway access to a right in / right out and demonstrate why the centreline of the Lake Avenue Drive access cannot be aligned to the centreline of Galbraith Drive, all to the satisfaction of the Manager of Transportation Planning. Staff are of the opinion that the above matters can be addressed as part of a future Site Plan Control Application.

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 172 property owners and tenants within 120 m of the subject property on August 15, 2017. A Public Notice sign was posted on the property on September 1, 2017 and updated on August 22, 2018 to reflect the Public Meeting date. Finally, Notice of the Public Meeting was circulated on August 31, 2018 in accordance with the requirements of the *Planning Act*.

To date, three pieces of correspondence were received respecting the proposed development (see Appendix "H" to Report PED18221). These items are further summarized in the Analysis and Rationale for Recommendations section of this Report.

Public Consultation Strategy

Pursuant to the City's Public Consultation Strategy Guidelines, the applicant prepared a Public Consultation Strategy, which included a public open house on March 1, 2017 at the Royal Canadian Legion at 12 King Street East in Stoney Creek. The purpose of the meeting was to provide an overview of the proposal with the use of display boards and

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to meet the residents in the area in advance of submitting formal applications to the City. A total of 106 residents surrounding the property were circulated a flyer inviting them to the meeting.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - i) It is consistent with the PPS and conforms to the Growth Plan for the Greater Golden Horseshoe (2017);
 - ii) It complies with the general intent of the Urban Hamilton Official Plan; and,
 - iii) The development is compatible with the type and form of development in the surrounding neighbourhood.
2. The subject property is located on the south side of Queenston Road, with frontage on Lake Avenue Drive as well. The property currently contains a two storey motor vehicle repair garage. The applications propose to permit a mixed use development having a maximum height of 49 m (14 storeys) (see Appendix "G" to Report PED18221). More specifically, the proposal consists of a multiple dwelling consisting of 160 dwelling units and 583 sq m of commercial floor space at grade, 20 surface vehicular parking spaces, and 173 vehicular parking spaces and 130 bicycle parking spaces located in a one level underground parking garage.

Official Plan Amendment

The policies of the "Neighbourhoods" Designation permits mixed use development. As described in the aforementioned sections of this Report, the proposal has demonstrated that the uses proposed provide for compatible integration with the surrounding area, contributes to the range of dwelling types and tenures, efficiently utilizes land and infrastructure and will provide for an appropriate balance of built form and landscape areas on the subject lands. Further, the Official Plan Amendment includes site specific policies to the High Density Residential 1 designation in the Old Town Secondary Plan to permit a maximum density of 290 units per hectare.

The proposal has demonstrated that the proposed height, massing and sun shadow impacts associated with the built form are appropriate for the use of the lands along a Secondary Corridor and at a building height above six storeys. The implementing Zoning By-law will provide provisions to restrict the height, setbacks of the podium and step-backs of the tower on the site and include. Further, the

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proposed built form will be subject to Site Plan Control where staff will ensure that appropriate landscaping will occur around the perimeter and throughout the site, and that the building is well articulated architecturally and sensitively integrated with the surrounding neighbourhood. Given all the above, staff recommend approval of the Official Plan Amendment.

Zoning By-law Amendment

The subject property is presently zoned Mixed Use Commercial “MUC” Zone in the City of Stoney Creek Zoning By-law No. 3692-92. The use of the land for the proposed commercial and residential uses is permitted. However, site specific modifications to the “MUC” Zone are required to permit:

- A maximum lot coverage of 32%;
- A minimum front yard of 1.9 m for the ground floor, 0.0 m for floors two to four and 3.83 m for floors five to 10 and 6.38 m for floors 11 to 14;
- A minimum side yard of 1.7 m (west interior side) and 2.1 m (east interior side);
- A maximum residential density of 290 units per hectare;
- A maximum overall height of 49.0 m;
- A minimum amenity area of 587 sq m for the entire site;
- A minimum landscape open space of 28%;
- A minimum parking rate in compliance with the CMU zoning requirements;
- A minimum landscape strip abutting Queenston Road of 1.5 m, abutting Lake Avenue of 3.0 m, abutting a residential zone of 2.0 m, abutting the easterly side lot line of 0.0 m and 1.0 m abutting the northerly side lot line;
- Commercial and residential parking spaces to be together; and,
- A residential loading space to be located within a front yard (Lake Avenue Drive).

Staff’s analysis and recommendation of the requested modifications are provided below and within Appendix “C1” to Report PED18221.

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

As previously noted, on November 8, 2017, the City of Hamilton approved new Commercial and Mixed Use Zoning in the City of Hamilton Zoning By-law No. 05-200. The subject land was affected by the new zoning in that the property was rezoned to a Mixed Use Medium Density (C5) Zone. Council’s approval of the Commercial and Mixed Use Zoning was appealed to the Local Planning Appeal Tribunal. A hearing date and subsequent decision on the appeals have not occurred as of the writing of this Report. In anticipation of a resolution to the appeals pertaining to the CMU Zoning, an amending Zoning By-law to Zoning By-

SUBJECT: Applications to Amend the Urban Hamilton Official Plan and City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 928 Queenston Road (PED18221) (Ward 9) - Page 30 of 33

law No. 05-200 has been prepared for this property (attached as Appendix “D” to Report PED18221). In order for the proposal to proceed under the (C5) Zone, site specific modifications are required to the (C5) Zone to a reduce parking space size, maximum finished floor elevation above grade, increase building height and building setback from a streetline, and permit parking spaces and aisles to be located between the building façade and the Lake Avenue Drive flankage lot line. Staff’s analysis and recommendation of the requested modifications are within Appendix “D1” to Report PED18221.

