



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

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| TO: | Chair and Members Planning Committee |
| COMMITTEE DATE: | July 6, 2021 |
| SUBJECT/REPORT NO: | Applications for Amendments to the Urban Hamilton Official Plan and Hamilton Zoning By-law No. 05-200 for Lands Located at 15, 17 and 21 Stone Church Road East (Hamilton) (PED21117) (Ward 8) |
| WARD(S) AFFECTED: | Ward 8 |
| PREPARED BY: | E. Tim Vrooman (905) 546-2424 Ext. 5277 |
| SUBMITTED BY: | Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department |
| SIGNATURE: | |

RECOMMENDATION

- (a) That **Revised Urban Hamilton Official Plan Amendment Application UHOPA-20-016, by Fothergill Planning & Development Inc. (c/o Ed Fothergill, Applicant) on behalf of Nova Plaza Ltd. (c/o Steve Klemenic, Owner)** to re-designate the subject lands from the “Arterial Commercial” designation to the “Mixed Use Medium Density” designation within the Urban Hamilton Official Plan, in order to permit a five storey mixed use development with 60 multiple dwelling units and ground floor commercial space, and with a maximum net residential density of 172 units per hectare, for lands located at 15, 17 and 21 Stone Church Road East, as shown on Appendix “A” to Report PED21117, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment attached as Appendix “B” to Report PED21117, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,

- (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).
- (b) That **Zoning By-law Amendment Application ZAC-20-028, by Fothergill Planning & Development Inc. (c/o Ed Fothergill, Applicant) on behalf of Nova Plaza Ltd. (c/o Steve Klemenic, Owner)** to change the zoning from the Arterial Commercial (C7) Zone to the Mixed Use Medium Density (C5, 742) Zone, in order to permit a five storey mixed use development with 526 m² of ground floor commercial space and 60 dwelling units above with on-site ground floor amenity space, 14 surface parking spaces, and 51 underground parking spaces, for lands located at 15, 17 and 21 Stone Church Road East, as shown on Appendix “A” to Report PED21117, be **APPROVED** on the following basis:
 - (i) That the draft By-law attached as Appendix “C” to Report PED21117, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended); and,
 - (iii) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. XX.
- (c) That upon approval of Urban Hamilton Official Plan Amendment Application UHOPA-20-016 and Zoning By-law Amendment Application ZAC-20-028, the subject lands be re-designated from “Commercial (General)” to “Commercial & Apartments” in the Jerome Neighbourhood Plan.

EXECUTIVE SUMMARY

The applicant has applied for an Urban Hamilton Official Plan Amendment and a Zoning By-law Amendment to permit a five storey mixed use development with 526 m² of ground floor commercial space and 60 dwelling units above with on-site ground floor amenity space, 14 surface parking spaces, and 51 underground parking spaces on the ±0.35 ha site. The site is currently developed with single detached dwellings.

The Official Plan Amendment proposes to re-designate the subject lands from the “Arterial Commercial” designation to the “Mixed Use Medium Density” designation within the Urban Hamilton Official Plan (UHOP). The proposed Zoning By-law Amendment is to change the zoning from the Arterial Commercial (C7) Zone to the Mixed Use Medium

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Density (C5, 742) Zone. Site specific modifications to the Mixed Use Medium Density (C5) Zone are proposed to accommodate the proposed development.

The applications have merit and can be supported as the proposal is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and complies with the general intent and purpose of the Urban Hamilton Official Plan (UHOP). In particular, the proposed development complements the existing function of the neighbourhood by providing retail and commercial services to achieve a complete community. It provides for residential intensification in a strategic location in proximity to existing transit and planned location for higher order transit, ensuring land, municipal services, and transportation systems are used efficiently and contributes to a full range of residential dwelling types. The additional density will strengthen the viability of improved transit service in the area and sustain commercial uses along a Primary Corridor.

Alternatives for Consideration – See Page 29

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider an application for an Official Plan Amendment and Zoning By-law Amendment.

HISTORICAL BACKGROUND

Report Fact Sheet

| Application Details | |
|----------------------------|---|
| Owner: | Nova Plaza Ltd. (c/o Steve Klemenic) |
| Applicant/Agent: | Fothergill Planning & Development Inc. (c/o Ed Fothergill) |
| File Number: | UHOPA-20-016 ZAC-20-028 |
| Type of Application: | Urban Hamilton Official Plan Amendment Zoning By-law Amendment |

