



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	September 8, 2020
<b>SUBJECT/REPORT NO:</b>	Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law 3692-92 (Stoney Creek) for Lands Located at 325 Highway No. 8 (Stoney Creek) (PED20140) (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-20-005, by IBI Group (c/o Julia Redfearn, Applicant) on behalf of LJM Developments (Stoney Creek) Inc. (c/o Liaquat Mian, Owner)** to change the designation from “Medium Density Residential 3” to “High Density Residential” and to replace the existing Site Specific Policy Area A in the Western Development Area Secondary Plan to permit an 11-storey, 148 unit multiple dwelling with a maximum net residential density of 551 units per hectare on lands located at 325 Highway No. 8, Stoney Creek, as shown on Appendix “A” to Report PED20140, be **DENIED** on the following basis:
- (i) That the proposed amendment does not meet the general intent of the Urban Hamilton Official Plan and the Western Development Area Secondary Plan with respect to building height, residential density, scale, massing, privacy, overlook, and compatibility with and enhancing the character of the existing neighbourhood, and is not considered to be good planning.

- (b) That **Zoning By-law Amendment Application ZAC-20-010, by IBI Group (c/o Julia Redfearn, Applicant) on behalf of LJM Developments (Stoney Creek) Inc. (c/o Liaquat Mian, Owner)** to further modify the Multiple Residential “RM4-8” Zone, Modified in order to permit an 11-storey, 148 unit multiple dwelling with on-site ground level amenity areas and outdoor terraces, 22 surface visitor parking spaces, and 123 underground parking spaces in a two-level underground parkade on lands located at 325 Highway No. 8, Stoney Creek, as shown on Appendix “A” to Report PED20140, be **DENIED** on the following basis:
- (i) That the proposed change in zoning does not meet the general intent of the Urban Hamilton Official Plan and the Western Development Area Secondary Plan with respect to setbacks, residential density, building height, coverage, and parking, and is not considered to be good planning.

## **EXECUTIVE SUMMARY**

The purpose of the application is for an Urban Hamilton Official Plan Amendment and a Zoning By-law Amendment to permit an 11-storey, 148 unit multiple dwelling having a maximum net residential density of 551 units per hectare with on-site ground level amenity areas and outdoor terraces, 22 surface visitor parking spaces, and 123 underground parking spaces in a two-level underground parkade. Additional modifications to the Residential Multiple “RM4-8” Zone, Modified are proposed to accommodate the proposed development.

The site is presently designated “Medium Density Residential 3” and located within “Site Specific Policy Area A” in the Western Development Area Secondary Plan and zoned Residential Multiple “RM4-8” Zone, Modified, to permit a multiple dwelling with a maximum of 93 units (344 units per net residential hectare) and a maximum height of six storeys, with 129 parking spaces. Site Plan Control Application (DA-17-059) to construct a six storey, 93 unit multiple dwelling with four surface parking spaces and 126 parking spaces below grade was conditionally approved on May 5, 2017 and three requests to extend the Site Plan Approval were granted. On November 1, 2019, Site Plan Approval lapsed.

The proposed Official Plan and Zoning By-law amendments do not meet the general intent of the Urban Hamilton Official Plan and the Western Development Area Secondary Plan with respect to matters including but not limited to:

- building height;
- residential density;
- massing;
- privacy;

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- overlook;
- setbacks;
- coverage;
- parking;
- compatibility with and enhancing the character of the existing neighbourhood; and,

are considered to be an overdevelopment of the site. Given the above reasons, the proposal is not considered good planning and staff recommend that the applications be denied.

**Alternatives for Consideration – See Page 35**

**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.

The applications were deemed complete on February 12, 2020 and pursuant to Section 22 (7.0.2) of the *Planning Act*, an application for an Official Plan Amendment may be referred to the LPAT if a decision of Council on the application has not been made within 120 days. This period was suspended for 97 days due to COVID-19 in accordance with Ontario Regulation 149/20: Special Rules Relating to Declared Emergency. The 120 day time period therefore expires on September 17, 2020.

**HISTORICAL BACKGROUND**

**Report Fact Sheet**

Application Details	
Owner:	LJM Developments (Stoney Creek) Inc. (c/o Liaquat Mian)
Applicant/Agent:	IBI Group (c/o Julia Redfearn)
File Number:	UHOPA-20-005 ZAC-20-010

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Type of Application:	Urban Hamilton Official Plan Amendment Zoning By-law Amendment
Proposal:	11-storey, 148 unit multiple dwelling with on-site ground level amenity areas and outdoor terraces, 22 surface visitor parking spaces, and 123 underground parking spaces in a two-level underground parkade (see the Architectural Concepts attached as Appendix “B” to Report PED20140).
<b>Property Details</b>	
Municipal Address:	325 Highway No. 8 (see Location Map attached as Appendix “A” to Report PED20140)
Lot Area:	±2,686 m <sup>2</sup> (rectangular)
Servicing:	Full municipal services
Existing Use:	Temporary sales office
<b>Documents</b>	
Provincial Policy Statement (PPS):	The proposal is not consistent with the PPS (2020).
A Place to Grow:	The proposal does not conform to A Place to Grow (2019).
Official Plan Existing:	“Secondary Corridor” on Schedule E – Urban Structure and “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations.
Official Plan Proposed:	To permit a maximum net residential density of 551 units per hectare for High Density Residential within the Neighbourhoods designation.
Secondary Plan Existing:	Western Development Area – Medium Density Residential 3 (permits a maximum height of nine storeys); Site Specific Policy Area A (maximum net residential density: 344 units per hectare).
Secondary Plan Proposed:	Western Development Area – High Density Residential (permits a maximum height above six storeys); Site Specific Policy Area A (maximum net residential density: 551 units per hectare).
Neighbourhood Plan:	Poplar Park – Medium Density Residential

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Zoning Existing:	Multiple Residential “RM4-8” Zone, Modified
Zoning Proposed:	Multiple Residential “RM4-8” Zone, Modified
Further Modifications Proposed:	<p>Increases in:</p> <ul style="list-style-type: none"> <li>• Maximum Residential Density from 344 units per hectare to 551 units per hectare; and,</li> <li>• Maximum Building Height from 18.5 metres and six storeys to 34.5 metres and 11 storeys; and,</li> </ul> <p>Reductions in:</p> <ul style="list-style-type: none"> <li>• Minimum Front Yard from 2.0 metres (1.4 metres for projection at storeys 2 to 4) to 0.57 metres;</li> <li>• Minimum Landscaped Open Space from 27% to 20% of lot area;</li> <li>• Minimum Number of Parking Spaces from 1.04 parking spaces and 0.35 visitor parking spaces per dwelling unit to 0.83 parking spaces and 0.15 visitor parking spaces per dwelling unit; and,</li> <li>• Setback from Daylight Triangles from 0.75 metres to the building to 0.52 metres to the building.</li> </ul>
<b>Processing Details</b>	
Received:	December 24, 2019
Deemed Incomplete:	January 22, 2020
Deemed Complete:	February 12, 2020
Notice of Complete Application:	Sent to 175 property owners within 120 m of the subject lands on February 21, 2020.
Public Notice Sign:	Posted February 25, 2020 and updated with Public Meeting date August 12, 2020.
Notice of Public Meeting:	<ul style="list-style-type: none"> <li>• Sent to 175 property owners within 120 m of the subject lands on August 21, 2020.</li> <li>• Statutory notice given by way of newspaper in accordance with the provisions of the <i>Planning Act</i> on August 21, 2020.</li> </ul>
Public Comments:	14 letters / emails including a resident petition with a total of 69 signatories expressing concern (see Appendix “C” to Report PED20140).

