

ADDENDUM – Planning Response

310 FRANCES AVENUE

SC/A-21:346

City of Hamilton

November 9, 2021

Prepared for:

NHDG (Waterfront) Inc.
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Prepared by:

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List of Attachments

Attachment 1: LanHack/Lamarre Letter and Plan

Attachment 2: Sept 2021 Planning Justification Brief

1. Requested Minor Variances

The Site is currently zoned “MUC-4” (Site Specific Mixed Use Commercial) Zone in Former City of Stoney Creek Zoning By-law 3692-92, which permits commercial uses and apartment dwellings. To permit the proposed development, variances are required to the “MUC-4” zone. The table below summarizes the required variances, and highlights the **amendments from the initial submission as depicted with text cross outs for the removal and bolded text for revisions/additions**:

“MUC-4” Regulations			
Regulation		Required	Provided (Minor Variance Required)
8.8.2	Permitted Uses for Each Lot	Apartment Dwelling Units above commercial uses	Apartment dwelling units above commercial uses as well as accessory residential apartment uses (including amenity, fitness, meeting, bike/vehicle parking, mail)
8.8.3 (j)	Amenity Area Per Dwelling Unit	One Bedroom Unit – 18m ² per unit Two Bedroom Unit – 53m ² per unit	8.8m ² per unit for One and Two Bedroom Units (not including balconies)
8.8.3 (l)	Minimum Landscaped Open Space	The landscaped strip shall not be less than 50% of the lot area of which at least 25% shall be in one area other than the front yard.	36% landscaped open space provided throughout the site
		A landscaped strip having a minimum width of 5 metres shall be provided adjacent to any street.	3m provided on Green Rd and Frances Ave directly abutting parking space. Walkways and drive isle to be permitted within landscape strip and landscaped open space and may also include the following: Servicing structures and fixtures, i.e. catch basins, manholes, valve boxes etc., Existing and proposed transformers, Traffic control signs, i.e. stop, one-way, fire route etc., Light standards and fixtures, Armour stone landscape walls , Site and maintenance accesses and Rain Gardens and Infiltration (clear stone) Galleries to encourage ground water recharging and reduce irrigation..

"MUC-4" Regulations			
Regulation		Required	Provided (Minor Variance Required)
		A landscaped strip having a minimum width of at least 9 metres shall be provided adjacent to every portion of any lot line that abuts any zone other than a commercial or industrial zone.	3.5m 6.0m provided at pinch points, 8.5m provided at building recess along southern limit. Walkways and drive isle to be permitted within landscape strip and landscaped open space and may also include the following: Servicing structures and fixtures, i.e. catch basins, manholes, valve boxes etc., Existing and proposed transformers, Traffic control signs, i.e. stop, one-way, fire route etc., Light standards and fixtures, Armour stone landscape walls , Site and maintenance accesses and Rain Gardens and Infiltration (clear stone) Galleries to encourage ground water recharging and reduce irrigation..
8.8.3 (n) 1.	Minimum Parking Requirements	Residential Uses – 1.5 spaces per dwelling unit.	1.25 spaces per dwelling unit.

The following variances are requested to the "MUC-4" Zone Regulations:

- 1) Notwithstanding Section 8.8.3 (n) 1., parking shall be provided at a ratio of 1.25 spaces per dwelling unit for residential uses, whereas the By-Law requires 1.5 spaces per dwelling unit;
- 2) Notwithstanding Section 8.8.3 (l), a minimum 36% Landscaped Open Space shall be provided across the entire site. A portion shall also constitute the following:
 1. A landscape strip having minimum width of 5 metres shall be provided adjacent to any street, ~~except abutting a parking space where a minimum width of 3 meters shall be provided.~~ Walkways and drive isles may be permitted to cross **within** a landscape strip **and landscaped open space and may also include the following: Servicing structures and fixtures, i.e. catch basins, manholes, valve boxes etc., Existing and proposed transformers, Traffic control signs, i.e. stop, one-way, fire route etc., Light standards and fixtures, Armour stone landscape walls , Site and maintenance accesses and Rain Gardens and Infiltration (clear stone) Galleries to encourage ground water recharging and reduce irrigation...**

A landscape strip having a minimum width of at least 9 metres shall be provided adjacent to every portion of any lot line that abuts any zone other than a commercial or industrial zone, except ~~3.5 metres~~ **6.0 meters** shall be provided adjacent to the southern lot lines abutting any zone other than a commercial or industrial zone. Walkways and drive isles may be permitted ~~to cross~~ **within a landscape strip and landscaped open space and may also include the following:** **Servicing structures and fixtures, i.e. catch basins, manholes, valve boxes etc., Existing and proposed transformers, Traffic control signs, i.e. stop, one-way, fire route etc., Light standards and fixtures, Armour stone landscape walls , Site and maintenance accesses and Rain Gardens and Infiltration (clear stone) Galleries to encourage ground water recharging and reduce irrigation..**

- 3) Notwithstanding Section 8.8.2, accessory apartment uses, which may include amenity, fitness, meeting, bike/vehicle parking, lobbies and mail shall be permitted on the ground floor; and
- 4) Notwithstanding 8.8.3 (j), the minimum required amenity area per unit shall be 8.8m² for one bedroom units and 8.8m² for two bedroom units, from 18m² and 53m² respectively.

1.1 Requested Revisions to Notice of Public Hearing

To simplify the Minor Variances expressed in Section 2.0, the following outlines the amendments needed to the Notice of Public Hearing, dated October 5th 2021, prepared by the Committee of Adjustment:

1. Accessory and communal areas related to a residential use (which may include; amenity areas, fitness areas, meeting rooms, bike/vehicle parking areas, lobbies and mail areas) shall be permitted on the ground floor level whereas the by-law only permits residential uses to be located above a commercial use.
2. The amenity area required for each one-bedroom dwelling unit shall be provided at a rate of 8.8m² per unit instead of the minimum required amenity area of 18.0m² per unit.
3. The amenity area required for each two-bedroom dwelling unit shall be provided at a rate of 8.8m² per unit instead of the minimum required amenity area of 53.0m² per unit.
4. A minimum of 36% of the lot area shall be comprised of landscaped open space instead of the minimum required 50%.
- ~~5. Where parking spaces abut a street, a landscaped strip being 3.0m wide shall be provided between the parking spaces and the street line instead of the minimum 5.0m wide landscaped strip being required along a street. **[Remove in its entirety]**~~
6. A landscape strip being ~~3.5m~~ **6.0m** wide shall be provided abutting the P5 zone instead of the minimum 9.0m wide landscape strip required to be provided abutting any non commercial or non-industrial zoned lands.
7. Pedestrian walkways and vehicular driveways shall be permitted ~~to cross~~ **within** a required landscape strip **and landscaped open space and may also include the following: Servicing structures and fixtures, i.e. catch basins, manholes, valve boxes etc., Existing and proposed transformers, Traffic control signs, i.e. stop, one-way, fire route etc., Light standards and fixtures, Armour stone landscape walls , Site and maintenance accesses and Rain Gardens and Infiltration (clear stone) Galleries to encourage ground water recharging and reduce irrigation..**
8. Parking for apartment dwelling units shall be provided at a rate of 1.25 parking spaces per dwelling unit instead of the minimum required 1.5 parking spaces per unit.

1.2 Explanation of Changes to Initial Minor Variances

The plan has been amended based on receipt of the Staff Report dated October 21st, 2021.

Specifically, the surface parking stalls have been removed from the required 5m landscape strip abutting a street. This Minor Variance request has been removed.

In order for clarity and certainty, the required landscape strip and landscaped open space has been varied to request the following encroachments:

- Walkways;
- Driveways;
- Servicing structures and fixtures, i.e. catch basins, manholes, valve boxes etc.
- Existing and proposed transformers
- Traffic control signs, i.e. stop, one-way, fire route etc.
- Light standards and fixtures
- Armour stone landscape walls
- Site and maintenance accesses; and Rain Gardens and Infiltration (clear stone) Galleries to encourage ground water recharging and reduce irrigation.

As referenced in the September 2021 Justification Brief, the City Building Department has provided zoning compliance comments and indicated that the landscape strip required along a street frontage does not permit walkways/pathways or driveways. The definition of a landscape strip within Zoning By-Law 3692-92 means *“an area of land devoted solely to the growing of grass, ornamental shrubs or trees and may include fences and berms.”* While the Building comments referenced Section 4.17 (k) within ZBL 2392-92, indicating “permission of transformers within a required planting strip and/or planting area in any yard”, the same comments state “no part of any transformer or ground sign shall be located within a required land strip area”. The amendment to the initial requested Minor Variance is technical in nature, in that the request is to be clear on the items permissible within the planting strip and landscaped open space.

The inclusion of these items, will not deter from the visual aesthetic of the landscape strips/open space. Currently, fences and berms are permitted within the landscape strip. The addition of the requested items above will enhance what is currently permitted within a landscape strip and open space area. The ambiguity of the permissions of transformers and ground signs (ex. stop signs) is requested to be clearly stated through this variance.

LID design and sustainability are key design elements for NHDG – the proposed builder. Providing these features will benefit the community. Specifically, the commercial parking route- the drive isle and parking stalls, will be designed with a permeable surface and not traditional asphalt. The majority of the hard at grade surface will be designed with a permeable surface, functioning with the same characteristics as grass in that it allows water to percolate into the ground.

Lastly, in consultation with the Hamilton Conservation Authority, the determination that a maintenance access is required on the Site to service the cement channel adjacent to the Site. Given this requirement, the variance has been revised to reflect the addition of this access, and amend the requested width reduction of the landscape strip from 3.5m to 6.0m.

2. Response to Staff Report SC/A-21:346

Below is a response to the Staff Report dated October 21st, 2021. The layout of the next sections reflects the Minor Variance numbers references in Section 1.1 of this Addendum, which represents the numbering within the Committee of Adjustment Notice.

3.1 Variance 1:

The addition of accessory residential uses on the ground floor does not take away from the planned function of the Site, which is a mixed use development.

The proposal has increased the amount of ground floor commercial space from the initial submission, three fold, and would allow for an average of six (6) commercial units as well as a restaurant use. An appropriate commercial amount that is viable on the Site has been proposed and the residential uses will provide support to the commercial uses and promote their continued viability. As demonstrated by the plan, the intent of the By-law is maintained as the interface between the building and public realm – the pedestrian connectivity along Green Road and Frances Avenue is appropriately designed.

Within the 2010 By-laws that were established for the Site and surrounding lands (Staff Report PED10017), the MUC-4 zone specifically reduced the maximum required commercial floor area for the Site and a minimum required commercial area was not imposed on the Site, but rather on a nearby site, while also removing the maximum lot coverage, removing the maximum building height and prescribing a minimum unit count of 585 units to ensure high density is achieved. Contrary to Staff’s comments, the intent of these modifications was to ensure a relatively high density of residential uses were maintained given the neighbouring 2010 subdivision to the north (Green Millen Shore Estates) “proposes a greatly reduced number of potential residential units from what was previously approved by the “South Shore Estates” registered plan”, from 1973. The 1973 plan approved eleven (11) high density tall apartment buildings, with only two (2) built.