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| Proposal: | A five storey mixed use development with 526 m ² of ground floor commercial space and 60 dwelling units above with on-site ground floor amenity space, 14 surface parking spaces, and 51 underground parking spaces, and with a maximum net residential density of 172 units per hectare. |
| Property Details | |
| Municipal Address: | 15, 17 and 21 Stone Church Road East |
| Lot Area: | ±3,483 m ² (rectangular) |
| Servicing: | Full municipal services. |
| Existing Use: | Single detached dwellings and accessory structures. |
| Documents | |
| Provincial Policy Statement (PPS): | The proposal is consistent with the PPS (2020). |
| A Place to Grow: | The proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended). |
| Official Plan Existing: | “Primary Corridor” on Schedule E – Urban Structure and “Arterial Commercial” on Schedule E-1 – Urban Land Use Designations. |
| Official Plan Proposed: | “Mixed Use Medium Density” designation. |
| Zoning Existing: | Arterial Commercial (C7) Zone |
| Zoning Proposed: | Mixed Use Medium Density (C5, 742) Zone |
| Modifications Proposed: | <ul style="list-style-type: none"> • Minimum setback for a transformer from the street line; • Minimum and maximum number of parking spaces for a Multiple Dwelling and Commercial and Institutional Uses; • Increased minimum rear yard and minimum interior side yard abutting a Residential Zone/use; • Building height to incorporate the Council approved regulations, which are not yet final and binding; and, • Built form for new development. |

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| | Proposed modifications for the number of parking spaces and built form for new development are also further modifying the Council approved regulations, while also carrying forward the relevant approved regulations, which are not yet final and binding (see Appendix “D” to Report PED21117 for further analysis). |
| Processing Details | |
| Received: | July 15, 2020 |
| Deemed Complete: | July 30, 2020 |
| Notice of Complete Application: | Sent to 68 property owners within 120 m of the subject lands on August 14, 2020. |
| Public Notice Sign: | Posted August 11, 2020 and updated with Public Meeting date June 9, 2021. |
| Notice of Public Meeting: | Sent to 65 property owners within 120 m of the subject lands on June 18, 2021. |
| Public Comments: | One email in support (see Appendix “F” to Report PED21117). |
| Processing Time: | 356 days. |

Existing Land Use and Zoning

| | Existing Land Use | Existing Zoning |
|-------------------------------|--|---|
| Subject Lands: | Single Detached Dwellings | Arterial Commercial (C7) Zone |
| Surrounding Land Uses: | | |
| North | Commercial uses | Arterial Commercial (C7) Zone |
| South | Single Detached Dwellings (Site Plan Application File No. DA-20-116 has been conditionally approved for two, four-storey multiple | Mixed Use Medium Density (C5, 724) Zone |

| | | |
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| | dwelling to replace the Single Detached Dwellings.) | |
| East | Single Detached Dwellings | “R4/S-1556” and “R4/S-1558” (Small Lot Single Family Detached Residential) District, Modified and “C/S-1788” (Urban Protected Residential, Etc.) District, Modified |
| West | Commercial uses | Arterial Commercial (C7) Zone |

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 (PPS 2020). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS (2020). The following policies, amongst others, apply to the proposed development.

“1.1.1 Healthy, liveable and safe communities are sustained by:

- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
- e) promoting the integration of land use planning, growth management, *transit-supportive* development, *intensification* and *infrastructure* planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;”

Further, the PPS states that:

“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 densities and a mix of land uses which:
- a) efficiently use land and resources;
 - b) 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;
 - e) support *active transportation*;
 - f) are *transit-supportive*, where transit is planned, exists or may be developed;

Land use patterns within *settlement areas* shall also be based on 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 *transit-supportive* development, accommodating a significant supply and range of *housing options* through *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 proposed development is located within a settlement area and proposes residential intensification on underutilized lands. The development of a mixed use building is an efficient use of land and represents an appropriate redevelopment of the site in proximity to a Primary Corridor, transit, amenities and public open spaces. The subject lands are well serviced by a comprehensive street network and near a variety of transit routes. Based on the proximity to an Urban Corridor and transit routes, this development will encourage active transportation and transit usage.

Noise

- “1.2.6.1 *Major facilities* and *sensitive land uses* shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential *adverse effects* from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of *major facilities* in accordance with provincial guidelines, standards and procedures.”

The lands front Stone Church Road East and are located ± 53.5 m from Upper James Street, which are identified as a minor arterial road and a major arterial road, respectively, on Schedule C – Functional Road Classification in the UHOP. Accordingly, a detailed noise study will be required to be submitted and implemented as part of the future Site Plan Control application to determine any required noise mitigation measures.

Archaeology

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

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

- 1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
- 2) In areas of pioneer EuroCanadian settlement; and,
- 3) Along historic transportation routes.

These criteria define the property as having archaeological potential. A Stage 1-2 archaeological report (P389-0484-2020) has been submitted to the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries. While the Provincial interest has yet to be signed off by the Ministry, staff concur with the recommendations made in the report, and the archaeology condition for the subject application has been met to the satisfaction of staff.

Based on the foregoing, the proposal is consistent with the PPS (2020).

Growth Plan for the Greater Golden Horseshoe (2019, as amended)

The policies of A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) apply to any Planning decision.

The proposal conforms to the Guiding Principles, Section 1.2.1 of A Place to Grow (2019), as it supports the achievement of complete communities, provides residential intensification to make efficient use of land and infrastructure, supports a range and mix of housing options, meets people’s needs for daily living, supports transit viability, and

improves the integration of land use planning with planning and investment in infrastructure. The following policies, amongst others, apply to this proposal.