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Processing Time:	112 days from application deemed complete to Planning Committee (not including the 97 days that the <i>Planning Act</i> timelines were suspended in accordance with Ontario Regulation 149/20: Special Rules Relating to Declared Emergency).
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## **Background**

In 2016, the applicant submitted the following development applications for this site:

- An Official Plan Amendment (UHOPA-16-012): The purpose of the initial application was to amend the Urban Hamilton Official Plan by changing the land use designation on the subject lands from Low Density Residential 3c to High Density Residential 2 and to establish a site specific policy to permit a multiple dwelling with a maximum of 128 units (474 units per hectare) and a maximum height of nine storeys.

Further to discussions with staff and consideration of the comments received at the neighbourhood meeting, the 2016 application was revised to change the land use designation of the subject lands from “Low Density Residential 3c” to “Medium Density Residential 3” and to establish a site specific policy to permit a multiple dwelling with a maximum of 93 units (344 units per net residential hectare) and a maximum height of six storeys.

- A Zoning By-law Amendment (ZAC-16-030): The purpose of the initial application was to change the zoning on the subject lands from the General Commercial “GC-13” Zone, Modified, to a site specific Residential Multiple “RM4” Zone in order to permit the development of a nine storey multiple dwelling containing 128 units.

Further to discussions with staff and consideration of the comments received at the neighbourhood meeting, the 2016 application was revised to rezone the subject lands from the General Commercial “GC-13” Zone, Modified, to the Residential Multiple “RM4-8” Zone, Modified, and to introduce site specific performance standards in order to permit the development of a six storey multiple dwelling containing 93 units and 129 parking spaces. The parking spaces are to be provided underground, with the exception of three parking spaces which are to be provided at grade.

The above noted applications (Report PED17034) were approved by Council through Official Plan Amendment No. 72 to the Urban Hamilton Official Plan (By-law No. 17-052) and By-law No. 17-053 to amend the City of Stoney Creek Zoning By-law No. 3692-92 on March 29, 2017.

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In 2017, an application was made for Site Plan Control (DA-17-059) to construct a six storey, 93 unit multiple dwelling with four surface parking spaces and 126 parking spaces below grade. The application was conditionally approved on May 5, 2017. Three requests for extensions to Site Plan Approval beyond the one year period were granted, extending the approval to May 1, 2019, further to August 1, 2019, and finally to November 1, 2019. On November 1, 2019, this Site Plan Approval lapsed.

The following chart summarizes the existing and proposed changes to the Western Development Area Secondary Plan and the City of Stoney Creek Zoning By-law No. 3692-92:

<b>Western Development Area Secondary Plan</b>		
	<b>Existing:</b>	<b>Proposed:</b>
Designation	Medium Density Residential 3 Site Specific Policy Area A	High Density Residential Modified Site Specific Policy Area A
Density	Maximum of 344 units per net residential hectare	Maximum of 551 units per net residential hectare
Building Height	Maximum of nine storeys	No maximum
<b>City of Stoney Creek Zoning By-law No. 3692-92</b>		
	<b>Existing:</b>	<b>Proposed:</b>
Minimum Front Yard	2.0 metres  1.40 metres for projection at storeys 2 to 4	0.57 metres
Maximum Residential Density	344 units per hectare	551 units per hectare
Maximum Building Height	18.5 metres and six storeys	34.5 metres and 11 storeys
Minimum Landscaped Open Space	27% of the lot area	20% of the lot area

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Minimum Number of Parking Spaces	1.04 parking spaces and 0.35 visitor parking spaces for each apartment dwelling unit	0.83 parking spaces and 0.15 visitor parking spaces for each apartment dwelling unit
Daylight Triangles	Have a minimum yard of 0.34 metres to the canopy of the proposed building and 0.75 metres to the proposed building from the hypotenuse of the daylight triangle.	Have a minimum yard of 0.34 metres to the canopy of the proposed building and 0.52 metres to the proposed building from the hypotenuse of the daylight triangle.

**EXISTING LAND USE AND ZONING**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b><u>Subject Lands:</u></b>	Residential sales centre	Multiple Residential “RM4-8” Zone, Modified

**Surrounding Land Uses:**

North	Street Townhouses and Townhouse Dwellings	Multiple Residential “RM3” Zone
South	Road Allowance; Place of Worship (St. Francis Xavier Church); and, Public Parks (Cenotaph Park and King Street Parkette)	General Commercial “GC-13” Zone, Modified; Neighbourhood Park “P1” Zone; and, Community Institutional “I2” Zone
East	Single Detached Dwellings and Nursing Home (three storey building)	Residential “R5” Zone and Major Institutional “I3” Zone
West	Multiple Dwelling (eight storey building)	Multiple Residential “RM4-6” Zone, Modified



## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### **Provincial Policy Statement (2020)**

The Provincial Planning Policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (2020) (PPS). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS. The application has been reviewed with respect to the PPS policies that contribute to the development of healthy, liveable, and safe communities as contained in Policy 1.1.1. 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 proposed development.

“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*.

1.7.1          Long-term economic prosperity should be supported by:

- e)          encouraging a sense of place, by promoting well-designed built form...”

The subject lands are located within a Settlement Area, and along a major arterial corridor, where intensification is to be directed.

As the subject lands are for a sensitive land use (residential use) abutting a major arterial road, the applicant submitted a Noise Impact Study to assess the effect of vehicular road traffic noise on the proposed residential development. The potential for environmental impact from road traffic and stationary noise is significant, resulting in mitigation measure requirements. The new 2020 proposal shows an outdoor living area (OLA) in the front yard (as shown on Appendix “B” to Report PED20140). This OLA was not proposed in the previous applications from 2016-17. Unmitigated sound levels within the OLA are predicted to be greater than MOECP guidelines. The Noise Impact Study recommends that a 2.3 metre tall acoustic barrier be implemented in addition to warning clauses. This wall would negatively impact the streetscape design of Highway No. 8, which is further discussed in the Urban Hamilton Official Plan (UHOP) section below, and is not consistent with Section 2 (n) of the *Planning Act* or Policy 1.7.1 e) of the PPS (2020).