The Site remains a mixed use development, and the orientation of the commercial uses allow for direct pedestrian connection, in prominent locations, with the accessory residential uses located on the ground floor, subordinate to the commercial uses. The Ground Level Plan has been included to illustrate the location of the residential dwelling units (habitable space) identified in a purple dashed line. The majority of commercial space includes residential units above, though at the corner of Green Road and Frances Avenue, the commercial space is pulled closer to the street frontages, allowing for a step back design. The remaining uses on the ground floor are typical of an apartment building. such as a communal lounge, fitness room, meeting room etc, and also residential service uses such as bike/vehicle parking, moving rooms etc.

Please also refer to initial Justification Brief dated Sept. 2021 Section 3.3 included as **Attachment 2**.

3.2 Variances 2 and 3:

For context, the neighbouring Green Millen Shore subdivision dedicated 3.7 hectares associated with the 30 meter wide Waterfront Trail. Previously, through the South Shore Estates Plan, a 1.344 hectare park was dedicated to the City through the subdivision registration.

There is no evidence that the unreasonably high existing amenity standards are intended to limit the scale of residential development. Instead, and as noted by City Staff, it is clear that the intent of the regulation is to “provide for communal indoor and outdoor amenity areas which supports the recreational needs of residents and visitors”. While the Zoning By-Law 05-200 amenity area requirements are not in force and effect on the Site, it is important to note that ZBL 05-200 is the City of Hamilton Council approved directive, vetted through City Staff, on amenity space provided for each unit within a mixed use development, such as what is proposed for the Site.

Staff agree that the “historical standards are particularly high” though assume that they were put in place to limit the scale of residential development. The City has not been able to provide any background information on this assumption, and in fact, no development has been built with this amenity requirement on any site within the former City of Stoney Creek.

We maintain that the requested variance will continue to provide a high quantity and diverse function of private and communal amenity space to ensure occupants have an adequate amenity space, protecting against the concern of spillover. The requested minimum 8.8 square meters of amenity area per unit does not include balconies, and represents 10% to 15% of the total livable square area of every one bedroom unit.

Compliance with the amenity space regulations would result in a built form that would contravene a range of other planning objectives including affordability and urban design. Further justification is provided in the initial Justification Brief dated Sept. 2021, Section 3.4 (Attachment 2).

3.3 Variance 4:

The required 50% landscaped Open Space requirement was a regulation from the parent zone and not the site specific MUC-4 zone. On a site specific basis, the MUC-4 zone eliminated the maximum lot coverage, eliminated the front, rear and exterior side yard requirements while reducing the interior side yard to 3 meters. Collectively, these site specific regulations were intended to pull the building towards the lot lines to accommodate a significant development. The 50% requirement, remnant from the parent zoning by-law, represents a disconnect from the intent of the site specific zone.

As proposed, 36% landscaped open space represents an appropriate balance of on site landscaped open space and meets the intent reflective of the site specific regulations mentioned above.

Staff's comments state that the landscape/open space variances will result in "unacceptable impacts to the surrounding neighbourhood". It is unclear what these unacceptable impacts are to the area. Instead, in our opinion, there are no undue planning impacts on the surrounding neighbourhood as a result of the requested variances. As referenced in Section 1.2, the design will be supported by sustainability elements and Low Impact Development implementation. The included Site Plan illustrates that there will be a grassed boulevard between the lot line and the existing sidewalk locations on both Green Road and Frances Drive. This grassed area will extend the 5m requirement on Site, to an additional width of approximately 2.2m to 3.8m along Frances Avenue and approximately 2.2m to 13.0m along Green Road. This green space off site will be seamlessly integrated with the on Site landscape strip, providing for a visually expanded landscaped area.

Please refer to the Sept. 2021 Justification Brief Section 3.2 (Attachment 2).

3.4 Variance 5:

Variance 5 has been withdrawn.

3.5 Variance 6:

Similar to Variance 4, there is a disconnect between the site specific modifications allowing a 0 meter setback and the parent zone regulations regarding landscape strips. Through consultation with the City of Hamilton and the Hamilton Conservation Authority, it has been determined that a maintenance access for existing concrete lined storm channel would be required on private property, the Site. In providing this requirement, the requested landscape strip along the southern lot lines has been amended to a 6.0 meter width at the pinch points along the southern limits of the proposed building.

This requested setback is in excess of the minimum building setback requirement of zero meters, and pulls the building (above ground and under ground) outside the floodplain.

To address the City's and HCA's concern with regards to maintenance of the existing concrete lined channel, we are proposing a 4.0m wide maintenance access, similar to the 4.0m wide maintenance access along the concrete lined channel north of Frances Ave.

The 4.0m wide maintenance access will have a max. 10:1 cross fall slope and will be constructed with a Terrafix TRIAX TXS pavement reinforcement product to support light-loading maintenance vehicles. The pavement structure will be finished at surface using limestone screenings and will allow for vegetation growth or a surface treatment acceptable to both the City of Hamilton and HCA.

To address the HCA's and City of Hamilton's requirements with regards to the 100 year flood elevation limit of 78.76 (as noted in the attached letter – Attachment 1), we are proposing a 1.5:1 slope, similar to the existing concrete lined channel side slope, from the proposed 4.0m wide maintenance access to the proposed building face at an elevation of 78.80. The proposed 1.5:1 slope will be constructed with a Geomat erosion blanket e.g. Maccaferri Macmat HS system across the full slope face, nailed in place and pre-seeded with a seed mix. The Geomat to be applied from the top of the slope crest to the slope toe. A nominal thickness of topsoil (± 150 mm) to be placed behind the Geomat to assist with the re-establishment of the vegetative cover or a surface treatment acceptable to both the City of Hamilton and HCA.

The 3.0m reduction in the landscape area width will not result in a measurable impact on the upstream flood levels. Please see attached letter from Lamarre Consulting (**Attachment 1**).

The justification provided within the September 2021 Brief Section 3.2 remains relevant and is bolstered by the submission of Attachment 2.

3.6 Variance 7:

Section 1.2 of this report highlights the additional inclusions to the landscape strip/open space.

We have requested to revise this Minor Variance to include Low Impact Development design, such as clear stone and rain gardens in order to allow for elements of environmentally contentious design. In addition, the provision of the required maintenance access will continue to meet the intent of the planting strip as the access will seldom be used and can be constructed to allow for vegetation growth or a surface treatment acceptable to both the City of Hamilton and HCA.

The additional requests relating to light standards, transformers, stop signs etc. is a technical request for clarity.

As referenced in the September 2021 Justification Brief, the City Building Department has provided zoning compliance comments and indicated that the landscape strip required along a street frontage does not permit walkways/pathways or driveways. The definition of a landscape strip within Zoning By-Law 3692-92 means “an area of land devoted solely to the growing of grass, ornamental shrubs or trees and may include fences and berms.”

While the Building comments referenced Section 4.17 (k) within ZBL 2392-92, indicating “permission of transformers within a required planting strip and/or planting area in any yard”, the same comments state “no part of any transformer or ground sign shall be located within a required land strip area”. The amendment to the initial requested Minor Variance is technical in nature, in that the request is to be clear on the items permissible within the planting strip and landscaped open space.

The inclusion of these items, will not deter from the visual aesthetic of the landscape strips/open space. Currently, fences and berms are permitted within the landscape strip. The addition of the requested items above will enhance what is currently permitted within a landscape strip and open space area. Also, as mentioned, the ample boulevard beyond the lot lines at Green Road and Frances Avenue, up to the existing sidewalks will seamlessly integrate with the Site to visually depict a more expansive area. The ambiguity of the permissions of transformers and ground signs (ex. stop signs) is requested to be clearly stated through this variance.

LID design and sustainability are key design elements for NHDG – the proposed builder. Providing these features will benefit the community. Specifically, the commercial parking route- the drive isle and parking stalls, will be designed with a permeable surface and not traditional asphalt. The majority of the hard at grade surface will be designed with a

permeable surface, functioning with the same characteristics as grass in that it allows water to percolate into the ground.

The September 2021 Justification Brief Section 3.2 also forms part of the justification (Attachment 2).

3.7 Variance 8:

It is important to note that through the circulation of the Site Plan application, City Staff have requested the incorporation of a transit stop designed within or adjacent to the Site. This request has been accounted for and indicates a vision to provide direct transit to the area.

The comments suggest the reduction is not appropriate given lack of transit in the immediate area. However, on January 12, 2021, via Report PED20002, Staff endorsed a ratio of 1 parking spaces and 0.25 visitor parking spaces for each bachelor, one bedroom, or two bedroom apartment dwelling unit at 1400 Baseline Road, also in Stoney Creek, also north of the QEW that is currently underserved by transit. In support of the reduction, the Report stated “this reduction is common in recently approved developments.”

We continue to maintain, and are supported by the analysis from Paradigm Transportation Solutions Inc. that an appropriate amount of parking per residential unit, in addition to commercial parking and the provision of car share spaces will be provided on Site. This appropriate ratio, at 1.25 parking spaces per unit (not including commercial parking and car share spaces) is adequate to ensure all parking demands are satisfied on Site. Please refer to the Planning Justification Brief dated September 2021 Section 3.1 (Attachment 2).

4. Summary and Recommendations

Collectively, the Variances for the proposed Site will allow for the approval of a development on a vacant parcel of land. The proposed development is an efficient use of land without negatively impacting compatibility to the neighbourhood. Tall, high density residential development currently exists beside low rise, lower density development within the immediate area and is the planned function approved for the Site. The UHOP provides a definition of ‘compatibility’, which means:

“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”.

Individually or cumulatively, no adverse impacts would result on the Site or adjacent blocks if the variances are approved. The variances requested are considered minor in nature in terms of their impact to the site and to the surrounding area. The Minor Variances requested will not result in inappropriate adverse impacts to the owner, adjacent properties, or the streetscape.

The requested variances represent good land use planning as they satisfy the four tests of Section 45(1) of the *Planning Act*. Approval of the requested variances will continue to maintain the general intent and purpose of the Urban Hamilton Official Plan and Zoning By-law; are desirable and appropriate; and are considered minor in nature.

Respectfully submitted,

GSP Group Inc.



Sarah Knoll, BES, MCIP, RPP
Associate – Senior Planner



Lamarre Consulting Group Inc.

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November 9, 2021

Mr. Steve Pongracz
LANHACK Consultants Inc.
Consulting Engineers
1709 Upper James Street
Hamilton, ON. L9B 1K7

Re: Waterfront Trails III
310 Frances Avenue, Stoney Creek
Flood Line Impacts

Lamarre Consulting Group Inc. was retained to review the potential impact of revisions to the proposed fill for the Waterfront Trails III (WFT III) development adjacent to Watercourse No. 1 in the City of Stoney Creek.