- “2.2.1.2 Forecasted growth to the horizon of this Plan will be allocated based on the following:
- a. the vast majority of growth will be directed to *settlement areas* that:
 - i. have a *delineated built boundary*;
 - ii. have existing or planned *municipal water and wastewater systems*; and
 - iii. can support the achievement of *complete communities*;
 - c. within *settlement areas*, growth will be focused in:
 - i. *delineated built-up areas*;
 - ii. *strategic growth areas*;
 - iii. locations with existing or planned transit, with a priority on *higher order transit* where it exists or is planned; and,
 - iv. areas with existing or planned *public service facilities*;
- 2.2.1.4 Applying the policies of this Plan will support the achievement of *complete communities* that:
- a. feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and *public service facilities*;
 - c. provide a diverse range and mix of housing options, including second units and *affordable* housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;”

The subject lands are within the Urban Boundary and Built-up Area in a settlement area, with existing and planned municipal services available. As the proposed development is for a five storey mixed use development with ground floor commercial space and 60 dwelling units, it will contribute to a complete community as it provides mixed use and compact development, ensuring that new residential development is efficient and cost

effective with appropriate densities, and provides commercial uses intended to serve residents within the surrounding neighbourhood. Development is encouraged where there is existing and planned transit, with a priority on higher order transit. The BLAST network, as shown on Appendix B of Volume 1 of the UHOP, identifies Upper James Street as the location for a potential rapid transit line, known as the A-Line. Currently, the corridor is served by conventional transit and the express A-Line bus connecting the Airport to the Downtown and Waterfront. The proposed density will support current and future transit along Stone Church Road and Upper James Streets.

Based on the foregoing, the proposal conforms with the applicable policies of A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

Urban Hamilton Official Plan (UHOP)

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

Primary Corridor

- “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.2.4.4 Primary Corridors shall serve to link two or more nodes, *major activity centres*, or *employment areas*.
- E.2.4.6 *Urban Corridors* shall function as commercial spines providing retail stores and commercial services that cater primarily to the weekly and daily needs of residents within the surrounding neighbourhoods. Small scale retail stores that cater to a broader regional market may be also permitted.
- E.2.4.8 Primary Corridors shall be served by the higher order of transit service. Secondary Corridors may be served by a *higher order transit* service.
- 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.”

The subject lands are located within the Primary Corridor of Upper James Street, the identified location for a higher order transit corridor, specifically the A-Line rapid transit line of the BLAST network as shown on Appendix B of Volume 1 of the UHOP. The proposed mid rise mixed use development will provide retail and commercial services and residential intensification along this corridor which will support existing and future commercial uses and transit ridership.

Arterial Commercial Designation

- “E.4.8.1 The range of permitted uses is intended to cater to the traveling or drive-by consumer. As well, the designation is intended to accommodate a limited range of land extensive retail stores which require outdoor storage or sales.
- E.4.8.3 Notwithstanding Policy E.4.8.2, the following uses shall be prohibited on lands designated Arterial Commercial on Schedule E-1 – Urban Land Use Designations:
- c) residential uses;”

As per the above policies, the subject lands are designated “Arterial Commercial” where residential uses are prohibited. Therefore, the proposed Official Plan Amendment (Appendix “B” to Report PED21117) proposes to redesignate the subject lands from the “Arterial Commercial” designation to the “Mixed Use - Medium Density” designation in order to permit the proposed development of a mixed use building with 60 dwelling units.

The development proposal meets the intent of the policies of Volume 1 of the UHOP regarding Urban Corridors. It is located within a Primary Corridor intended for higher order transit service, consistent with the priority locations for higher densities contemplated in current Provincial policies.

The Arterial Commercial designation is intended to provide for land extensive retail stores which require outdoor storage or have a warehouse-type character as well as services catering to the traveling or drive-by consumer. Given the size and context of the subject lands and surrounding area, the site is not a likely suitable candidate for

land extensive commercial uses; and, a limited range and scale of services that cater to the traveling or drive-by consumer are permitted within the “Mixed Use - Medium Density” designation. In addition, the proposed development provides an appropriate buffer between the Arterial Commercial uses to the north and west and the residential uses to the east, while also adding to the opportunity for the lands to contribute to meeting residential intensification targets.

Further, as will be discussed below, the proposed development complies with the scale, design, and residential intensification policies of the UHOP. Therefore, the proposed re-designation can be supported and has been reviewed in accordance with the following Mixed Use - Medium Density policies.

Mixed Use - Medium Density

- “E.4.6.7 Lands designated Mixed Use - Medium Density shall contain a range of building heights and densities to a maximum height of six storeys, which shall be set out in the implementing zoning by-law. The specific permitted heights and densities shall depend on the area and be established through secondary plans where one exists and the zoning by-law.
- E.4.6.9 The predominant built form shall be mid rise and low rise buildings. The intent is to increase the proportion of multiple storey, mixed use buildings that have retail and service commercial stores at grade; however, single use commercial buildings and medium density ground related housing forms shall be permitted, except for *pedestrian focus streets* as listed by Policy E.4.3.1. (OPA 65)
- E.4.6.15 Although residential *development* is permitted and encouraged, it is not the intent of the Plan for the Mixed Use - Medium Density designated areas to lose the planned retail and service commercial function set out in this Plan.”