Based on the foregoing, the proposal is not consistent with the PPS (2020).

## **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). 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;
- e. provide for a more *compact built form* and a vibrant *public realm*, including public open spaces;”

The subject lands are located within the built-up area of Hamilton, along a Secondary Corridor where the City directs intensification. The subject lands are located where full municipal services are available, along an existing transit route, and contribute to creating complete communities by providing an additional housing form for the area, with convenient access to local stores and services. The current in force and effect planning framework for these lands implements A Place To Grow (2019).

As discussed in the Provincial Policy Statement (2020) section above, a 2.3 metre tall acoustic barrier is required to mitigate road traffic and stationary noise from an outdoor living area (OLA) proposed in the front yard. This barrier would have a negative impact on the public realm and streetscape, which is further discussed in the Urban Hamilton Official Plan (UHOP) section below, and therefore is not consistent with Policy 2.2.1.4 e) of A Place to Grow (2019).

Based on the foregoing, the proposal does not conform with the applicable policies of A Place to Grow (2019).

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

The subject lands are identified as “Secondary Corridor” on Schedule E – Urban Structure and designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations and “Medium Density Residential 3” on Map B.7.1.1 – Western Development Area Secondary Plan – Land Use Plan. The lands are located within “Site Specific Policy Area A”. The following policies, amongst others, apply to the proposal.

#### **Urban Corridors**

- “E.2.4.3      Urban Corridors shall be the location for a range of higher density land uses along the corridor, including mixed uses where feasible, supported by higher order transit on the Primary Corridors.
- E.2.4.5      Secondary Corridors shall serve to link nodes and employment areas, or Primary Corridors.
- E.2.4.10     The built form along the Urban Corridors shall generally consist of low to mid rise forms, but will vary along the length of the corridors with some areas permitted to accommodate high density and high rise built form. The Primary Corridors shall have a greater proportion of the corridor length in retail and mixed use forms, while the Secondary Corridors shall generally accommodate retail and mixed use forms in small clusters along the corridors with medium density housing located between the clusters.

- E.2.4.11 Urban Corridors shall be a focus for intensification through the Neighbourhoods which they traverse. However, it is anticipated that intensification will also occur within the surrounding Neighbourhoods, particularly on sites along other arterial roads that are not designated as Urban Corridors.
- E.2.4.12 Secondary Corridors are currently characterized, in large measure, by single use buildings. The intent of this Plan is to evolve the Secondary Corridors to an increasing proportion of multiple storey, mixed use buildings in small cluster locations with at grade retail and service commercial uses.
- E.2.4.16 New *development* shall respect the existing built form of adjacent neighbourhoods where appropriate by providing a gradation in building height. New *development* shall locate and be designed to minimize the effects of shadowing and overview on properties in adjacent neighbourhoods. (OPA 98)
- E.2.4.17 Reductions in parking requirements shall be considered in order to encourage a broader range of uses and densities to support existing and planned transit routes. (OPA 98)”

As outlined in the above policies, the subject lands are located on a Secondary Corridor along Highway No. 8, and the Official Plan directs higher densities and residential intensification along Secondary Corridors. Secondary Corridors are to serve as links between nodes and employment areas, such as Eastgate Square and the employment areas between Barton Street and the QEW. The lands are serviced by No. 55 and No. 58 Stoney Creek bus routes, with a transit stop directly in front of the subject lands. The BLAST network, as shown on Appendix B of Volume 1 of the UHOP, identifies Highway No. 8 as a potential future high order transit corridor, specifically the potential future extension of the B-Line rapid transit line.

The intent of the UHOP policies are to evolve the Secondary Corridors from single use buildings to an increasing proportion of mid rise, medium density mixed use buildings in small cluster locations with at-grade retail and service commercial uses. Some areas of the Urban Corridors are permitted to accommodate high density and high rise built form. The subject site has other adjacent multiple storey residential buildings, arterial and mixed use medium density commercial, and institutional uses along Highway No. 8 between Green Road and Millen Road. There is an eight storey residential building (with the eighth storey being a mechanical and service equipment penthouse) directly to the west of the subject lands (known as the Traviso), as well as a three storey building across Ellington Avenue to the east of the subject lands. In this respect, this location does represent a cluster of multiple storey and mixed use buildings. At 11 storeys in

height, the proposed building is a single use, high rise built form, with no retail / service uses at grade.

It is important to note that the policy direction in the UHOP for Urban Corridors were achieved with the 2016-17 approvals (as detailed above), and these proposed 2020 amendments are not required to implement the policies of the UHOP.

The built form of the proposed 11 storey building steps back the upper floors of the building to apply a 45° build to plane on the north elevation; however, the building projects above this plane for the eighth storey and above (see the Angular Plane Analysis attached to Appendix “B” to Report PED20140). Further, the angular plane diagram is based on a section through the building at the location of the northern stairwell and does not adequately show the positioning of residential units flanking the stairwell or balconies in relation to the angular plane, which may cause further projection issues. In addition, the application of the angular plane, which aims to achieve adequate street proportions in support of pedestrian comfort and neighbourhood character, requires all parts (including balconies) of a building above three storeys in height to be limited to the 45° build to plane applied at 80% of the arterial road right-of-way. This goal of achieving a pedestrian-scaled street profile is also relevant for lower-profile residential streets such as Ellington Avenue.

The proposed height encroachments above the adjacent residential uses and in relation to street widths are above the recommended limits, which result in overview on adjacent properties and does not respect the built form of the surrounding neighbourhood. As a result, the proposed built form is not in character with the existing neighbourhood or the surrounding cluster of development along the Secondary Corridor. While the Shadow Study, prepared by RAW Design and dated January 10, 2020, indicates that cast shadows will have minimal impact onto the adjacent residential properties, the above projection issues remain unresolved. The northern low rise residential property will be slightly impacted in spring and fall after 1PM by cast shadows onto its southern side yard and a small area of its rear yard. Further discussion of compatibility, the residential intensification policies, and design and built form is provided in the following sections.