This site was included in the Green Millen Shores Estates Stormwater Management Report prepared by AMEC (March 2012). This report addressed the potential impacts of filling on the subject lands. Watercourse No.1 is a concrete lined channel abutting the south and east sides of the WFT III property. The AMEC report assumed the WFT III property would be filled in order to remove the property from the flood plain. The AMEC report assumed a 3:1 fill slope on the property from the top of concrete channel lining, approximate elevation 77.0, to elevation 79.0. With this proposed fill, and the development in place, the flood level in the channel would vary from 78.76 (Sect 325) to 78.79 (Section 480). Based on the AMEC modeling the proposed fill would not result in a measurable impact on the upstream flood levels (Table 5.7 – Page 20).

The proposed grading concept for the WFT III development calls for the 3:1 slope to be modified to a 4.0m maintenance slope at 10% crossfall and a 1.5:1 reinforced slope up to the face of the underground parking garage wall at elevation 78.80. The lowest building opening would be set to 79.09 to provide 0.3m freeboard to the 100yr flood level in the channel. This proposed cross section results in the placement of less fill within the existing flood plain. With the modified cross section the flood lines remain essentially unchanged from the original AMEC proposal varying from 78.75 (Sect 325) to 78.80 (Section 480).



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The estimated channel velocity ranges from 0.65m/s to 1.29m/s. The overbank velocity ranges from 0.08m/s to 0.18m/s. Hence grassed overbank areas would be stable as the velocity is well below the typical threshold velocity for erosion. The existing concrete channel would be stable under 100yr flood conditions as the velocity is well below the threshold velocity for a concrete lined channel. Hence, no additional lands would be required to allow for lateral channel movement.

Digital copies of the AMEC report and the updated HEC-RAS modeling can be provided upon request.

Lamarre Consulting Group

A handwritten signature in cursive script that reads "John D. Lamarre".

John D. Lamarre, P.Eng.





Lamarre Consulting Group Inc.

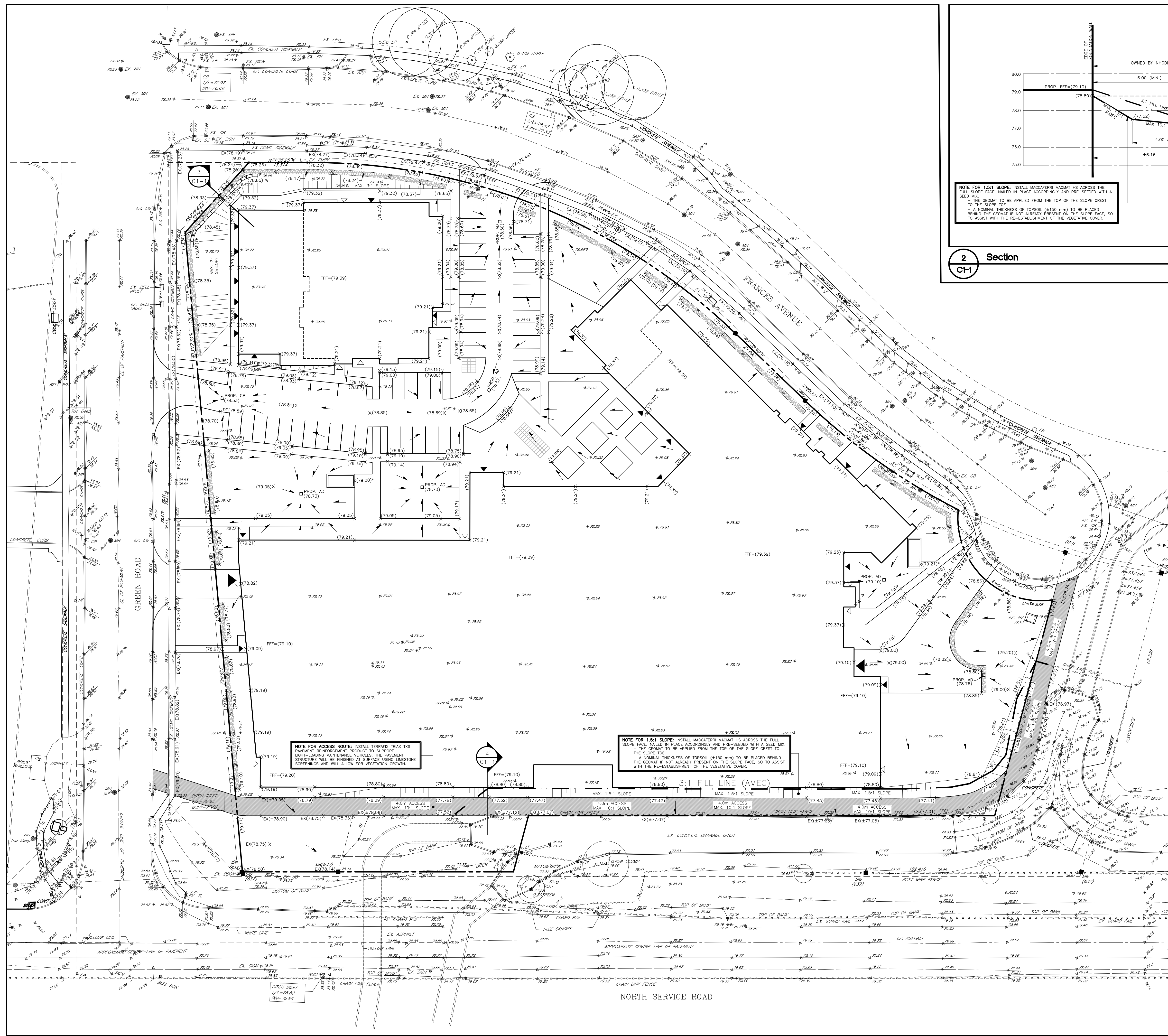
25 Brookside Terrace, Smithville, ON L0R 2A0

(905) 818 5205 Phone/Fax j.lamarre@cogeco.ca e-mail

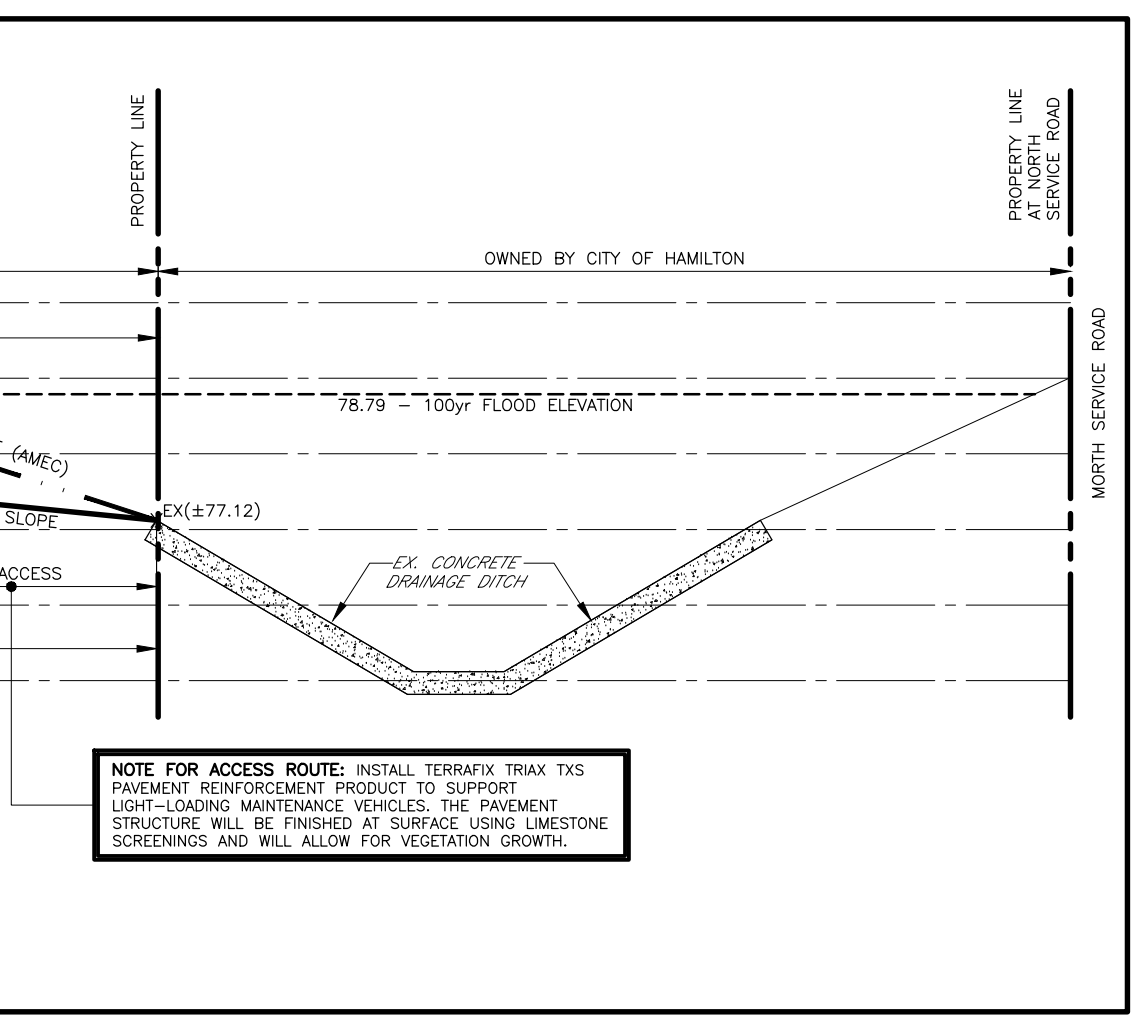
Profile Output Table - Standard Table 1
 HEC-RAS Plan: UNRES SP WF Profile: 100 YR (SPILL)

Rivers = 1
 # Hydraulic Reaches = 3
 # River Stations = 15
 # Plans = 1
 # Profiles = 1