The proposed mixed use, mid rise development has a building height of five storeys, which conforms to the Maximum Height set out in the proposed Mixed Use Medium Density (C5, 742) Zone of Zoning By-law No. 05-200. The proposed mixed use building also includes 526 m² of ground floor commercial space, which is an appropriate scale of commercial uses located at grade.

Design

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

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

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

- a) complementing and animating existing surroundings through building design and placement as well as through placement of pedestrian amenities;

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

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

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

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

- E.2.4.14 *Urban Corridors* shall provide a comfortable and attractive pedestrian experience. (OPA 65)
- 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)
- E.4.6.16 New *development* shall be designed and oriented to create comfortable, vibrant and stimulating pedestrian oriented streets within each area designated Mixed Use - Medium Density.
- E.4.6.17 Areas designated Mixed Use - Medium Density are intended to develop in a compact *urban form* with a streetscape design and building arrangement that supports pedestrian use and circulation and create vibrant people places.
- E.4.6.19 To strengthen the pedestrian focus in areas where it does not currently exist, the City shall require infilling of retail, service commercial, and mixed use buildings in a physical arrangement which assists in creating a vibrant and active street environment. Such buildings shall be located up to the street along a *pedestrian focus street*.
- E.4.6.21 On non-*pedestrian focus streets*, buildings shall be located close to the street with no parking, drive-throughs, or stacking lanes between the building and the street.
- E.4.6.22 *Development* applications shall be encouraged to provide a mix of uses on the site.
- E.4.6.25 Areas designated Mixed Use - Medium Density shall be integrated with the surrounding neighbourhoods through frequent street and pedestrian linkages.
- E.4.6.26 Automobile access shall continue to be an important mode of transportation from the surrounding neighbourhoods, but it shall be

balanced with the need to improve pedestrian access and opportunities for *active transportation*.

- E.4.6.27 Reduced parking requirements shall be considered to encourage a broader range of uses and take advantage of a higher level of transit service.”

The proposed development respects and enhances the existing character of the neighbourhood. It provides a built form that respects the existing street proportions, proposes quality materials consistent with the locale and surrounding environment, and will result in a streetscape that will be compatible with existing and proposed scale of developments in the area (see the Concept Plans attached to Appendix “E” to Report PED21117).

The increased side and rear yard setbacks provide a transition in scale to neighbouring low rise buildings and minimize the effects of overlook and privacy encroachment, without precluding future intensification of adjacent properties.

An Urban Design Brief, prepared by Adesso Design Inc. (Matthew Madigan, OALA, CSLA) dated June 2020 and a Shadow Impact Analysis, prepared by KNYMH Inc. (Gord Alexiuk) dated April 23, 2020), were submitted for review. In accordance with the City-Wide Corridor Planning Principles and Design Guidelines (April 2012), the sun shadow criteria for sites on Urban Corridors need to provide five hours of sun between 10:00 am and 4:00 pm on public spaces and public sidewalks (as well as private amenity areas) and allow for a minimum of 50% sun coverage at all times of the day on public plazas, parks and open spaces, school yards, and playgrounds during the spring and fall equinoxes (March 21 and September 21). The Shadow Impact Analysis demonstrates that during these periods, the public walkway north of the subject lands, the public sidewalks along Upper James Street and Stone Church Road, and neighbouring residential outdoor amenity spaces will experience more than 5 hours of continuous sunlight. The lands located at 84 and 88 Theodore Drive experience shadow for two test periods starting around 4:00 p.m. The majority of the residential properties impacted feature shade provided by mature deciduous trees lining both sides of each lot. No other public amenity spaces, including public plazas, parks and open spaces, school yards or playground areas, are impacted in the surrounding neighbourhood. These studies demonstrate that there are no other negative shadow impacts from the proposed development onto adjacent public and private open spaces or sidewalks.

The City-Wide Corridor Planning Principles and Design Guidelines guides that the height of new development located adjacent to existing single detached dwellings should conform to a 45° build to plane as measured from the rear property line, and where the single detached dwellings also face the arterial road and are intended to

remain low density residential, the 45° build to plane should be measured from the side property line in addition to the rear. The proposed development conforms to the 45° build to plane from both the side and rear property lines.

Also, given the low profile scale of the proposed development, impacts of wind on pedestrian comfort would be negligible.

In order to provide an enhanced public realm and a comfortable, active, vibrant and stimulating pedestrian oriented streetscape, the commercial units are parallel and directly front onto Stone Church Road East with direct pedestrian connections and a 4.5 metre setback which keeps the building close to the street. The location of the building allows for efficient pedestrian circulation and landscaping features in the front yard to accentuate and complement the building façade. The proposed front façade includes ample glazing on the ground floor to create visibility to and from the public sidewalk. The principal residential entrance is located within the ground floor façade along the east side of the building, with direct pedestrian connections provided between the municipal sidewalk and the entrance.