Staff supported a parking reduction for the subject site from the Stoney Creek Zoning By-Law No. 3692-92 requirements through the previous rezoning application, allowing for 1.04 parking spaces plus 0.35 visitor parking spaces per dwelling unit. Staff do not support the proposal for a further reduction in parking requirements to 123 spaces for 148 dwelling units plus 22 visitor parking spaces (0.83 parking spaces plus 0.15 visitor parking spaces per dwelling unit). There is no provision for on-street parking along either frontage of the site and therefore all parking requirements must be satisfied onsite. While the site is located along a Secondary Corridor which provides opportunities for future transit oriented development and may be served by higher order transit service, it is not located within an existing or planned transit oriented

development area. In addition, while two barrier free parking spaces are proposed, none are provided for visitor parking at grade and the spaces in the underground parking garage are not located closest to the elevator lobby doors (see the Parkade Level Floor Plans attached to Appendix “B” to Report PED20140). Neighbourhood comments (see Appendix “C” to Report PED20140) further highlighted that parking in this surrounding area is already constrained, and staff cannot support a reduction in parking that does not provide at least one parking space per unit and a sufficient number of parking spaces for visitors.

Therefore, the proposal does not comply with the UHOP policies for Secondary Corridors.

#### Neighbourhoods Designation

- “E.3.2.4      The existing character of established Neighbourhoods designated areas shall be maintained. *Residential intensification* within these areas shall enhance and be *compatible* with the scale and character of the existing residential neighbourhood in accordance with Section B.2.4 – Residential Intensification and other applicable policies of this Plan.
- E.3.2.7      The City shall require quality urban and architectural design. *Development* of lands within the Neighbourhoods designation shall be designed to be safe, efficient, pedestrian oriented, and attractive, and shall comply with the following criteria:
- 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.3.3.2      *Development* or *redevelopment* adjacent to areas of lower density shall ensure the height, massing, and arrangement of buildings and structures are *compatible* with existing and future uses in the surrounding area.”

The subject lands are located within the Western Development Area Secondary Plan, and the neighbourhood character includes a variety of low rise and mid rise housing forms, ranging from single detached housing to street townhouses and multiple dwellings. The UHOP defines ‘Compatible’ as “land uses and building forms that are

mutually tolerant and capable of existing together in harmony within an area.

*Compatibility* or *compatible* should not be narrowly interpreted to mean "the same as" or even as "being similar to." With respect to Policy E.3.3.2, it is the height, massing and arrangement of buildings that are to exist in harmony with the lower density areas. To introduce an 11 storey residential building abutting a low-rise character area with insufficient transition in built form is not in keeping with or compatible to the existing character, pattern, and built form of the Western Development Area Secondary Plan area. A more fulsome discussion of compatibility and the residential intensification policies is provided further below.

Access to the parking garage and surface parking area are not visible from the public street. Direct pedestrian access is provided via the public sidewalk, as well as direct walkways from the ground level units along Highway No. 8 and Ellington Avenue.

#### 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.
- 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):
  - 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.”

To permit this development, an amendment to the UHOP is required as the proposal is for 148 units on a ±0.269 ha site, which converts to 551 units per net residential



hectare, exceeding the previous maximum permitted density of 344 units per net residential hectare applied to the subject lands. The site is located immediately adjacent to low rise developments, such as the street townhouse dwellings to the north and single detached dwellings to the northeast, which are of a scale appropriate to low density typology. As noted in Policy E.3.6.7 b), high density residential development shall not generally be permitted immediately adjacent to low density residential uses without some form of intervening land use or transitional features.

Immediately abutting the rear of the subject lands is the side and rear yard of the townhouse fronting along Ellington Avenue and the rear yards of a row of townhouses. Transitional design features are required to be incorporated into the design of the development to mitigate adverse impact on these adjacent low profile residential uses. The height and mass of the building at 11 storeys does not mitigate the impact of the building on these adjacent buildings. As discussed, the Angular Plane Analysis indicates that the proposed building encroaches above the recommended limits to the adjacent residential uses, leading to overlook issues on the immediately adjacent properties. There are also issues arising from the residential balconies located on the second and third storeys, potentially creating further overlook and privacy encroachment onto the adjacent properties.

The proposal depends on permanent planted landscaping buffers to address screening and buffering requirements in respect to adjacent residential properties and streetscapes. A 3 metre wide landscape buffer is required along the northern property line; however, only an approximately 1.5 metre wide buffer is provided. Further, the buffers are required to be unencumbered by structures to provide sufficient soil volumes and avoid periodic disturbances caused by maintenance work to enable substantial plantings that are sustainable, but the underground parking garage is located in close proximity to the northern (rear) property line which would not allow for viable permanent tree plantings (see the Site Plan attached to Appendix “B” to Report PED20140).

Transitions in scale and height are important in respect to skylines but also views from the public realm of the street. Staff are of the opinion that the lower three storey component at the north (rear) of the building is not visually articulated from the larger massing of the overall building to help with the perception of a gradual increase in height and massing from the lower profile residential uses interior to the neighbourhood along Ellington Avenue towards the intersection with Highway No. 8.

Access is proposed onto Ellington Avenue, which is a local road having direct access to a Major Arterial (Highway No. 8). While Ellington Ave has a number of low density residential dwellings fronting it and carries significant volumes of traffic from the Poplar Park neighbourhood to Highway No. 8, the Traffic Impact Study (TIS), prepared by Paradigm Transportation Planning Solutions Limited, dated January 2020, concludes that traffic will operate at acceptable levels of service. Transportation Planning has

reviewed the TIS and concurs the proposed development can be supported by the surrounding road network.

With respect to Policy E.3.6.7 e) iv), while the applicant is not proposing any expanses of blank walls that would be visible from the public realm (see the Elevation drawings attached to Appendix “B” to Report PED20140), the required 2.3 metre tall acoustic barrier along the frontage will have the identical effect of a large expanse of a blank wall that will impact the streetscape, which is further discussed below.

#### Residential Intensification

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

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

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;
- 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 previously noted, the definition of compatible development is achieved with “mutually tolerant” development within the existing area. Policy B.2.4.1.4 (d) requires that development be compatible in terms of use, scale, form and character. While compatibility does not necessarily mean that the development has to be identical to existing adjacent development, it does need to be in keeping with the surrounding context of the area.

The subject lands are located along Highway No. 8, a major arterial road, and the boundary of the neighbourhood to the north of the subject lands. The interior of the neighbourhood contains a variety of low rise house forms such as single detached dwellings and townhouse dwellings, while along Highway No. 8 there is a three storey retirement and nursing home to the east, as well as an eight storey multiple dwelling immediately to the west of the subject lands. A variety of retail, open space and institutional uses are also located along Highway No. 8, in the immediate vicinity, including the St. Francis Xavier Church and St. Francis Xavier elementary school on the south side of Highway No. 8, and the Church of Jesus Christ of Latter Day Saints further east along Highway No. 8.