4. Holding Provision

An “H” Holding Provision is recommended given that the property is recognized as a potentially contaminated site due to the historical use of the property for commercial purposes. A Record of Site Condition (RSC) is required given the change from the former commercial use (Motor Vehicle Sale Establishment) on the property to the more sensitive residential land use.

Prior to establishing residential uses on this portion of the subject lands, the applicant will be required to complete a Record of Site Condition (RSC) and any necessary remediation to the satisfaction of the MECP. A Holding Provision has been included in both of the amending Zoning By-laws for these lands as the provision of an acknowledgment letter from the MECP or alternatively a conditional building permit agreement for the RSC is a requirement.

It is noted that a RSC has not yet been filed with the MECP and therefore, this requirement is recommended by staff.

5. The Growth Management Division has indicated that there is a 150 mm diameter watermain, 375 mm diameter sanitary and 450 mm storm sewer fronting the subject property. They have indicated no objection to approval of the applications. However, at the Site Plan Control stage, they will be requiring the submission and approval of the following reports / reports as conditions of Site Plan Control; detailed grading plan, detailed erosion and sedimentation control plan, servicing plan, geotechnical investigation / hydrogeological study report, water hydraulic analysis, Functional Servicing Report, Stormwater Management Report, and road widening dedications on both Queenston Road (4.588 m + / -) and Lake Avenue Drive. Staff are of the opinion that these matters can be addressed at the Site Plan Control stage.
6. Following the circulation of the notice of complete applications, there were three letters received from the public for the proposed planning applications indicating concerns with the proposed development (see Appendix “H” to Report PED18221). Below is a summary of the concerns received to date.

Height and Loss of Privacy

A concern was raised with respect to the proposed height and loss of privacy resulting from the proposed development on the property. As previously noted in this Report, in support of the proposed development the applicant provided sun shadow impact analysis and 45 degree angular build to plane analysis along Queenston Road and to the adjacent residential dwellings to the south. The sun shadow impact analysis demonstrated that there will be minimal impacts on adjacent residential uses in the area. Further, the 45 degree angular build to plane analysis demonstrated that the proposed building has employed appropriate setbacks, step-backs and building articulation to provide for a scale of building compatible with the area. As a result, staff are of the opinion that the height of the building can be supported.

Health Concerns

A concern was raised with respect to dust and debris that will be generated as a result of demolishing the existing building on the property. It should be noted that comments have been received from the Healthy Environments Division which required the submission of a dust control plan respecting the future demolition of the building. Secondly, the applicant will also be required to complete a construction management plan to address how construction practices can occur while minimizing impacts on adjacent properties. These matters will be addressed as part of a future Site Plan Control Application.

Traffic

A concern was raised with respect to the amount of traffic being generated as a result of the proposed use. In support of the proposed development, a Traffic Impact Study was submitted and reviewed by Transportation Planning Services. Transportation Planning Services have indicated that there will be some changes to the driveway locations on the property, but there have not been any issues identified with respect to a negative impact caused by the approval of this application. Notwithstanding, the proposed development would be subject to Site Plan Control where such matters as traffic circulation, ingress / egress etc. will be reviewed in greater detail.

Water and Wastewater Capacity Issues

A concern was raised with respect to the City's ability to accommodate the proposed development from a water and wastewater capacity standpoint. Staff noted that comments have been received by the Growth Management Division indicating no objection to the approval the proposal. However, further engineering matters are being requested at the Site Plan Control stage.

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Noise

A concern was raised with respect to noise being generated as a result of the proposed development. Staff note that the applicant completed a noise impact study in support of the proposed development which indicated that provided mitigation measures were implemented in the design of the building the impacts of noise are deemed to be acceptable. Staff are of the opinion that the mitigation measures proposed can be adequately addressed at the Site Plan Control stage.

Reduction to property values

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

ALTERNATIVES FOR CONSIDERATION

Should the proposed Urban Hamilton Official Plan and Zoning By-law Amendment Application be denied the subject lands could be utilized in accordance with the range of uses and provisions of the Mixed Use Commercial “MUC” Zone in the City of Stoney Creek Zoning By-law No. 3692-92 and the Commercial and Mixed Use Zoning when in force and effect.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation

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

Economic Prosperity and Growth

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

Healthy and Safe Communities

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

Clean and Green

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

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Built Environment and Infrastructure

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

Culture and Diversity

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

Our People and Performance

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” – Location Map

Appendix “B” – Urban Hamilton Official Plan Amendment

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

Appendix “C1” – Zoning By-law Assessment (ZBL No. 3692-92)

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

Appendix “D1” – Zoning By-law Assessment (ZBL No. 05-200)

Appendix “E” – Concept Plan and Elevation Drawings (Submission 1)

Appendix “F” – Concept Plan and Elevation Drawings (Submission 2)

Appendix “G” – Concept Plan and Elevation Drawings (Submission 4)

Appendix “H” – Correspondence From Public

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