Parking is located in the side yard with 14 surface parking spaces and 51 parking spaces located underground, and direct pedestrian connections are provided between the municipal sidewalk and all front entrances. Parking is provided in accordance with the Council approved minimum and maximum parking requirements for multiple dwellings and commercial uses for the Mixed Use Medium Density (C5) Zone, with site specific modifications proposed for the minimum and maximum number of parking spaces for a Multiple Dwelling and Commercial and Institutional Uses (refer to Appendix “D” to Report PED21117 for analysis and details).

A single driveway is proposed to provide vehicle access to the site with the ramp to the underground parking garage located in the rear yard. Vehicular access through the site to the north is not being provided due to safety and operational concerns with vehicle conflicts with the public sidewalk running east-west along the north side of the site and using the subject lands as a shortcut to and from Stone Church Road East. Pedestrian connections will be provided through the site to the public sidewalk along the north side of the site, with connections to Upper James Street to the west, Theodore Drive internal to the neighbourhood to the east, and the commercial plaza to the north.

Landscaping considerations, including but not limited to plantings and street trees, will also be fundamental to ensuring that pedestrian comfort and scale is achieved. At the Site Plan Control stage, staff will be looking for special attention to landscape details that address materiality, pedestrian comfort throughout the site, and appropriate and functional amenity areas for the proposed new dwellings.

Residential Intensification

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

- b) The *Urban Nodes* and *Urban Corridors* identified in Section E.2.0 - Urban Structure, excluding the *Downtown Urban Growth Centre*, shall be planned to accommodate approximately 40% of the *residential intensification* target.

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.”

The surrounding area is comprised of commercial uses to the north and west along Upper James Street and single detached dwellings to the south and east. The single detached dwellings to the south are intended to be redeveloped with two, four-storey multiple dwellings. The proposed five storey mixed use development with 60 multiple dwelling units and ground floor commercial space is of a size, density, and scale that is compatible with the existing and planned scale of development in the area. The proposed development contributes to a range of housing forms.

The proposed development is appropriate with respect to the transition in scale to the neighbouring buildings, which range in height from predominantly one and two storeys, and massing that respects the existing street proportions and lot patterns. As discussed above, the proposed development has been setback further from the north and east property lines to conform to the 45° build to plane. There are no privacy, overlook, sun shadow, or other negative impacts from the proposed development onto the adjacent dwellings to the east. The proposed development contributes to achieving the planned Primary Corridor urban structure element along Upper James Street.

The proposal provides for residential intensification in a strategic location in proximity to existing transit and future higher order transit, ensuring land, municipal services, and transportation systems are used efficiently and contribute to a full range of residential dwelling types. Adequate servicing is available with sufficient capacity, as discussed further below. As discussed above, there are no anticipated shadowing or overlook impacts. Transportation Planning confirms that traffic generated by the proposed development will not have a substantial impact on the existing road network. Matters regarding noise and lighting will be further reviewed at the future Site Plan Control Stage.

Natural Heritage

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

Trees have been identified on the subject property, and staff have reviewed and are satisfied with the submitted Arborist Report prepared by Terrastory (Tristan Knight; certified arborist), dated December 2020. A total of 31 trees (two municipal and 29 private) have been inventoried. Of these trees, 28 have been identified to be removed (26 private and two municipal). To ensure existing tree cover is maintained, the City requires 1 for 1 compensation for any tree (10 cm diameter at breast height (DBH) or greater) that is proposed to be removed from private property, with said compensation to be identified on the Landscape Plan which will be required at the future Site Plan Control stage.

Transportation Network and Right-of-Way Widening

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

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

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

C.4.5.8 The efficiency, safety and traffic carrying capacity of parkways, major arterial and minor arterial roads shall be protected by minimising the number and spacing of intersecting streets and access points.

C.4.5.8.3 Private access to arterial and collector roads shall be designed to minimize the number of driveways and to consolidate driveways for adjacent sites where possible.”

Stone Church Road East is classified as a Minor Arterial on Schedule C – Urban Road Classification of the UHOP. Accordingly, $\pm 5.18\text{m}$ is required to be dedicated to the right-of-way along the frontage of 21 Stone Church Road East. To protect the efficiency, safety and traffic carrying capacity of the roadway, a single private access to Stone Church Road East is proposed and is a reduction from the existing three private driveways. The single access will be restricted to right-in right-out to prohibit lefts turns in or out of the site. This will be enforced / facilitated via the construction of an approximately 60 m long easterly extension to the existing centre median island (to approximately 8.0 m east of the easterly property limit), all at the Applicant’s expense. Issues related to right-of-way dedication and access management will be addressed as part of the future Site Plan Control application.