With respect to policy B.2.4.2.2, staff are concerned that the proposed scale of the development is not in keeping with the existing character of the neighbourhood. While higher density residential development contributes to a number of planning objectives, staff note that the previous approval at six storeys and 93 units achieved these

objectives given the size of the site. The proposed development, with additional height and a density of 551 units per hectare, represents an overdevelopment of the site, and is not in keeping with the surrounding area. The proposal does not meet the residential intensification policies of the UHOP, as the proposal does not provide sufficient transitional measures, stepbacks, landscaping, or buffers to mitigate the height, scale, and massing being proposed. As such, the proposal is not compatible with the existing uses and does not build upon or enhance the established and planned character of the neighbourhood. It is the opinion of staff that the proposal does not demonstrate compatible integration with the surrounding area.

The Functional Servicing Report (FSR), prepared by S. Llewellyn & Associates Limited and dated January 2020, indicates that the sanitary discharge based on people per hectare for the proposed development will result in sanitary flows exceeding the assumed flows used in the design of the existing sanitary system for this location and therefore Growth Management staff have advised that based on the FSR and other information, Growth Management staff cannot support these applications. The Traffic Impact Study (TIS), prepared by Paradigm Transportation Planning Solutions Limited dated January 2020, identifies that eastbound through and right turn movements during the afternoon peak hour along Highway No. 8 are approaching critical volume to capacity (v/c) ratios. The TIS concludes that the introduction of site generated traffic is not expected to significantly impact operations at the study area intersections, which will continue to operate similarly to background traffic scenarios.

Matters regarding compatibility with adjacent land uses, transitions in height and density to adjacent residential buildings, existing neighbourhood character, shadowing, and massing (including the angular plane analysis) are already discussed, which identify privacy and overlook concerns, inadequate planted landscape buffers, and insufficient transitions in scale and height.

The proposed development includes 339 m<sup>2</sup> of indoor amenity space and 123 m<sup>2</sup> of outdoor amenity space, which is greater than required by the Zoning By-law. However, as discussed above, a continuous 2.3 metre tall acoustic barrier with no gaps needs to be constructed along the southwest half of the front yard to reduce sound levels to an acceptable level for the at grade outdoor living area. This wall would enclose and cast shadows over the outdoor amenity area, which would make it less desirable for its intended use. While the proposed building has been designed with a front yard setback that is consistent with the multiple dwelling to the west, the noise wall would encroach into the front yard. Also, while the bulk of the massing and height of the building is placed at the corner furthest away from adjacent residential lands, this massing does not meet the application of the 45° angular plane along the road rights-of-way of Highway No. 8 and Ellington Avenue and impacts the streetscape and pedestrian realm.

Given the above, the proposal does not contribute to a consistent street edge to enhance the streetscape pattern of Highway No. 8 or provide adequate street scale in support of pedestrian comfort and neighbourhood character. It is staff's position that the proposed development does not appropriately implement the Urban Structure of the Plan and does not comply with the residential intensification policies of the UHOP.

#### Urban Design

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

- a) respecting existing character, development patterns, built form, and landscape;
- b) promoting quality design consistent with the locale and surrounding environment;

B.3.3.2.4 Quality spaces physically and visually connect the public and private realms. Public and private development and redevelopment should create quality spaces by:

- a) organizing space in a logical manner through the design, placement, and construction of new buildings, streets, structures, and landscaping; and,
- c) recognizing that every new building or structure is part of a greater whole that contributes to the overall appearance and visual cohesiveness of the urban fabric.

B.3.6.3.11 Design of noise mitigation measures adjacent to collector roads, or major or minor arterial roads shall address streetscape quality through compliance with the following policies:

- a) Noise mitigation measures shall avoid the use of noise barriers (walls and berms) wherever possible.
- b) The use of noise barriers shall only be considered if it can be demonstrated to the satisfaction of the City that no other noise mitigation measures are practical or feasible and their long term maintenance and replacement has been addressed.
- c) The use of noise barriers shall be prohibited adjacent to Primary, Secondary, or Potential Expansion of Secondary Corridors designated on Schedule E – Urban Structure, and adjacent to

pedestrian focus streets as identified in Section E.4.3 – Pedestrian Focus Streets. (OPA 69)

- d) Noise mitigation measures shall comply with Section 3.3 – Urban Design Policies, and all other design policies of this Plan unless it is determined in the detailed noise study, to the satisfaction of the City, that compliance with the design policies is not practical or feasible.”

While the applicant is proposing to situate the proposed multiple dwelling close to the street, the proposed additional height and massing of the building, which lacks or provides insufficient landscape buffers, does not respect the existing character, development patterns, or built-form of adjacent developments and the surrounding area.

As discussed above, the Noise Impact Study indicates that the Outdoor Living Area located in the front yard (as shown on Appendix “B” to Report PED20140) requires that a 2.3 metre tall acoustic barrier be implemented along Highway No. 8, which is designated a Secondary Corridor on Schedule E – Urban Structure. As noise barriers are prohibited in accordance with Policy B.3.6.3.11, the proposal does not comply with the design policies of the UHOP.

#### 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. Staff have reviewed a Tree Protection Plan (TPP), prepared by OMC Landscape Architecture and dated August 9, 2017, and note that a full evaluation could not be provided as the TPP (submitted as part of this application) is not the most recent version of the TPP (dated August 9, 2017; an October 12, 2018 version of the TPP was reviewed as part of the previous Site Plan application), and it is missing the tree inventory table. Staff note that the October 12, 2018 version of the TPP reviewed as part of the previous Site Plan application never received approval.

#### 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 sanitary discharge will result in sanitary flows exceeding the assumed flows used in the design of the existing sanitary system for this location, based on people per hectare

for the proposed development noted in the Functional Servicing Report (FSR), prepared by S. Llewellyn & Associates Limited and dated January 2020. There is no information provided in the FSR to demonstrate that the existing downstream sanitary system has sufficient capacity to support the proposed density on the site. Based on the foregoing, Growth Management staff are unable to support the proposed applications. As the scale of development being proposed was never contemplated, should the applications proceed to approval, detailed calculations would be required at the Site Plan Control stage.

The proposal, with respect to matters including but not limited to building height, residential density, scale, massing, privacy, overlook, and compatibility with the character of the existing surrounding neighbourhood is more typically directed to downtown and, to some degree, sub regional service nodes and primary corridors, where these higher densities have been contemplated, are anticipated, and are reflected in the municipal infrastructure. Based on the foregoing, the proposal does not meet the intent of the Urban Hamilton Official Plan as this area has never been anticipated for the levels of infrastructure required to comprehensively incorporate the densities at this scale.