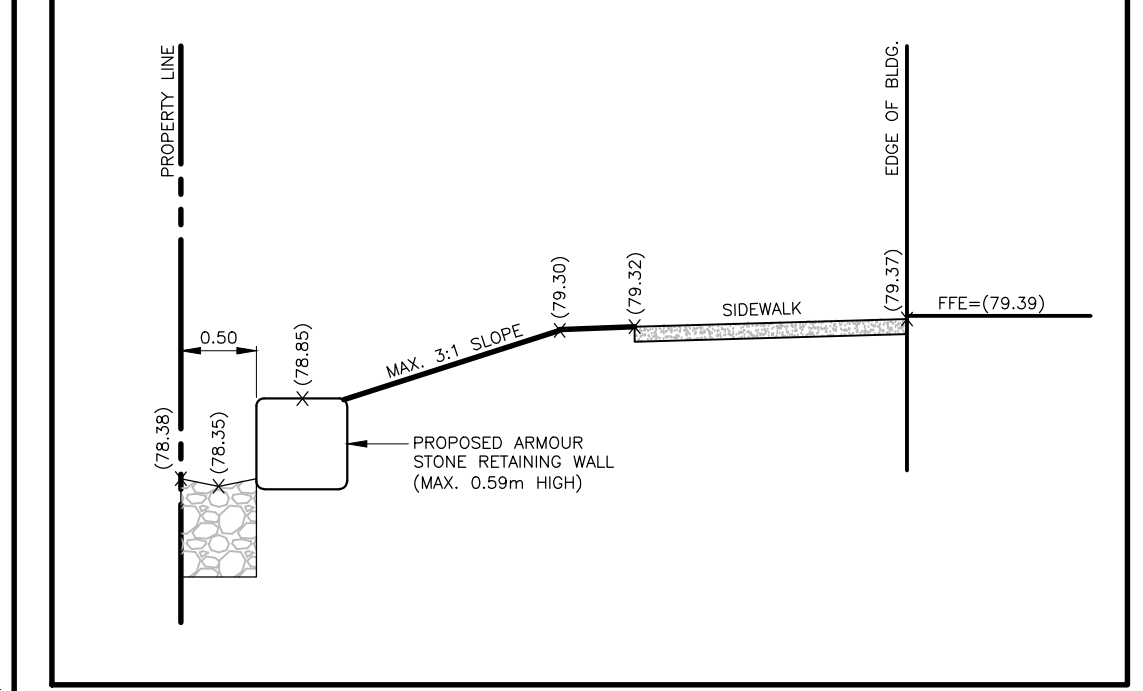
Reach	River Sta	Profile	Q Total (m3/s)	Min Ch El (m)	W.S. (m)	Elev Crit (m)	W.S. (m)	E.G. Elev (m/m)	E.G. Slope (m/s)	Vel Chnl (m2)	Flow Area (m)	Top Width	Froude #	Chl
WC-12	295	100 YR (SPILL)	52.80	74.72	78.76	76.54	78.80		0.000048	1.02	189.06	381.98	0.19	
WC-12	305	100 YR (SPILL)	52.80	74.72	78.76		78.80		0.000048	1.02	189.24	382.04	0.19	
WC-12	315	100 YR (SPILL)	52.80	74.72	78.76		78.80		0.000048	1.02	189.45	382.12	0.19	
WC-12	325	100 YR (SPILL)	52.80	74.72	78.75		78.82		0.000065	1.29	89.96	100.28	0.22	
WC-1	420	100 YR (SPILL)	25.67	74.90	78.81		78.83		0.000018	0.65	49.86	22.48	0.12	
WC-1	480	100 YR (SPILL)	25.67	75.05	78.80		78.83		0.000024	0.75	44.49	20.97	0.13	
WC-1	510.2	100 YR (SPILL)	25.67	75.20	78.84	75.80	78.84		0.000006	0.30	229.45	213.47	0.05	
WC-1	601.25	Bridge												
WC-1	601.3	100 YR (SPILL)	30.00	75.52	79.09	76.76	79.16		0.000102	1.10	27.23	207.79	0.19	
WC-1	601.4	100 YR (SPILL)	30.00	76.25	79.08	77.56	79.17		0.000451	1.30	23.10	102.47	0.26	
WC-1	736	100 YR (SPILL)	31.06	76.31	79.19		79.22		0.000320	1.13	93.17	147.26	0.22	
WC-1	755	100 YR (SPILL)	31.06	76.30	79.19		79.23		0.000271	0.87	46.23	46.11	0.19	
WC-1	865	100 YR (SPILL)	31.06	76.70	79.21		79.27		0.000470	1.09	37.59	40.73	0.25	
WC-2	376	100 YR (SPILL)	23.77	74.88	78.82		78.84		0.000015	0.64	52.13	30.91	0.11	
WC-2	424.2	100 YR (SPILL)	23.77	75.22	78.84	76.68	78.84		0.000015	0.41	320.70	371.79	0.07	



1 Preliminary Grading Plan



2 Section
C1-1



3 Section
C1-1

LEGEND

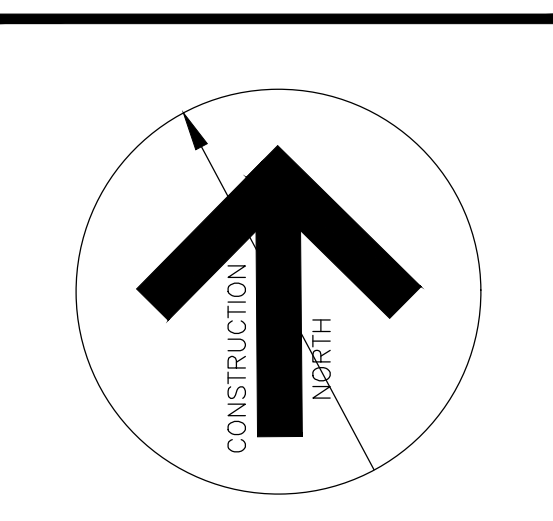
XXXXXX	EXISTING GRADE
(XXXXXX)	PROPOSED GRADE
EX(XXXXXX)	PROPOSED GRADE = EXISTING GRADE
FFE(XXXXXX)	PROPOSED FINISHED FLOOR ELEVATION
(XXXXXX)TW	PROPOSED TOP OF WALL GRADE
(XXXXXX)BW	PROPOSED BOTTOM OF WALL GRADE
(XXXXXX)TW/BW	PROPOSED TOP OF WALL = BOTTOM OF WALL
→	PROPOSED SHEET FLOW DIRECTION
→	EXISTING SHEET FLOW DIRECTION
[Pattern]	RAIN GARDENS AND INFILTRATION GALERIES
APP	APPROACH
CB	CATCH BASIN
EX	EXISTING
FH	FIRE HYDRANT
HP	HYDRO POLE
LP	LIGHT POLE
MH	MANHOLE
PROP.	PROPOSED
SS	STOP SIGN

- GENERAL GRADING NOTES:**
- GRADING ON ADJACENT LANDS NOT OWNED BY THE DEVELOPER: THE DEVELOPER IS REQUIRED TO OBTAIN PERMISSION TO CARRY OUT THE GRADING ON THE ADJACENT LANDS. IF SUCH PERMISSION TO GRADE ON THE LANDS ADJACENT TO THE SITE IS NOT OBTAINED BY THE DEVELOPER, OR IF PERMISSION IS WITHDRAWN PRIOR TO CARRYING OUT THE GRADING, THE DEVELOPER IS REQUIRED TO REVISE THE GRADING PLAN AS REQUIRED, AND RESUBMIT THE PLAN TO THE CITY FOR APPROVAL.
 - ANY CHANGES IN GRADES AND/OR CATCH BASINS, REQUIRES THE APPROVAL OF THE DIRECTOR DEVELOPMENT DIVISION, PLANNING AND DEVELOPMENT DEPARTMENT FOR THE CITY OF HAMILTON.
 - ALL DRIVEWAYS FROM PROPERTY LINES FOR THE FIRST 7.5m SHALL BE WITHIN 5% MAXIMUM GRADE, THEREAFTER, ALL DRIVEWAYS SHALL BE WITHIN 10% MAXIMUM GRADES AS PER CITY STANDARDS.
 - THE APPROVAL OF THIS GRADING PLAN DOES NOT EXEMPT THE OWNER'S BONDED CONTRACTOR FROM THE REQUIREMENTS TO OBTAIN THE VARIOUS PERMITS/APPROVALS NORMALLY REQUIRED TO COMPLETE A CONSTRUCTION PROJECT, SUCH AS, BUT NOT LIMITED TO THE FOLLOWING:
 - ROAD CUT PERMITS
 - APPROACH APPROVAL PERMITS
 - RELOCATION SERVICES
 - COMMITTEE OF ADJUSTMENT
 - DISBURGEMENT AGREEMENTS (IF REQUIRED)

- BEFORE STARTING WORK**
- THE CONTRACTOR SHALL NOTIFY THE CITY OF HAMILTON AND LANHACK CONSULTANTS INC. AT LEAST 48 HOURS PRIOR TO COMMENCING CONSTRUCTION.
 - THE POSITION OF THE POLE LINES, CONDUITS, WATERMANS, SEWERS, AND OTHER UTILITIES AND STRUCTURES ARE NOT NECESSARILY SHOWN ON THE CONTRACT DRAWINGS, AND WHERE SHOWN, THE ACCURACY AND DISTURBED DURING CONSTRUCTION SHALL BE REPAIRED OR REPLACED TO THE SATISFACTION OF THE ENGINEER, AT THE CONTRACTOR'S EXPENSE.
 - BEFORE THE COMMENCEMENT OF CONSTRUCTION, ALL BENCHMARKS, ELEVATIONS, DIMENSIONS, AND GRADES MUST BE CHECKED BY THE CONTRACTOR AND ANY DISCREPANCIES REPORTED TO THE ENGINEER.
 - ALL EXISTING UNDERGROUND UTILITIES SHALL BE LOCATED, MARKED, AND PROTECTED. ANY UTILITIES DAMAGED OR DISTURBED DURING CONSTRUCTION SHALL BE REPAIRED OR REPLACED TO THE SATISFACTION OF THE ENGINEER, AT THE CONTRACTOR'S EXPENSE.
 - AT LEAST TWO DIFFERENT BENCHMARKS MUST BE REFERRED TO AT ALL TIMES.

- SILTATION AND EROSION CONTROL**
- SILTATION CONTROL BARRIERS SHALL BE PLACED AS DETAILED.
 - ALL SILTATION CONTROL MEASURES SHALL BE CLEANED AND MAINTAINED AFTER EACH RAINFALL AS DIRECTED AND TO THE SATISFACTION OF THE CITY OF HAMILTON.
 - ADDITIONAL SILT CONTROL LOCATIONS MUST BE REQUIRED AS DETERMINED BY THE CITY OF HAMILTON.

- GENERAL EARTHWORKS NOTES:**
- THE SUB-GRADE SOILS EXPOSED AFTER EXCAVATION SHALL BE INSPECTED AND CERTIFIED BY A QUALIFIED REGISTERED PROFESSIONAL SOILS ENGINEER AND A COPY OF THE REPORT SHALL BE FORWARDED TO THE CITY OF HAMILTON BUILDINGS DIVISION, WHERE THE FOOTING SHALL BE SITUATED ON FULL MATERIAL. THE FOOTINGS SHALL BE DESIGNED AND APPROVED BY QUALIFIED REGISTERED PROFESSIONAL ENGINEER.
 - ALL FILL PLACED ON THE SITE SHALL BE COMPACTED TO A MINIMUM OF 95% STANDARD PROCTOR DRY DENSITY. A SUFFICIENT NUMBER OF TESTS SHALL BE TAKEN AT VARIOUS LEVELS SATISFACTORY TO THE DIRECTOR OF ENGINEERING. TEST RESULTS SHALL BE SENT TO THE CITY WITH A LETTER, SIGNED AND STAMPED BY THE SOILS ENGINEER, STATING THAT A SUFFICIENT NUMBER OF TESTS HAVE BEEN TAKEN AND THE MINIMUM DEGREE OF COMPACTION HAS BEEN REACHED.



Contractor must verify all dimensions on the Project Site and report any discrepancies before proceeding with the Work.

This drawing is a part of the Contract Documents and is to be read in conjunction with all other Contract Documents.