Infrastructure and Servicing

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

The proponent has demonstrated that the sanitary outlet for the subject site will be to the 750 mm trunk sewer at the rear of the property within the City’s sewer easement, which will prevent exceedance of the City’s maximum operating capacity within the 250 mm sanitary sewer on Stone Church Road East. Development Engineering Approvals staff have no concerns with this proposal.

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

Based on the foregoing, the proposal complies with the applicable policies of the Urban Hamilton Official Plan, subject to approval of the proposed Official Plan Amendment.

Jerome Neighbourhood Plan

An amendment to the Jerome Neighbourhood Plan is required to change the designation from “Commercial (General)” to “Commercial & Apartments”. The following policies, amongst others, apply to the proposal.

- “1.1.1. Future residential development in the Jerome Neighbourhood will include a variety of densities, within the low and medium density categories.
- 1.1.2. These different residential density types will be arranged throughout the neighbourhood so as to minimize land use conflicts and through traffic. For example:
 - medium density uses will be located along arterial roads, at the edges of the neighbourhood.
- 1.1.3. Housing developments will be encouraged which provide a variety of housing types, including the following:
 - medium density apartments.
- 1.2.1. New residential development will be compatible with adjacent residential and commercial development, in terms of density, height, lot size and shadow effects. Compatibility will be especially important adjacent to existing residential areas, and new commercial areas.
- 2.1.2. The design of commercial establishments will be coordinated and standardized to ensure that this area is both attractive and functional. Features such as uniform setbacks, front and rear landscaping, limited vehicular access, etc. will be incorporated as part of this uniform design, as described in Appendix “B”.
- 8.3. The existing vegetation will be preserved as much as possible to retain some of the character of the existing development. Existing mature trees and other vegetation will be retained and enhanced, as noted in Section 7 of these policies. This will include woodlots and borders of mature trees. New landscaping will be introduced in the commercial areas, as noted on Section 2.
- 9.1. Full municipal services, including storm and sanitary services and an adequate water supply, will be provided to serve the residents of the Neighbourhood.

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- 9.2. Future development will be permitted only on the basis of full municipal services.”

As noted in the Urban Hamilton Official Plan analysis above, given:

1. The proposed development complies with the policies of the Mixed Use - Medium Density designation of the Urban Hamilton Official Plan;
2. The proposed development is of a size, density, and scale that is compatible with the existing and proposed scale of development in the area, and contributes to a variety and range of housing forms and densities;
3. The location of the proposed development is appropriate as it is located on the periphery of the neighbourhood on and in close proximity to major and minor arterial roads;
4. The design is of high quality that is consistent with the locale and surrounding environment and respects and contributes to the character, development patterns, built form, and landscape of the area, providing a pedestrian oriented streetscape; and,
5. Staff are satisfied with the submitted Arborist Report respecting tree retention, and adequate and full municipal services are available;

the redesignation to “Commercial & Apartments” can be supported.

Hamilton Zoning By-law No. 05-200

The subject property is currently zoned Arterial Commercial (C7) Zone in Hamilton Zoning By-law No. 05-200, as shown on Appendix “A” to Report PED21117. The C7 Zone permits large-format commercial uses catering to the travelling public, are typically land intensive, and may require outdoor storage and sales areas, including, but not limited to, building supply establishments, commercial, recreational, and personal motor vehicle and equipment sales, rental, and service establishments, conference and convention centres, and warehouses.

The proposed Zoning By-law Amendment is for a change in zoning from the Arterial Commercial (C7) Zone to the Mixed Use Medium Density (C5, 742) Zone for lands located at 15, 17 and 21 Stone Church Road East, in order to permit a five storey mixed use development with 526 m² of ground floor commercial space and 60 dwelling units above with on-site ground floor amenity space. 14 surface parking spaces and 51 underground parking spaces are proposed. Site specific modifications to the C5 Zone

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have been requested to implement the subject proposal and are discussed in greater detail in Appendix “D” to Report PED21117.

RELEVANT CONSULTATION

| Departments and Agencies | | |
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| <ul style="list-style-type: none"> • Asset Management Section, Engineering Services Division, Public Works Department; • Construction Section, Engineering Services Division, Public Works Department; • Landscape Architectural Services Section, Environmental Services Division, Public Works Department; • Canada Post Corporation; • Conseil Scolaire Viamonde; and, • Rogers Communications. | | No Comment |
| | Comment | Staff Response |
| Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department | <ul style="list-style-type: none"> • The subject section of Stone Church Road East is classified as a minor arterial roadway with an ultimate right-of-way width of 30.480 m. Right-of-way dedication of ± 5.18 m is required along the frontage of 21 Stone Church Road East. • The existing 250mm\varnothing municipal sanitary sewer on Stone Church Road East is designed for a population density of 250 ppha. The proposed development will have a population density much greater than the design allocation. The proponent has adequately demonstrated capacity by proposing the sanitary outlet to the 750mm\varnothing trunk sanitary sewer within the easement at the rear of the subject property. | <ul style="list-style-type: none"> • Right-of-way dedications, detailed grading and servicing plans, shoring plans and shoring agreement, and required studies will be addressed at the Site Plan Control stage. |