### **Western Development Area Secondary Plan**

The subject lands are designated “Medium Density Residential 3” in the Western Development Area Secondary Plan – Land Use Plan, and located within “Site Specific Policy Area A”. The following policies, amongst others, apply to the proposal.

#### **“7.1.1.4 Medium Density Residential 3 Designations**

Notwithstanding Policies E.3.5.2, E.3.5.7, and E.3.5.8 of Volume 1, the following policies shall apply to the Medium Density Residential 3 designation identified on Map B.7.1-1– Western Development Area – Land Use Plan:

- a) the permitted uses shall be predominantly apartment dwellings in buildings not exceeding a height of nine stories;

#### **Site Specific Policy Area A (OPA 72)**

- 7.1.5.1 For the lands located at 325 Highway No. 8, identified as Site Specific Policy Area A on Map B.7.1-1 – Western Development Area – Land Use Plan and designated Medium Density Residential 3, the following shall apply:

- a) Notwithstanding the maximum residential densities of Policy E.3.5.7 of Volume 1 and Policy B.7.1.1.4 b) of Volume 2, a multiple dwelling having a maximum of 93 dwelling units or 344 units per net residential hectare shall be permitted.”

The Secondary Plan permits multiple dwellings to a maximum height of nine storeys and 344 dwelling units per hectare on the subject lands in the Medium Density Residential 3 designation. The proposed development does not comply with the Secondary Plan as the proposed building height is 11 storeys and the proposed density is 551 units per hectare. Therefore an amendment to the UHOP to recognize the higher density and height is required.

While a density range of 344 units per net residential hectare would be characterized as High Density Residential, the Secondary Plan did not contain a High Density Residential category at the time that the previous applications were considered in 2017. Since then, the adjacent property to the west, located at 319 Highway No. 8, has been redesignated to High Density Residential 1 through OPA No. 109, which was adopted on August 17, 2018 and came into force and effect on September 21, 2018. (Related OPA No. 161 to Stoney Creek Official Plan was adopted by Council on October 13, 2010 and associated OPA No. 8 to the UHOP was assigned, but as these changes were not incorporated into either MMAH or LPAT (formerly OMB) approval of the UHOP, Amendment No. 109 incorporated the necessary changes to the UHOP.) Accordingly, as the Secondary Plan now contains High Density Residential designations the subject proposal is appropriately being considered for redesignation to a High Density Residential category.

“B.7.1.1.5 High Density Designation

Section E.3.6 – High Density Residential of Volume 1 shall apply to the lands designated High Density on Map B.7.1-1– Western Development Area - Land Use Plan. (OPA 109)”

As noted in the UHOP analysis above, Policy E.3.6.6 of Volume 1 establishes a density range of greater than 100 units per hectare and not greater than 200 units per hectare. While staff were supportive of the previous proposal for a six storey multiple dwelling containing 93 units (with a density of 344 units per net residential hectare) and 129 parking spaces as appropriate development along a Secondary Corridor, the proposed increase in height to 11 storeys and density of 551 units per hectare represents an overdevelopment of this site. While this area is appropriate for the High Density Residential designation, the density, height, and massing being proposed on this site were never contemplated for this area. The lot area of this proposal, at 0.268 hectares, cannot accommodate the number of units, and meet the setback requirements, landscape buffers, and parking requirements to integrate with the area.



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Based on the foregoing, the proposal does not meet the intent of the Western Development Area Secondary Plan with respect to building height and residential density.

**Poplar Park Neighbourhood Plan**

The subject lands are designated “Medium Density Residential” in the Poplar Park Neighbourhood Plan. A redesignation to “High Density Residential” would be required to reflect the proposed development. As per Policy F.1.2.8 of the UHOP, amendments to the Neighbourhood Plan are to be evaluated against Policies F.1.1.3 and F.1.1.4 of the UHOP.

- “F.1.2.8 Any amendment to the Neighbourhood Plan must be evaluated using the provisions of Policies F.1.1.3 and F.1.1.4 and shall require a formal Council decision to enact the amendment.
- F.1.1.3 Amendments to this Plan, including secondary plans, shall be required to create, modify or expand land use designations and policies which do not comply with this Plan.
- F.1.1.4 Amendments to this Plan shall be undertaken by the City:
- a) to update this Plan to reflect new provincial or municipal planning policies at the time of Official Plan Five Year review or other appropriate time through a City initiative; or,
  - b) to update and streamline administration of municipal planning policies.”

Staff are not supportive of the proposed Official Plan Amendment. Should the Official Plan Amendment be approved, an amendment to the Neighbourhood Plan would be required.

**Stoney Creek Zoning Bylaw No. 3692-92**

The subject property is currently zoned Multiple Residential “RM4-8” Zone, Modified, in Stoney Creek Zoning By-law No. 3692-92, as shown on Appendix “A” to Report PED20140. The applicant is proposing further modifications to the Multiple Residential “RM4-8” Zone, Modified, for reductions in the minimum front yard setback including setbacks from daylight triangles, increased building height, increased maximum residential density, and reductions to minimum landscaped open space and the minimum number of parking spaces. The proposed modifications to the “RM4-8” Zone are discussed in greater detail in the Analysis and Rationale section of this Report.

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**RELEVANT CONSULTATION**

<b>Departments and Agencies</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>Recreation Division, Healthy and Safe Communities Department.</li> </ul>		No Comment
	<b>Comment</b>	<b>Staff Response</b>
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none"> <li>The sanitary discharge will result in sanitary flows exceeding the assumed flows used in the design of the existing sanitary system for this location, based on people per hectare for the proposed development noted in the Functional Servicing Report (FSR), prepared by S. Llewellyn &amp; Associates Limited and dated January 2020.</li> <li>There is no information provided in the FSR to demonstrate that the existing downstream sanitary system has sufficient capacity to support the proposed density on the site. In absence of such information, they are unable to support the proposed applications.</li> <li>A geotechnical study is required to determine potential dewatering needs. Due to the limited capacity in the sanitary sewer system, no long term dewatering post-construction would be</li> </ul>	<ul style="list-style-type: none"> <li>Staff do not support the proposed density for reasons including but not limited to sanitary capacity.</li> <li>Should the applications be approved, a Holding provision should be applied to the amending Zoning By-law requiring the applicant to demonstrate adequate sanitary capacity downstream.</li> <li>Should the applications be approved, the geotechnical and drainage concerns will be addressed at the Site Plan Control stage. Water demand and fire flow calculations shall also be updated, as necessary, and resubmitted at that stage.</li> </ul>