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Revision Record

No.	Description	Date (m/d/y)
A	ISSUED FOR MINOR VARIANCE APPLICATION	11/10/21

Issue Record

No.	Description	Date (m/d/y)
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NHDGI Waterfront Trails Phase 3

310 FRANCES AVENUE
HAMILTON, ON

Date: OCTOBER 2021
Drawn By: GRW
Chkd By: SMP
Scale: AS NOTED

Preliminary Grading Plan w/ Sections

Project No.: 1709IA Drawing No.: C1-1 Rev.: A
Plot Date: 11/10/21
1709IA-C01 - Grading and Servicing Plan

Planning Justification Brief

310 FRANCES AVENUE

Application for Minor Variance

City of Hamilton

September 2021

Prepared for:

NHDG (Waterfront) Inc.
3170 Harvester Rd., Suite 200
Burlington ON L7N 3W8

Prepared by:

GSP Group Inc.
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Hamilton ON L8P 4A9



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1. Background

1.1 Proposed Development and Purpose of Application

This Planning Information Brief has been prepared in support of an application for Minor Variance related to 310 Frances Avenue (the “Site”) illustrated in **Figure 1**.

Situated in an area of recent redevelopment, the Owner proposes to develop this vacant parcel of land to accommodate a mixed use, high-density, tall building development. The use, density and height were contemplated as appropriate on this site in the 1970s and more recently in 2010 when site specific zoning was established on the site indicating a minimum number of units required (no maximum) and indicating the maximum height requirement as ‘none’.

A Site Plan Application has been submitted to the City of Hamilton, File Number DA-19-020. Through the processing of the application, regulations have been identified as non-complying, and therefore require the approval of a Minor Variance Application.

The final determination of the Minor Variances requested followed a thorough review and analysis of the development proposal and the applicable zoning regulations. This analysis was undertaken by a Registered Professional Planner, Transportation Specialist and Architect, and other professions. As a result, certain variances, previously identified as being required have either been eliminated or modified. A review of efficiency rates led to changes to the building design which impacted the ultimate variances required. The plan before Committee has been vetted through the consultants and will form part of the resubmission to the City Planning Department subject to the Decision of the Committee of Adjustment.

The Variances are outlined in Section 2.

1.2 Site Overview

The Site at 310 Frances Avenue is a corner lot, bounded by Frances Avenue to the north, Green Road to the west and North Service Road to the South. To the east, southeast is a channelized storm water management block, adjacent to North Service Road. The Site has an area of ± 5.09 acres (2.061 hectares).

The Site has a frontage of ± 58 metres along North Service Road, a frontage of ± 139 metres along Green Road, and a curved frontage of ± 180 metres along Frances Avenue. Both Frances Avenue and Green Road have a 26 metre R.O.W. width, with Green Road expanding to a 50 metre R.O.W. at North Service Road.

Land Uses in proximity to the Site include tall buildings in the form of two 18-storey apartment buildings and a townhouse and midrise apartment development on the north side of Frances Avenue. To the west is a commercial building (461 Green Road) and residential dwellings (single detached and townhouses). 461 Green Road was recently rezoned for a tall building, approved for a 14 storey mixed use development.



Figure 1: Site Context

2. Requested Minor Variances

The Site is currently zoned “MUC-4” (Site Specific Mixed Use Commercial) Zone in Former City of Stoney Creek Zoning By-law 3692-92, which permits commercial uses and apartment dwellings. To permit the proposed development, variances are required to the “MUC-4” zone. The table below summarizes the required variances:

“MUC-4” Regulations			
Regulation		Required	Provided (Minor Variance Required)
8.8.2	Permitted Uses for Each Lot	Apartment Dwelling Units above commercial uses	Apartment dwelling units above commercial uses as well as accessory residential apartment uses (including amenity, fitness, meeting, bike/vehicle parking, mail)
8.8.3 (j)	Amenity Area Per Dwelling Unit	One Bedroom Unit – 18m ² per unit Two Bedroom Unit – 53m ² per unit	8.8m ² per unit for One and Two Bedroom Units (not including balconies)
8.8.3 (l)	Minimum Landscaped Open Space	The landscaped strip shall not be less than 50% of the lot area of which at least 25% shall be in one area other than the front yard.	36% landscaped open space provided throughout the site
		A landscaped strip having a minimum width of 5 metres shall be provided adjacent to any street.	3m provided on Green Rd and Frances Ave directly abutting parking space. Walkways and drive isle to be permitted within landscape strip.
		A landscaped strip having a minimum width of at least 9 metres shall be provided adjacent to every portion of any lot line that abuts any zone other than a commercial or industrial zone.	3.5m provided at pinch points, 8.5m provided at building recess along southern limit. Walkways and drive isle to be permitted within landscape strip.
8.8.3 (n) 1.	Minimum Parking Requirements	Residential Uses – 1.5 spaces per dwelling unit.	1.25 spaces per dwelling unit.

The following variances are requested to the “MUC-4” Zone Regulations:

- 1) Notwithstanding Section 8.8.3 (n) 1., parking shall be provided at a ratio of 1.25 spaces per dwelling unit for residential uses, whereas the By-Law requires 1.5 spaces per dwelling unit;
- 2) Notwithstanding Section 8.8.3 (l), a minimum 36% Landscaped Open Space shall be provided across the entire site. A portion shall also constitute the following:
 1. A landscape strip having minimum width of 5 metres shall be provided adjacent to any street, except abutting a parking space where a minimum width of 3 meters shall be provided. Walkways and drive isles may be permitted to cross a landscape strip.
 2. A landscape strip having a minimum width of at least 9 metres shall be provided adjacent to every portion of any lot line that abuts any zone other than a commercial or industrial zone, except 3.5 metres shall be provided adjacent to the southern lot lines abutting any zone other than a commercial or industrial zone. Walkways and drive isles may be permitted to cross a landscape strip.
- 3) Notwithstanding Section 8.8.2, accessory apartment uses, which may include amenity, fitness, meeting, bike/vehicle parking, lobbies and mail shall be permitted on the ground floor; and
- 4) Notwithstanding 8.8.3 (j), the minimum required amenity area per unit shall be 8.8m² for one bedroom units and 8.8m² for two bedroom units, from 18m² and 53m² respectively.

3. Planning Rationale

Section 45(1) of the *Planning Act* states that Committee of Adjustment “may authorize such minor variances from the provisions of the by-law, in respect of the land, building or structure or the use thereof” and provided the following four tests are met:

1. Do the Minor Variances maintain the general intent and purpose of the Official Plan;
2. Do the Minor Variances maintain the general intent and purpose of the Zoning By-law;
3. Are the Minor Variances desirable and appropriate for the lands; and
4. Are the requested variances minor in nature.

The analysis that follows demonstrates how the requested variances satisfy the four tests of a minor variance.

3.1 **Minor Variance No. 1:**

Notwithstanding Section 8.8.3 (n) 1., parking shall be provided at a ratio of 1.25 spaces per dwelling unit for residential uses, whereas the By-Law requires 1.5 spaces per dwelling unit

3.1.1 **Do the Minor Variances maintain the general intent and purpose of the Official Plan**

The Site is identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations.

As the proposal is for residential and commercial uses that are permitted in the “Neighbourhoods” designation, and it meets other locational policies in the UHOP it is our opinion that the proposed parking reduction maintains the general intent and purpose of the Official Plan.

Chapter C of the UHOP, City Wide Systems and Designation, Section C.4.0, Integrated Transportation Network, Policy C.4.5.15 states that “*Parking and loading requirements regulated through the Zoning By-Law or site plan approval shall ensure adequate parking for the site, while avoiding excess parking supply that can discourage transit use and active transportation choices.*”

The Minor Variance to require an on-site parking ratio for the residential apartment use at 1.25 spaces per unit will continue to ensure an adequate parking supply and will not result in spillover to off site parking. The proposed ratio will avoid an excess of parking supply on site, conforming with the UHOP. The amount of available parking per residential unit will be identified to any potential purchaser.

Parking ratios have been analyzed by Paradigm Transportation Solutions Inc. (Paradigm) through a Parking Study dated December 2018 updated to April 2020 based on City of Hamilton Transportation Planning comments. Evaluation within these two parking studies were based on pre pandemic data. A summary parking analysis is contained within the attached Parking Opinion Letter from Paradigm, dated September 10, 2021 (the “Letter”, attached as Appendix A). The Letter highlights support for the Minor Variance based on:

1. ITE information,
2. Transportation Tomorrow Survey information, and
3. Proxy-Site information (as requested by the City).

The Letter analyses societal changes post 2020 and the proposed development will provide demand for and will support an expanded transit service, exceeding the Trans-Cab service currently provided. The minor reduction in the parking ratio is supportable and maintains the general intent and purpose of the Official Plan, particularly the Transportation Demand Management policies (V1, C.4.2.4.1), including the provision of providing car-share parking spaces.

Based on the above, it is our opinion that the minor reduction in the parking ratio, from 1.5 to 1.25 maintains the general intent and purpose of the Official Plan.

3.1.2 Do the Minor Variances maintain the general intent and purpose of the Zoning By-law;

The purpose of the parking ratio is to provide an appropriate ratio for on site parking per residential unit, ensuring that off site parking would not be utilized (spillover effect).

As stated in the April 2020 Paradigm Parking Study referenced in the attached Letter, the observed maximum parking demand for an existing residential development in the area, 301 Frances Avenue (18 storey apartment directly north of the site) is 1.04 spaces per unit inclusive of visitors. In addition, the two recently completed existing developments in the area, both NHDG projects known as Waterfront Trails and Sapphire, have a market driven ratio of 1.26 spaces per unit inclusive of visitors. The Property Manager for these two (2) developments has confirmed that the parking supply, based on 1.26 spaces per unit is more than sufficient (Appendix B). The proposed 1.25 spaces per unit ratio excludes any commercial spaces provided on Site (currently 47 spaces). Two car share spaces are also provided on Site, which generally supports a parking reduction.

Reducing the required parking ratio continues to maintain the general intent and purpose of the Zoning By-Law to provide for a sufficient supply of parking spaces per unit, while not providing an unnecessary excess of parking spaces or an inappropriate reduced parking ratio that may result in off-site parking demand.

3.1.3 Are the Minor Variances desirable and appropriate for the lands

The desirability of the variance has been analyzed from a planning and public interest perspective. The reduction in the parking ratio is appropriate for apartment dwelling units within this area as stated in the Paradigm Letter, indicating the ratio requested will not provide excess parking, nor off site parking spillover.

A Minor Variance has not been sought for the forty-seven parking spaces that will be provided at grade for the commercial uses proposed on site. In addition, two car share spaces will be provided.

Based on the above, the Minor Variance is desirable and appropriate for the lands.

3.1.4 Are the requested variances minor in nature.

Minor can not only be contemplated through a numerical calculation, but also based on an analysis and potential impact to the subject site or surrounding area. This test is not purely one of numeracy but also one demonstrating that the variances, both individually and collectively, will not result in any unacceptable adverse impact, rather than no impact at all.

The variance to the residential parking ratio is to establish an appropriate ratio for residential units. The variance to reduce the required ratio by 0.25 spaces per unit will not result in over-spill onto off site locations as the parking to be provided will be sufficient for the type of residential use proposed, as indicated in the attached Paradigm Letter. The Letter justifies that there is no cumulative impact as each residential apartment unit will be provided an appropriate amount of parking. The proposed minor reduction in the parking ratio satisfies the minor in nature test as no unacceptable adverse impact will result.