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| | <ul style="list-style-type: none"> • The peak domestic water usage and required fire flow calculations are satisfactory to support the proposed applications. Updates will be required at the Site Plan Control stage. • No further comments regarding stormwater management on the subject applications. Detailed stormwater management design and grading plans will be addressed at the Site Plan Control stage. • The proposed shoring system required for foundations and excavation should be contained entirely within private property. • At the Site Plan Control stage, the proponent will be required to submit Geotechnical and Hydrogeological Reports to address soil / groundwater conditions and potential dewatering needs, as well as a Ground Settlement Study, a Vibration Analysis Study, and Construction Management Plan. | |
| Forestry and Horticulture Section, Environmental Services Division, Public Works Department | <ul style="list-style-type: none"> • Reviewed and approved the Tree Management Plan, subject to receipt of applicable fees. • Advised that a Landscape Plan is required. | <ul style="list-style-type: none"> • The Landscape Plan and fees will be reviewed at the Site Plan Control stage. |
| Growth Planning Section, Growth Management Division, Planning | <ul style="list-style-type: none"> • Municipal addressing for the proposed development will be finalized during the future site plan approval stage. | <ul style="list-style-type: none"> • Addressing will be addressed at the Site Plan Control stage. |

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| and Economic Development Department | <ul style="list-style-type: none"> Inquired if the subject development will be condominium tenure. | <ul style="list-style-type: none"> The proponent advised that the development is intended to be condominium tenure. |
| Recycling and Waste Disposal Section, Environmental Services Division, Public Works Department | <ul style="list-style-type: none"> This development is eligible for municipal waste collection 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. | <ul style="list-style-type: none"> The applicant has indicated the private waste collection will be provided. This matter will be further addressed at the Site Plan Control stage. |
| Transit Planning and Infrastructure, Transit Operations Division, Public Works Department | <ul style="list-style-type: none"> The applications, coupled with proposed residential intensification, will positively contribute to ridership on four adjacent HSR routes, particularly #20 A Line Express. Supports proposed TDM measures, including developer-subsidized PRESTO passes, direct pedestrian linkages, and unbundled parking. | <ul style="list-style-type: none"> Upper James Street is identified as a higher order transit corridor on the BLAST network. The additional density will strengthen the viability of improved transit service. Direct pedestrian connections are provided between the municipal sidewalk and all front entrances. Other TDM measures will be addressed at the Site Plan Control stage. |
| Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic | <ul style="list-style-type: none"> Traffic generated by the proposed development will not have a substantial impact on the existing road network, and accordingly a Transportation Impact Study was not required. | <ul style="list-style-type: none"> The extension of the centre median along Stone Church Road East, right-of-way dedications, driveway design and visibility triangles, TDM measures, and existing |

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

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| Development Department | <ul style="list-style-type: none"> • Right-of-way dedication of ± 5.18 m is required along the frontage of 21 Stone Church Road East. • To protect the efficiency, safety and traffic carrying capacity of the roadway, the driveway access to Stone Church Road East shall be restricted to right-in / right-out to prohibit left turns in or out of the site, which will be enforced / facilitated via the construction of an easterly extension to the existing centre median island approximately 60 m easterly (approximately 8.0 m beyond the easterly property limit), all at the Applicant's expense. • Supports a 7.0 m driveway width at the ultimate property line, despite that 7.5 m is typically required as the driveway will be restricted to right-in / right-out. Notes an existing utility pole, as well as other utilities may conflict with the proposed access. • 5 m by 5 m visibility triangles must be provided at the driveway access. • A Transportation Demand Management (TDM) Report was required to facilitate the proposal, however TDM measures are recommended to be included on the site plan. | utilities will be addressed at the Site Plan Control stage. |
| Alectra Utilities Corporation | <ul style="list-style-type: none"> • Advised that the Developer needs to contact their Engineering Design Department to facilitate development. The developer shall be responsible | <ul style="list-style-type: none"> • The Applicant has been advised of Alectra's requirements. |

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| | for the cost of installation, relocation, modification, or removal of hydro facilities. In order to prepare a design and procure the materials required to service this site in a timely manner, a minimum of 6 months notification is required. | |
| Public Consultation | | |
| One email with no objections was received (see Appendix “F” to Report PED21117). | | |

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 68 property owners within 120 m of the subject lands on August 14, 2020.

A Public Notice Sign was posted on the property on August 11, 2020, and updated on June 9, 2021, with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on June 18, 2021.