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	<p>supported by Hamilton Water. Foundation design should be designed accordingly.</p> <ul style="list-style-type: none"> <li>• The drainage area and servicing plans need to demonstrate the storm system can adequately capture external flows and manage any backflow that has the possibility of flooding adjacent properties.</li> <li>• The peak domestic water usage and required fire flow calculations for this site are acceptable.</li> </ul>	
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	<ul style="list-style-type: none"> <li>• Some amendments are required to the Tree Management Plan.</li> <li>• A Landscape Plan will be required.</li> </ul>	<ul style="list-style-type: none"> <li>• Should the applications be approved, these concerns will be addressed at the Site Plan Control stage.</li> </ul>
Growth Planning Section, Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none"> <li>• Determine if the proposed development will be condominium tenure.</li> <li>• Determine if the proposal will have implications on M-Plan 376 and WCP 112 e.g. cost recoveries.</li> <li>• The existing municipal address of 325 Highway No. 8 will be retained for this development.</li> </ul>	<ul style="list-style-type: none"> <li>• Should the applications be approved, these concerns will be addressed at the Site Plan Control stages and the Draft Plan of Condominium, if condominium tenure is considered.</li> </ul>
Landscape Architectural Services, Strategic Planning Division, Public Works	<ul style="list-style-type: none"> <li>• Does not request cash-in-lieu of parkland dedication at this point in the planning process.</li> </ul>	<ul style="list-style-type: none"> <li>• Noted.</li> </ul>

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Department		
Public Health Services, Healthy Environments Division, Healthy and Safe Communities Department	<ul style="list-style-type: none"> <li>• If the proposed development will use a cooling tower for air conditioning or other cooling needs, the owner is required to register their cooling tower(s) with Public Health Services and comply with Hamilton Cooling Tower Registry Bylaw No.11-078.</li> <li>• If the proposed development will include a pool or spa, it must meet the requirements of RRO 1990, Reg. 565: Public Pools.</li> </ul>	<ul style="list-style-type: none"> <li>• Noted.</li> </ul>
Transit Planning and Infrastructure, Transit Operations Division, Public Works Department	<ul style="list-style-type: none"> <li>• Supports recommendations related to travel demand, found in the transportation study entitled “325 Highway 8, Hamilton Transportation Impact Study, Parking Study, and Transportation Demand Management Plan,” prepared by Paradigm Transportation Solutions Ltd. dated January 2020.</li> <li>• Intends to maintain the existing bus stop (Highway No. 8 @ Ellington, NW corner), including the existing transit shelter and exterior bench, in its current position.</li> </ul>	<ul style="list-style-type: none"> <li>• Noted.</li> </ul>
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic	<ul style="list-style-type: none"> <li>• Approves the Traffic Impact Study, prepared by Paradigm Transportation Planning Solutions Limited dated January 2020.</li> <li>• The Transportation Demand Management (TDM) report,</li> </ul>	<ul style="list-style-type: none"> <li>• Should the applications be approved, TDM implementation measures and site revisions will be addressed at the Site Plan Control stage.</li> </ul>

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Development Department	<p>prepared by Paradigm Transportation Planning Solutions Limited dated January 2020, requires revisions to implement TDM measures recommended within the report.</p> <ul style="list-style-type: none"> <li>• No right-of-way dedications are required.</li> <li>• The site plan drawing requires revisions to provide sufficient visibility triangles at the driveway entrance, driveway widths and curve radii, and enhanced pedestrian connectivity.</li> </ul>	
Recycling and Waste Disposal Section, Environmental Services Division, Public Works Department	<ul style="list-style-type: none"> <li>• This development is eligible for municipal waste collection service subject to meeting the City's requirements. The property owner must contact the City to request waste collection service to complete a site visit to determine if the property complies with the City's waste collection requirements.</li> </ul>	<ul style="list-style-type: none"> <li>• Should the applications be approved, these concerns will be addressed at the Site Plan Control stage.</li> </ul>
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),	<ul style="list-style-type: none"> <li>• The area is viewed as a quieter and less dense neighbourhood with less congestion.</li> <li>• An 11 storey building with a density of 551 units per</li> </ul>	<ul style="list-style-type: none"> <li>• Compatibility with adjacent land uses and appropriate setbacks are required in order to protect privacy and reduce overlook. Staff do not support the</li> </ul>

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Shadowing, Privacy and Overlook	<p>hectare is unacceptable and completely out of character with the neighbourhood, which is characterized by low (less than three storeys) and one midrise (eight storey) building.</p> <ul style="list-style-type: none"> <li>The height of the building will reduce sunlight, block views, and reduce privacy in the yards and windows of abutting properties. The reduced sunlight would require extended periods of artificial indoor lighting, generating higher electricity consumption.</li> </ul>	proposed density, building height and massing.
Reason for Subsequent Planning Applications	<ul style="list-style-type: none"> <li>Unsure why this application for 11 storeys is being considered as the developer was recently approved for a six storey multiple dwelling after initially proposing a nine storey structure.</li> </ul>	<ul style="list-style-type: none"> <li>Regardless of merit, the City shall process all complete applications for an Official Plan Amendment and Zoning By-law Amendment in accordance with the <i>Planning Act</i>.</li> </ul>
Traffic, Associated Noise, and Parking	<ul style="list-style-type: none"> <li>Proposed development will cause an increase in traffic, adding to already heavy traffic along the Highway No. 8 corridor.</li> <li>There is also concerns that the limited space on the site and surrounding areas will limit the manoeuvrability of larger vehicles and responsiveness of emergency services.</li> <li>Less than one parking space per unit is insufficient to accommodate second</li> </ul>	<ul style="list-style-type: none"> <li>The Traffic Impact Study (TIS), prepared by Paradigm Transportation Planning Solutions Limited dated January 2020, concludes that the total traffic operations at the study area intersections will continue to operate similarly to background traffic scenarios. Transportation Planning has reviewed and approved the TIS, concurring with the findings</li> </ul>

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	<p>vehicles and visitors who would have to park on the street, and there is limited street parking available in the vicinity. The recent cancellation of the LRT limits alternative modes of transportation and the predominant use of personal vehicles will persevere, further exacerbating parking concerns.</p> <ul style="list-style-type: none"> <li>• Congestion, noise and pollution generated from additional traffic will have a negative impact on the quality of life and safety of existing residents.</li> </ul>	<p>and conclusions of the study.</p> <ul style="list-style-type: none"> <li>• Staff do not support the proposed reduction to on-site parking requirements.</li> </ul>
Lack of On-Site Landscaping	<ul style="list-style-type: none"> <li>• Concerned that landscape buffering and open space between the building / parking area and adjacent properties is insufficient, and the lack of permeable surfaces will increase the risk of flooding.</li> </ul>	<ul style="list-style-type: none"> <li>• Staff acknowledge that there are insufficient planted landscape buffers proposed and do not support the proposed reduction to Minimum Landscaped Open Space.</li> </ul>
Nuisance and Damage from Construction	<ul style="list-style-type: none"> <li>• 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> </ul>	<ul style="list-style-type: none"> <li>• Should the applications be approved, plans or procedures for dealing with issues concerning dust control and construction management would be reviewed at the Site Plan Control stage to mitigate impacts of construction activities during site development.</li> </ul>
Perceived Loss of Property Values	<ul style="list-style-type: none"> <li>• The proposed development will lower the value of homes</li> </ul>	<ul style="list-style-type: none"> <li>• The City is not aware of any empirical evidence to</li> </ul>

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	in the area.	support this.
Revenue Generated from Development	<ul style="list-style-type: none"><li>Recurring sentiment that the City is driven by revenues generated by the proposed development.</li></ul>	<ul style="list-style-type: none"><li>All planning applications are considered on their own merits against all relevant provincial and local planning policies.</li></ul>

### **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 175 property owners within 120 m of the subject lands on February 21, 2020.