3.2 Minor Variance No. 2:

Notwithstanding Section 8.8.3 (I), a minimum 36% Landscaped Open Space shall be provided across the entire site whereas the By-Law requires 50%. A portion shall also constitute the following:

1. A landscape strip having a minimum width of 5 metres shall be provided adjacent to any street, except abutting a parking space where a minimum width of 3 meters shall be provided. Walkways and drive isles may be permitted to cross a landscape strip.
2. A landscape strip having a minimum width of at least 9 metres shall be provided adjacent to every portion of any lot line that abuts any zone other than a commercial or industrial zone, except 3.5 metres shall be provided adjacent to the

southern lot lines abutting any zone other than a commercial or industrial zone. Walkways and drive isles may be permitted to cross a landscape strip.

The Figure below illustrates the variance locations relating to the planting strips and depicts the open space areas provide on Site.

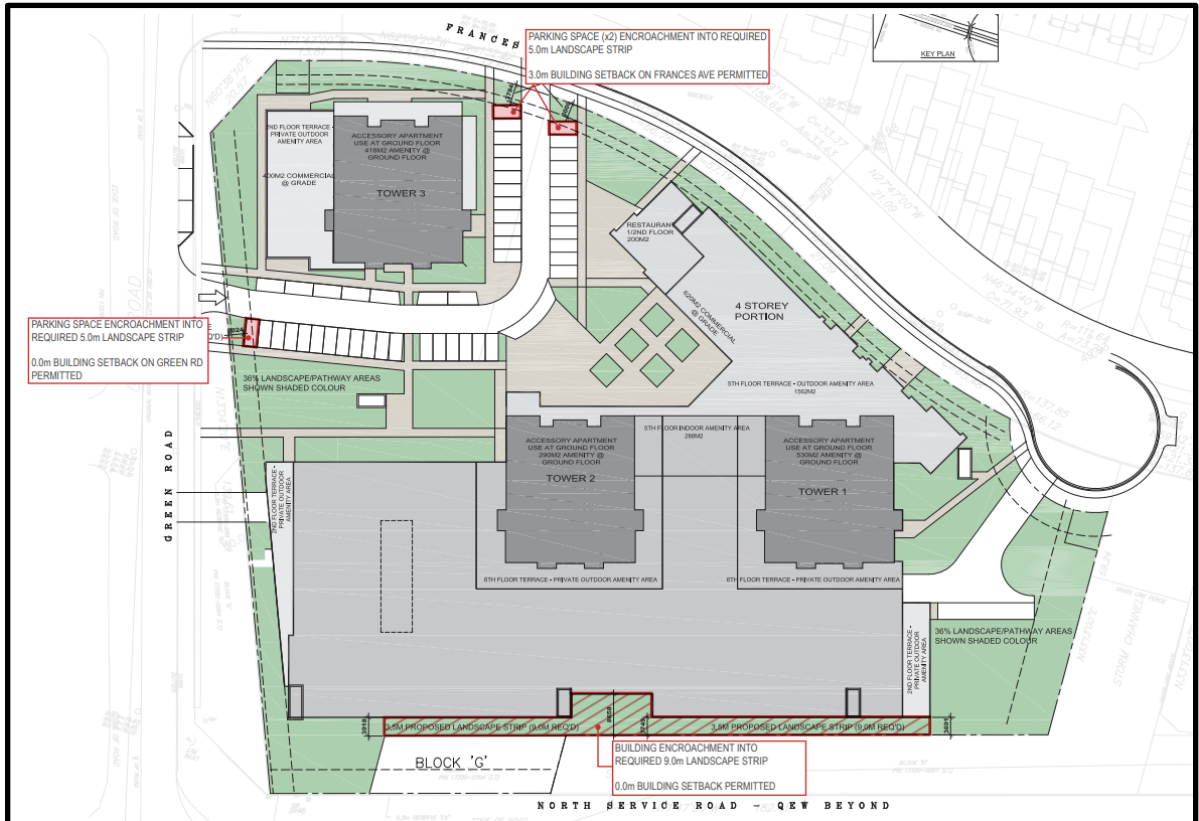


Figure 2: Minor Variance No. 2 Illustration

3.2.1 Do the Minor Variances maintain the general intent and purpose of the Official Plan

The Site is identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations.

Policy V1 E.3.2.7 requires that development shall improve existing landscape features and overall landscape character of the surrounding area and Policy V1.E.3.6.7 d) i) states that development shall provide adequate landscaping. The reduction in landscaping percentage will maintain the intent of this policy as the provided landscaped area will improve the existing vacant land currently devoid of landscaping. A landscape plan will be prepared to bolster the landscaping on site and contribute to the surrounding area. The reduction in the landscaping percentage will continue to provide an appropriate amount of ground level open space land. Sufficient open space remains on Site to provide attractive, meaningful landscaped areas to enhance the site and the surrounding area.

As the proposal seeks to develop the subject site for a use that is permitted by the UHOP and will improve, enhance and provide sufficient landscaping on the Site, it is our opinion that the proposal maintains the general intent and purpose of the Official Plan.

3.2.2 Do the Minor Variances maintain the general intent and purpose of the Zoning By-law;

The general intent and purpose of the Landscape Open Space and Landscape Strip regulations is to provide for appropriate mitigation and buffering and landscaping internal to the development and in relation to the neighbourhood beyond. Landscaping areas are also used to accommodate civil engineering design relating to stormwater management, grading and servicing.

The requested reduced values maintain compliance with the permitted minimum yard setbacks, specifically a required 0m building setback to Green Road, 3m building setback to Frances Ave and 0m building setback to the remaining lot lines.

The proposed development on the west side of Green Road was approved based on providing a 2.8m landscaped strip to parking spaces. For the subject Site, the proposed 3.0m landscaped strip to parking areas will maintain a similar setback and contribute to a more cohesive streetscape. The required landscape strip along the street edge of Frances Ave and Green Road outside of the abutting parking stalls would remain at the required 5m and as such the Variance is worded to limit the scope of relief as illustrated on Figure 2, above.

The requested reduced landscaped strip width along the southern limits of the Site to another zone continues to maintain the general intent as the size and design of the blocks adjacent to the Site were established to facilitate the storm water design and was approved following a detailed vetting by the appropriate commenting agencies. Relief from this setback is not anticipated to create any compatibility issues, and appropriate design requirements, including sufficient landscaping within the requested landscaped strip can continue to be provided on Site. Through the site plan process, the civil engineering components have been reviewed and continue to be appropriately provided for the site based on the requested Minor Variances. A reduction to this regulation is not required along the eastern lot limits where the Site abuts a P5 zone and as such the Variance is worded to limit the scope of relief.

Based on the above, it is our opinion that the proposed reduction in the width of the landscape strip along the southern limits of the Site, is sufficient as the area is limited and the landscaped strip provided continues to maintain the general intent and purpose of the

Zoning By-Law.

3.2.3 Are the Minor Variances desirable and appropriate for the lands

The desirability of the variance has been analyzed from a planning and public interest perspective. The requested variances will permit the development of the Site for its planned and zoned use, on a vacant parcel of land which would result in no adverse impacts on the Site or adjacent sites if the variances are approved. At grade landscaping, at 36% of the lot area (excluding 2% which cannot be calculated towards the percentage as it is within another zone on the same Site), supports the development proposed and allowing walkways and drive isles to cross over the required planting strips will accommodate any development on site and is a technical variance required by the City. Relief from this setback is not anticipated to create any compatibility issues, and appropriate design requirements can continue to be provided on Site.

Based on the above, the Minor Variances is desirable and appropriate for the lands.

3.2.4 Are the requested variances minor in nature.

Minor can not only be contemplated through a numerical calculation, but also based on an analysis and potential impact to the subject site or surrounding area. This test is not solely one of numeracy but also one demonstrating that the variances, both individually and collectively, will not result in any unacceptable adverse impact, rather than no impact at all.

The reduction of the landscape strip adjacent to another zone to the south of the Site will not impact the established function of the storm water management block, nor the function of the Site. The reduction of the landscape strip at the interface of the street line and surface parking spaces is minor as it is only located at an individual pinch point at Green Road and Frances Avenue. A similar landscape strip reduction has been approved for the proposed developed on the opposite side of Green Road. The 3 metre landscaped strip can provide a softening of the parking to the street line.

The overall reduction in landscaped area by 14% (including the 3.14% reduction needed where the encroachments to the planting strips occur as illustrated in Figure 2) will result in no adverse impacts and is minor in nature. The request to allow drive isles and walkways to cross landscaped strips is a technical variance. The Building Department has interpreted the zoning such that the drive isles and walkways are currently not permitted to cross landscaped strips.

The reduction and impact is minor in nature and satisfies the Test for Minor Variance.

3.3 Minor Variance No. 3.

Notwithstanding Section 8.8.2, accessory apartment uses, which may include amenity, fitness, meeting, bike/vehicle parking, mail, shall be permitted on the ground floor.

3.3.1 Do the Minor Variances maintain the general intent and purpose of the Official Plan

As noted, the Site is designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations.

The proposal seeks to develop the subject site for a use that is permitted by the UHOP in a manner that is typical and appropriate for an apartment building.

Through revisions during the Site Plan process the number of commercial uses proposed within this development was increased as requested by the City. The addition of accessory residential uses on the ground floor does not take away from the planned function of the Site. As such, the proposed mixed use building is a permitted use and is aligned with the goals and vision of the UHOP and therefore maintains the general intent and purpose of the Official Plan.

3.3.2 Do the Minor Variances maintain the general intent and purpose of the Zoning By-law;

The purpose of the regulation is to ensure the proposal is a mixed use development, and not solely proposed as residential. Commercial uses are proposed at grade and have been increased to include additional square meters of commercial space since the initial Site Plan submission. A restaurant is proposed, along with space to accommodate permitted commercial uses. Accessory residential uses at grade does not negatively impact the planned function of the Site, rather it enhances the activity that can be found at grade. The proposed design continues to maintain the general intent and purpose of the Zoning By-Law.

3.3.3 Are the Minor Variances desirable and appropriate for the lands

The desirability of the variance has been analyzed from a planning and public interest perspective. A variance to permit accessory residential uses on the ground floor within the buildings is technical in nature and clarifies that uses related to the residential dwelling can be appropriately located on the ground floor, along with commercial uses as currently exists within other buildings designed and built by the applicant. The proposed Variance will not negatively impact the surrounding neighbourhood as the Variance will contribute to a properly designed building.

Based on the above, the Minor Variances is desirable and appropriate for the lands.

3.3.4 Are the requested variances minor in nature.

Minor can not only be contemplated through a numerical calculation, but also based on an analysis and potential impact to the subject site or surrounding area. This test is not solely one of numeracy but also one demonstrating that the variances, both individually and collectively, will not result in any unacceptable adverse impact, rather than no impact at all.

The variance is internal to the buildings which would result in no adverse impacts on the Site or adjacent Sites if the variance is approved. The Variance will not affect the planned function of the Site and as such is minor in nature.

3.4 Minor Variance No. 4.

Notwithstanding 8.8.3 (j), the minimum required amenity area per unit shall be 8.8m² for one bedroom units and 8.8m² for two bedroom units, from 18m² and 53m² respectively

3.4.1 Do the Minor Variances maintain the general intent and purpose of the Official Plan

The Site is designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations.

Policy V1.E.3.6.7 d) i) states that development shall provide amenity features. The development will provide leisure and active amenity space throughout the Site for the residents. The Official Plan does not provide a numeric minimum for amenity space. The intent of the Official Plan is to ensure that an appropriate amount of amenity space is provided as part of this type of development.

As the proposal seeks to utilize the Site with uses that are permitted within the UHOP and will provide suitable amenity features, it is our opinion that the proposal maintains the general intent and purpose of the Official Plan.

3.4.2 Do the Minor Variances maintain the general intent and purpose of the Zoning By-law;

We have been unable to obtain background information pertaining to the very high amenity space standards in the ‘MUC’ Zone within the Stoney Creek Zoning-By-Law, which are high by historical standards and are also not in line with amenity space requirements for mixed use residential requirements in Zoning By-Law 05-200. We understand that staff similarly do not have any background information to support the inclusion of this standard. In our opinion, there is no clear intention for this specific amenity space provision, which is excessive and has not been implemented on any site within the former City of Stoney Creek. It is also inconsistent with the approach to amenity space in other developments in the City, including in proximity to the Site.

As background, high density residential developments within the neighbourhood have been approved with Amenity area regulations per unit as follows (with the subject Site highlighted in the top row):

Address	One Bedroom	Two Bedrooms	Applicable Zoning By-Law	Can Include Balconies
310 Frances Ave	18m²	53m²	SC 3692-92	No
301 Frances Ave	2m ²	3m ²	SC 3692-92	No
500 Green Road	2m ²	3m ²	SC 3692-92	No
	Unit Equal to or Less than 50m²	Unit Greater than 50m²		
461 Green Road	4m ²	6m ²	New Ham 05-200	Yes
Sapphire	No requirement in Zoning By-Law		SC 3692-92	N/A
Waterfront	None required (regulation removed in site specific zoning)		SC 3692-92	N/A

These Sites mentioned above are within a two minute walk from the subject Site. These developments date from the 1970s and the 2000s. As mentioned above, there has not been a development that has been constructed with the amenity requirements imposed on the subject Site.

Historically, the Zoning By-Law that was implemented for the Site did not amend the amenity area requirement, citing in the City Staff Report from 2010 that *“mixed-use structures containing both residential and commercial uses shall provide exclusive amenity areas for the residential component.”* The intent of the regulation is clear: to provide an appropriate amount of exclusive amenity area for the residential component of the development. As the request at the time was to delete the requirement from the zoning, the Report did not expand on an appropriate amount to provide per unit, but rather reinstated the parent regulation in the MUC zone as referenced in the table above.

We now know, the values within the regulation never were implemented through any development and further study relating to this development indicates providing the inflated amenity area requirements in the ‘MUC’ Zone within the Stoney Creek By-Law is neither appropriate nor viable and would not result in a viable development.

The Variance proposed continues to achieve the general intent and purpose of the By-Law, by providing a suitable amount of amenity exclusively for the residential component, while also achieving a building efficiency percentage that will see this development built, bringing much needed residential housing to the City of Hamilton.

3.4.3 Are the Minor Variances desirable and appropriate for the lands

The desirability of the variance has been analyzed from a planning and public interest perspective. A suitable amount of amenity area is provided for the residential units.

Based on the existing, inflated amenity area provisions, the amenity space required for a two bedroom unit would be the size of a one bedroom unit. This is not reasonable or viable. Providing amenity on Site is an important requirement for purchasers and as such an important aspect for the developer. The ability to feasibly construct a project is analyzed through an efficiency percentage, which requires a balance of sellable (units) area and non-sellable (amenity, lobby, etc.) area. The required regulation provides an off kilter efficiency and would result in a building that could not be constructed. The variance requested would bring this value to a more appropriate standard.

It is important to note that balconies are not included within the definition of amenity area within By-Law 3692-92 and therefore cannot be used in the calculation. Balconies are permitted to be included in the calculation for amenity area with the comprehensive Zoning By-Law 05-200 that the City is implementing in stages throughout the municipality. Some units within the proposed development will have functional balconies that would be in addition to the minimum amenity requirement calculation. Including these noise protected balconies within the minimum requirement would increase the amenity area per unit by 0.9m² to 9.7m² per unit. The inclusion of all balconies, as per direction in the ZBL 05-200 by-law would increase the amenity area per unit to 13.8m². The requested variances continues to exclude balconies from the regulation as the amenity provision proposed provides a substantially higher requirement than the surrounding approved developments without needing to add the balcony values.

As the proposed Variance will still afford the residents an appropriate amount of amenity space, the proposed Variance will not negatively impact the surrounding neighbourhood.

3.4.4 Are the requested variances minor in nature.

Minor can not only be contemplated through a numerical calculation, but also based on an analysis and potential impact to the subject site or surrounding area. This test is not solely one of numeracy but also one demonstrating that the variances, both individually and collectively, will not result in any unacceptable adverse impact, rather than no impact at all.

The amenity area provided on site will sufficiently allow residents the ability to remain on Site for leisure and recreation. The amenity area proposed for the Site is an increase to what has been built and/or required on lands within the immediate vicinity of the Site, which has been supported as an appropriate amount of amenity to be provided. The Variance will not affect the planned function of the Site and will not have an impact on the surrounding

area as an ample amount of amenity area will be provided and as such the proposed area of amenity space per unit is minor in nature.

4. Summary and Recommendations

Collectively, the Variances for the proposed Site will allow for the approval of a development on a vacant parcel of land. The proposed development is an efficient use of land without negatively impacting compatibility to the neighbourhood. Tall, high density residential development currently exists beside low rise, lower density development within the immediate area and is the planned function approved for the Site. The UHOP provides a definition of ‘compatibility’, which means:

“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”.

Individually or cumulatively, no adverse impacts would result on the Site or adjacent blocks if the variances are approved. The variances requested are considered minor in nature in terms of their impact to the site and to the surrounding area. The Minor Variances requested will not result in inappropriate adverse impacts to the owner, adjacent properties, or the streetscape.

The requested variances represent good land use planning as they satisfy the four tests of Section 45(1) of the *Planning Act*. Approval of the requested variances will continue to maintain the general intent and purpose of the Urban Hamilton Official Plan and Zoning By-law; are desirable and appropriate; and are considered minor in nature.

Respectfully submitted,

GSP Group Inc.



Sarah Knoll, BES, MCIP, RPP
Associate – Senior Planner

10 September 2021
Project: 190459

Jason Garland
Managing Director
NHDG (Waterfront) Inc.
200-3170 South Service Road
Burlington ON L7N 3W8

Dear Mr. Garland:

**RE: FRANCES AVENUE PARKING OPINION LETTER – RESIDENTIAL DEVELOPMENT
(WATERFRONT 3), 310 FRANCES AVENUE, CITY OF HAMILTON**

In December 2018, Paradigm Transportation Solutions Limited (Paradigm) prepared a Transportation Impact and Parking Study¹ for the property at 310 Frances Avenue (Waterfront Trails) in the City of Hamilton. The development program assumed 1,836 residential units, 400 square metres of ground floor retail and a residential parking rate of 1.32 spaces per unit. An updated Transportation Impact and Parking Study² was completed by Paradigm in April 2020 as the development program included 1,836 residential units, 1,220 square metres of ground floor retail and a residential parking rate of 1.31 parking spaces per unit.

The latest site plan includes a revised residential parking rate of 1.25 spaces per unit. This opinion letter serves to assess the parking arrangement from a supply perspective.

Parking Analysis

The ITE Parking Generation 5th Edition is regarded as a reliable source for parking generation. The requirements specified by ITE's Parking Generation for Multi-Family High-Rise dwellings within a General Urban/Suburban areas. The parking rates for this area is noted to be 0.97 space per unit (General Urban/Suburban). Based on the ITE information, a reduced parking supply is supportable.

¹ 180010: Waterfront Trails, Hamilton, Transportation Impact, Parking Justification & TDM Options Study, Paradigm, December 2018.

² 190459: Waterfront Trails, 310 Frances Avenue, Hamilton, Transportation Impact and Parking Study, Paradigm, April 2020.

The previous parking studies completed for the proposed development included a review of parking surveys conducted at a site in the City of Burlington. The surveyed site included:

- ▶ Burlington Site – 3060/3070 Rotary Way. This site contains 224 residential condominium units located in a general urban/suburban area. Parking demands at this location were observed at 1.04 spaces per unit (resident and visitor supply).

The City however advised that a proxy site located out-of-town is discouraged as a comparator, especially for residential developments, as conditions in other municipalities often vary in relation to existing infrastructure. As a result, an additional proxy site was completed within the City of Hamilton and within the study area as suggested by the City of Hamilton. The surveyed site included:

- ▶ Hamilton Site – 301 Frances Avenue. This site contains 159 residential condominium units located in a general urban/suburban area.

Parking demands at this location were observed at 1.25 spaces per unit (resident and visitor supply). These observed parking rates are consistent with the ITE data and support a reduced parking supply.

A review of vehicle ownership data from the Transportation Tomorrow Survey (TTS) found that 5% of residents living in apartment units in zones with the study area do not own a vehicle. The survey data also indicates that vehicle ownership for apartment units is approximately 1.10 vehicles per unit (resident supply).

Policy Framework

The Growth Plan for the Greater Golden Horseshoe (Ministry of Infrastructure, 2020), Provincial Policy Statement (MMAH, 2020), all directly call for a shift away from automobile travel and towards more sustainable forms of transportation including transit, and active transportation:

- ▶ The Growth Plan outlines that growth in population and employment will be accommodated by reducing dependence on automobiles through the support and development of mixed-use, transit-supportive, pedestrian-friendly urban environments (Ministry of Infrastructure, 2020 – Section 4.2.10);
- ▶ The Provincial Policy Statement (PPS) states that land use patterns should “minimize the length and number of vehicle trips, and support current and future use of transit and active transportation” (MMAH, 2020 – Section 1.6.7.4);

Traditionally, transportation networks focused on increasing the capacity of the road network to accommodate more vehicles. However, as outlined in the City of Hamilton’s Transportation Master Plan (TMP), the transportation system needs to look at a “balanced needs” approach that encourages alternative modes of transportation. The City’s TMP also identifies, an integrated and multi-modal transportation system will be achieved by prioritizing decision-



making to shift more trips away from the private car and to more sustainable transportation options, such as walking, biking, transit and car sharing.

The intent is to reprioritize mobility in a way that balances the transportation system. A more sustainable city requires an integrated transportation system that supports a compact urban form. Bringing jobs, housing services and amenities closer together encourages non automobile modes of travel, providing more choice to Hamilton residents.

Parking and Emissions

Whilst single occupant vehicle trips are commonly targeted in transport policies, they are in reality only a consequence of the spatial layout and densities of the accompanying land uses. Therefore, there is merit in targeting the underlying cause of these carbon emissions rather than solely focussing on policies to reduce private vehicle use.

In this respect, car parking is the “glue” between these facets of the land use and transport environment. In addition, car parking is a critical factor which can be targeted relatively easily by planners and their municipal plans. Parking management has an important role to play as an instrument to reduce carbon emissions³.

The transportation sector is currently responsible for 23% of Canada’s GHG emissions⁴ and offers tremendous opportunities for significant emissions reduction. To reduce emissions, municipalities need to drive a transition towards zero and low-emissions transportation modes, increase the use of cleaner fuels, increase public transit ridership, and encourage denser, mixed-use communities. Municipalities in Canada are lagging behind other countries in supporting zero emission vehicles and other sustainable transportation policies. To significantly reduce greenhouse gas emissions related to the transportation sector, a significant encouragement is needed to shift travel modes from single occupant vehicles towards public transit, auto-share and active transportation.

Societal Changes

A sudden, dramatic shift in travel patterns occurred early in 2020 as society adjusted to the emergence of COVID-19, its declaration as a pandemic and subsequent public health measures to stop its spread.

As a result, recent societal changes have made it easier to live without owning a car. Vehicles-for-hire and bicycles have both increased in popularity. Online shopping has reduced the need for a vehicle to bring large purchases home and in some areas have made it convenient for everyday errands to be delivered (i.e., groceries, household items). The future arrival of automated vehicles may further support a reduction in personal automobile ownership and use

³ Parking as a tool to reduce carbon emissions, McCormick Rankin Cagney Pty Ltd, 2009

⁴ Reducing GHG Emissions in Canada’s Transportation Sector, Clean Energy Canada, June 2016.



and these societal changes will result in a decreased need for vehicle parking with a shift to curbside management.

As businesses have adapted and residents have embraced the convenience of the delivery of everyday items, it is expected these changes will remain for the foreseeable future, providing further incentive to residents in not requiring a vehicle.

Results from the 2016 TTS show that approximately 5% of households within the neighbourhood adjacent to the proposed development do not own a vehicle.. It is likely that these proportions have increased since 2016 and will continue to increase as a result of societal changes.

Given the expected changes in automobile ownership brought about by the changes in mobility-related technologies, it is likely that if change in parking policy framework is not revised, new residential developments will be left with an oversupply of parking, which if provided below grade will result in redundant space that will not be repurposed in the future.

Sustainable Transportation

Transit

Hamilton Street Railway (HSR) is the public transit operator in Hamilton. Presently, HSR does not provide fixed route transit service within 400 metres of the subject site. However, the site is located within the Bell Manor Trans-Cab service zone. Trans-Cab is a shared ride taxi service operated by HSR and Hamilton Cab. It is available to all passengers in Stoney Creek where buses do not currently provide service.

The HSR Ten Year Local Transit Strategy includes actions and resources to address: firstly, current deficiencies in the system; secondly, the alignment of services with updated Service Standards; thirdly, accommodating ongoing growth; and finally, promoting ridership (modal split) through the introduction of additional bus service.

A fundamental component of reducing vehicle trips and dependency on vehicle parking is through a robust and diverse transit service. The provision of an expansion to the transit network would greatly improve transit service for the immediate area and would further help in reducing vehicle demand and in turn, reducing parking demand.

It is this chicken-and-egg relationship between transportation and land use that has led to challenges in implementing smart growth and innovative development. There are two trains of thought to what comes first, transit expansion or development density. Public transit would benefit the community but requires a critical population mass to support frequent service, yet this critical population mass does not happen without smart growth. Rapid transit must be frequent and proximate enough to attract riders and requires a high level of residential, employment, commercial, and institutional activity. As they transit strategy promotes growth



and through the use of an end expanded service area, it is not a question of if, but a question of when fixed route transit service will be provided.

Transportation Demand Management (TDM)

Zoning By-law 3692-92 came into effect in 1994. The criteria provided in the By-law, particularly with minimum parking requirements, should have some flexibility with granting a lower parking requirement to reflect the policies set out in Hamilton's 2014 Urban Official Plan (UHOP)³.

Policy C.4.2.4.1 identifies Transportation Demand Management (TDM) as an essential part of creating an integrated and sustainable transportation network and supports the inclusion of TDM within planning and development processes.

The strategy of introducing spatially varying parking requirements is consistent with current Provincial and Regional planning policies and directives. The Provincial Policy Statement (2014) , in Policies 1.6.7.4 and 1.6.7.5, directs that transportation and land use considerations are to be integrated at all stages of the planning process. It further explains that land use patterns (density and mix of uses) should minimize the length and number of vehicle trips and support the current and future use of transit and active transportation (walking and cycling).

The parking requirements outlined in the Zoning By-law 3692-92, particularly with minimum parking requirements, do not reflect the policies set out in the Provincial Policy statement and Urban Hamilton Official Plan (UHOP).

Since an increase in mixed-use development is encouraged by the Provincial Policy Statement and Official Plan, it is important that the corresponding parking supply capture the potential opportunity for parking reductions that this form of development presents. The development will be incorporating a number of TDM measure to reduce its dependency on single vehicle travel and vehicle ownership including: two-car share spaces dedicated at grade level; on-site bicycle parking and limited on-site parking.



Parking Supply Influence

One of the most important measures to shift demand away from vehicles to sustainable travel modes is the parking supply. Recent research indicates that an area with more parking influences a higher demand for more automobile use.

- ▶ A New York City study of three boroughs showed a clear relationship between guaranteed vehicular parking at home and a greater tendency to use the automobile for trips made to and from work, even when both work and home are well served by transit. The study infers that driving to other non-work activities is also likely to be higher for households with guaranteed vehicular parking⁵.
- ▶ A study of households within a two-mile radius of ten rail stations in New Jersey concluded that if development near transit stations is developed with a high parking supply, then those developments will not reduce automobile use compared to developments located further away from transit stations, and that parking supply can undermine the incentive to use transit that proximity to transit provides⁶.
- ▶ A study of nine cities across the United States looked at the question of whether citywide changes in vehicular parking cause automobile use to increase, or whether minimum parking requirements an appropriate response the already rising automobile use. The study concluded that: “parking provision in cities is a likely cause of increased driving among residents and employees in those places”.⁷

Many existing Zoning By-Law parking requirements are antiquated and require updating to conform and reflect current polices and best practices. Many municipalities recognize this and are updating parking requirements based on parking surveys and inter-jurisdictional review.

The City of Hamilton recognizes this and has developed a new comprehensive Zoning By-law 05-200 that follows the policies set out in the Provincial Policy Statement and UHOP and is designed to replace each of the former municipalities’ by-laws. It should be noted however that residential zones outside of the downtown are still regulated by the former zoning by-law requirements.

However, since Zoning By-law 05-200 can be considered a more up-to date reflection of parking demands, the minimum parking requirements of Zoning By-law 05- 200 stipulate a minimum parking rate of 1.00 space per unit and a maximum parking rate of 1.25 spaces per unit for multiple dwelling developments with more than 51 units and is consistent with the developments parking supply.

⁵ Rachel Weinberger, Death by a thousand curb-cuts: Evidence on the effect of minimum parking requirements on the choice to drive. Transport Policy, 20, March 2012.

⁶ Daniel Chatman, Does Transit-Oriented Development Need the Transit? Access, Fall 2015.

⁷ Chris McCahill, et al., Effects of Parking Provision on Automobile Use in Cities: Inferring Causality, Transportation Research Board, November 13, 2015.



Summary

Minimum parking requirements have long been a staple of planning regulations based on some formulation. These regulations unfortunately have been driven by auto-centric engineering models. Over the past seven decades, the built form in Hamilton has evolved significantly. Recent changes in transportation technology and services, characterized by ride-hailing and automobile sharing, and the emerging technologies dominated by autonomous vehicles (AVs) suggest that automobile ownership is likely to experience declines in the future.

The City's TMP emphasizes the importance of embracing sustainability and creating a vision for compact complete communities served by streets made for walking, cycling and by an attractive transit system. This vision is supported by policies aimed at reducing auto-dependence and limiting the amount of land occupied by automobile parking. The transportation policies are deliberately interspersed with the land use policies to emphasize the importance of considering both areas in order to achieve the overall vision of compact complete communities.

The intent is to reprioritize mobility in a way that balances the transportation system. A more sustainable city requires an integrated transportation system that supports a compact urban form. Bringing jobs, housing services and amenities closer together encourages non automobile modes of travel, providing more choice to Hamilton residents.

Zoning By-law 3692-92 came into effect in 1994 and is no longer consistent with policies outlined in the Provincial Policy Statement and Urban Hamilton Official Plan. As a result, the City is embarking on developing a new comprehensive update to Zoning By-law 05-200 that follows the policies set out in these guiding documents and is intended to replace the requirements in each of the former municipalities (i.e., Zoning By-law 3692-92). The city has indicated that the next phase of By-law 05-200 is focused on the residential zone requirements.

Application of the parking requirement rates as stipulated in the current form on By-law 05-200 requires a minimum of 1.00 parking space and a maximum of 1.25 space for multiple dwelling units with more than 51 units. This is an important factor as these rates will eventually be imposed in the short term and provides radically different parking requirements than the requirements in the former Zoning By-law 3692-92. As the development is able to provide for 1.25 residential parking spaces and forty-seven dedicated commercial spaces in addition, no shortfall in parking for the development is projected with the use of the rates outlined in Zoning By-law 05-200.

Based on empirical survey data that has been collected at multi-family residential buildings in Burlington and Hamilton as well as a review of industry parking data and policy framework of the Growth Plan, the Provincial Policy Statement, a reduced parking supply for the proposed development is supportable.



A parking supply rate of 1.25 spaces per residential unit is appropriate and supportable for the proposed development.

Feel free to contact the undersigned if you have any questions or wish to discuss further.

Yours very truly,

PARADIGM TRANSPORTATION SOLUTIONS LIMITED

A handwritten signature in black ink that reads "Adam J." with a stylized flourish at the end.

Adam J. Makarewicz
Dipl.T., C.E.T. MITE
Senior Project Manager





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March 16, 2021

New Horizon Homes

3170 Harvester Road, Suite # 200

Burlington, Ontario

L7N 3W8

Attn: Joe Giacomodanato

RE: VISITOR AND RESERVED PARKING SPACES

WATERFRONT AND SAPPHIRE CONDOMINIUM PROPERTIES

As per your request we have contacted the Property Managers for the Waterfront and Sapphire properties in regard to Visitor and Reserved Parking availability.

Both Managers have commented that each property has more than enough Visitor and Reserved Parking spaces. This includes the time prior to the pandemic.

There are more than enough parking spaces for the number of owners occupying the property.

If you require any further information, please feel free to contact the undersigned at your earliest convenience.

Yours Truly,

Wilson, Blanchard Management Inc.

A handwritten signature in black ink, appearing to read 'M. Mullen'.

Mike Mullen B.A., R.C.M

Senior Vice President of Operations