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 held on February 19, 2020 and hosted by the applicant’s agent at the Barton Stone United Church Hall located at 21 Stone Church Road West. A notice advising of the neighbourhood meeting was hand delivered on February 8, 2020 from the applicant’s agent to 117 residents between approximately 120 m and 250 m of the subject lands and electronically through the Ward Councillor’s office. A total of 20 members of the public and the applicant’s representatives and City staff attended the meeting. The applicant’s response to how comments received had informed design revisions prior to submitting the applications was sent on June 4, 2020 to all attendees. The Open House materials are included in Appendix “G” to Report PED21117 and comments received as a result of the Open House hosted by the applicant’s agent are summarized as follows:

- Residents felt that the proposed multiple dwelling was too high and had overall concerns with the general level of intensification and redevelopment in the surrounding area. After the Open House and prior to submitting the subject

applications, the height of the proposed multiple dwelling was reduced from six storeys to five storeys.

- Open House attendees expressed concerns regarding ongoing traffic congestion in the area and the additional traffic generated by the proposed development.
- Open House attendees recommended the proposed driveway connection to the commercial plaza to the north be removed to prevent cut through traffic. The driveway connection to the north was removed from the design submitted with the subject applications.
- Local residents at the Open House expressed interest in new housing options in the area, with some inquiring if the units would be either accessible or rental tenure and would prefer affordable rental units.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - i) It is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
 - ii) It complies with the general intent and purpose of the UHOP, in particular the function, scale and design policies for a Primary Corridor and for the Mixed Use – Medium Density Designation as they relate to residential intensification and complete communities; and,
 - iii) The proposed development complements the existing function of the neighbourhood by providing retail and commercial services along a Primary Corridor to achieve a complete community. In addition, it provides for residential intensification in a strategic location in proximity to existing and planned higher order transit, ensuring land, municipal services, and transportation systems are used efficiently and contribute to a full range of residential dwelling types. This proposal builds on the strength of the community and maintains and creates a vibrant neighbourhood. The additional density will strengthen the viability of improved transit service in the area and sustain the commercial uses along the Primary Corridor.

2. Urban Hamilton Official Plan Amendment

The proposed Urban Hamilton Official Plan (UHOP) Amendment is required to re-designate the subject lands from the “Arterial Commercial” designation to the “Mixed Use Medium Density” designation within the Urban Hamilton Official Plan, in order to permit a five storey mixed use development with 60 multiple dwelling units and ground floor commercial space, and with a maximum net residential density of 172 units per hectare.

As per the UHOP policies identified above, the proposed Official Plan Amendment can be supported given that the site is located on the periphery of the neighbourhood within a Primary Corridor in proximity to existing transit and potential future higher order transit and fronts onto a minor arterial road. Given the size and context of the subject lands and surrounding area, the redesignation from “Arterial Commercial” to “Mixed Use - Medium Density” can be supported. The proposed development represents residential intensification in an appropriate location that is compatible with the surrounding area in terms of use, scale, form and character with no privacy, overlook, sun shadow, or other negative impacts. The proposed development will sustain and further contribute to a complete community through intensification and providing retail and commercial services within a Primary Corridor.

3. Zoning By-law Amendment

The proposed Zoning By-law Amendment is to change the zoning from the Arterial Commercial (C7) Zone to the Mixed Use Medium Density (C5, 742) Zone, to permit a five storey mixed use development with 526 m² of ground floor commercial space and 60 dwelling units above with on-site ground floor amenity space, 14 surface parking spaces, and 51 underground parking spaces.

The proposed Zoning By-law Amendment can be supported given the site’s location and that the proposed development will accommodate an appropriate mix of commercial and residential uses along a Primary Corridor. The proposal supports and enhances the character of the neighbourhood through intensification, provides transitions in scale with appropriate setbacks and height to neighbouring buildings, establishes an active and vibrant public realm and streetscape, and will comply with the Urban Hamilton Official Plan upon the adoption of Urban Hamilton Official Plan Amendment.

The implementing by-law proposes modifications to the Mixed Use Medium Density (C5) Zone with respect to required number of parking spaces, building height and setbacks, built form for new development, and to permit a transformer

within the minimum front yard and planting strip. The proposed amendment to building height is to incorporate the Council approved regulations, which are not yet final and binding, however no modification to the approved regulation is proposed. Proposed modifications for the number of parking spaces and built form for new development are further modifying the Council approved regulations, while also carrying forward the relevant approved regulations, which are not yet final and binding. These modifications are further discussed in Appendix “D” to PED21117.

ALTERNATIVES FOR CONSIDERATION

Should the application be denied, the lands could be developed in accordance with the Arterial Commercial (C7) Zone, which permits large-format commercial uses catering to the travelling public including, but not limited to, building supply establishments, commercial, recreational, and personal motor vehicle and equipment sales, rental, and service establishments, conference and convention centres, and warehouses.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

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

Economic Prosperity and Growth

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

Healthy and Safe Communities

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

Our People and Performance

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED21117 – Location Map
Appendix “B” to Report PED21117 – Draft Official Plan Amendment
Appendix “C” to Report PED21117 – Draft Zoning By-law Amendment
Appendix “D” to Report PED21117 – Zoning Modification Chart
Appendix “E” to Report PED21117 – Preliminary Concept Plans
Appendix “F” to Report PED21117 – Public Submissions

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Appendix “G” to Report PED21117 – Open House Materials

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