A Public Notice Sign was posted on the property on February 25, 2020, and updated on August 12, 2020, with the Public Meeting date. Notice of the Public Meeting was sent to 175 property owners within 120 m of the subject lands and statutory notice was given by way of a newspaper ad published in The Hamilton Spectator on August 21, 2020, in accordance with the requirements of the *Planning Act*.

### **Public Consultation Strategy**

Pursuant to the City's Public Consultation Strategy Guidelines, the applicant prepared a Public Consultation Strategy. An initial meeting with the Ward Councillor and staff occurred on August 20, 2019 to discuss the proposed increase in height and density, which led to an informal information meeting with recognized concerned residents on September 3, 2019. Residents expressed major concerns with the increases in height and density. Following this meeting, the building design was revised and supporting studies were obtained to address the public feedback. A community meeting was to be held by the applicant on March 26, 2020; however, this meeting was cancelled due to the COVID-19 emergency. In lieu of a rescheduled meeting, the Ward Councillor sent a letter to residents on July 29, 2020 to provide an overview of the history of the applications on this property and to request any additional comments (see Appendix "D" to Report PED20140).

### **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposed Official Plan and Zoning By-law amendments cannot be supported for the following reasons:
  - i) The proposed amendments do not meet the general intent of the Urban Hamilton Official Plan and the Western Development Area Secondary



Plan with respect to matters including but not limited to building height, residential density, massing, privacy, overlook, setbacks, lot coverage, parking, and compatibility with and enhancing the character of the existing neighbourhood.

2. As discussed in the Official Plan and Secondary Plan analyses sections of this report, staff are not in support of the proposal for the following reasons:

i) Modifications to Development Standards and Regulations

Staff do not support the proposed Amendment to the Urban Hamilton Official Plan (UHOP) as the proposal does not meet the intensification and compatibility policies of the UHOP. While the UHOP focuses intensification along Urban Corridors and directs high density residential multiple dwelling forms to the periphery of Neighbourhoods in proximity to major or minor arterial roads, it also requires that the existing character of established Neighbourhoods be maintained and that residential intensification within these areas enhance and be compatible with the scale and character of the existing residential neighbourhood in terms of matters such as privacy, overlook, noise, built form, density, height, scale, and massing, provision of amenity space, and infrastructure capacity.

The proposal is for an 11 storey, 148 unit multiple dwelling with on-site ground level amenity areas and outdoor terraces, 22 surface visitor parking spaces, and 123 underground parking spaces in a two-level underground parkade.

Sanitary discharge for the proposed development will result in flows exceeding the existing sanitary system capacity for this location.

Requested amendments include an increase in maximum building height from 18.5 metres and six storeys to 34.5 metres and 11 storeys, maximum residential density from 344 to 551 dwelling units per net residential hectare, minimum front yard from 2.0 metres to 0.57 metres, minimum landscaped open space from 27% to 20% of lot area, minimum number of parking spaces from 1.04 parking spaces and 0.35 visitor parking spaces per dwelling unit to 0.83 parking spaces and 0.15 visitor parking spaces per dwelling unit, and setback from daylight triangles from 0.75 metres to the building to 0.52 metres to the building.

The cumulative effect of these modifications result in an overdevelopment of the site.

ii) Compatibility with Character of Existing Neighbourhood

The Urban Hamilton Official Plan requires that the existing character of established Neighbourhoods be maintained and that residential intensification within these areas enhance and be compatible with the scale and character of the existing residential neighbourhood. The site is located immediately adjacent to street townhouse dwellings to the north and single detached dwellings to the northeast, which are of a scale appropriate to low density typology.

To locate high density residential development immediately adjacent to low density residential uses, transitional features are required. Privacy and overlook concerns, inadequate planted landscape buffers, and insufficient transitions in scale and height exist. In addition, a 2.3 metre tall acoustic barrier needs to be constructed along the front yard which would interrupt the streetscape pattern along Highway No. 8.

This site lacks sufficient lot size to accommodate the necessary design and transitional features to achieve compatibility and cannot provide appropriate setbacks and landscaped area. Further, the density being proposed was never contemplated for this area and is not compatible with the surrounding area.

iii) Parking

The current Stoney Creek Zoning By-Law No. 3692-92 for this site requires a reduced parking rate of 1.04 parking spaces plus 0.35 visitor parking spaces per dwelling unit. The application proposes a further reduction in parking requirements to 0.83 parking spaces plus 0.15 visitor parking spaces per dwelling unit (123 spaces for 148 dwelling units plus 22 visitor parking spaces). As there is no provision for on-street parking along either frontage of the site, and, no higher order transit exists, staff do not support the proposal for a further reduction in parking requirements.

Proposals for intensification and redevelopment with higher densities and high rise built form beside low density residential forms are to meet a number of criteria, as set out in the UHOP. Staff do not support the proposed Amendment to the UHOP as it is contrary to the overall vision, planning principles and policies for the area. Based on the rationale above, staff recommend that the applications be denied.

## **ALTERNATIVES FOR CONSIDERATION**

- 1) Should the applications be approved, that staff be directed to prepare the Official Plan Amendment and amending Zoning By-law consistent with the concept plans proposed, with the inclusion of Holding Provision(s) to address matters, including addressing sanitary sewer system capacity constraints, and any other necessary agreements to implement Council's direction.
- 2) Council could direct staff to negotiate revisions to the proposal with the applicant in response to the issues and concerns identified in this Report and report back to Council on the results of the discussion.
- 3) Should the applications be denied, the lands could be developed in accordance with the Multiple Residential "RM4-8" Zone, Modified, which permits a six storey multiple dwelling containing 93 units.

## **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.*

### **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" – Concept Plan  
Appendix "C" – Public Submissions  
Appendix "D" – Neighbourhood Letter from Ward Councillor

TV: