



Hamilton

CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	February 1, 2022
SUBJECT/REPORT NO:	Status Update for Site Plan Control Application DA-19-020, for Lands Located at 310 Frances Avenue (PED19115(a)) (Ward 10)
WARD(S) AFFECTED:	Ward 10
PREPARED BY:	Melanie Schneider (905) 546-2424 Ext. 1224
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

COUNCIL DIRECTION

On April 24, 2019, Council adopted the following motion:

- (a) That staff be directed to report back to the Planning Committee on the proposed development on the subject property, 310 Frances Avenue, with the Minutes of the Design Review Panel, and any studies required for future Site Plan approval, with staff recommendations for consideration by the Planning Committee;
- (b) That staff consult with the Ward Councillor to provide proper public notice.

Staff presented Report PED19115 to Planning Committee on May 14, 2019 providing recommendations for consideration, including direction that Site Plan Control Application DA-19-020 be referred back to the applicant for revisions. In addition, Planning Committee indicated that future updates regarding the Site Plan Control application be provided to the Committee for consideration at future meetings.

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

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INFORMATION

Initial Site Plan Submission

Site Plan Control Application DA-19-020 was submitted by GSP Group Inc. (applicant) on behalf of New Horizons Development Group (Waterfront) Ltd. (owner) on December 20, 2018 for lands located at 310 Frances Avenue, Stoney Creek (see Appendix "A" attached to Report PED19115(a)) for the development of a multiple dwelling comprised of three towers being 48, 54, and 59 storeys in height with 952 sq. m floor plates, 2,409 parking spaces within a four storey parking podium and two levels of underground parking, 400 sq. m of commercial gross floor area, and a total of 1,836 dwelling units (see Appendix "B" attached to Report PED19115(a)). This proposal was presented to the Design Review Panel on April 11, 2019 and staff comments were presented to the Applicant at the Development Review Team (DRT) Meeting on April 24, 2019.

Staff's comments generally identified the following concerns based on the initial submission:

- The proposal did not implement the policies of the Urban Hamilton Official Plan;
- Insufficient information was available to demonstrate adequate sanitary and watermain services for the scale of development;
- Shadow, overlook, and privacy concerns for existing surrounded uses were not addressed; and,
- Transitions in building massing and height were not adequate.

The proposal did not conform to the Stoney Creek Zoning By-law No. 3692-92 as follows:

- A parking ratio of 1.25 spaces per unit were proposed instead of the minimum required 1.5 spaces per residential unit. A total of 2,763 parking spaces would be required for the residential component whereas 2,387 spaces were proposed for residential uses and 22 parking spaces proposed for commercial uses;
- A minimum rear yard of 3.0 metres is required whereas 0.68m was proposed for Tower 1, being the most easterly tower;
- Amenity space of 33,169.30 sq. m, with 1,806 sq. m of outdoor space was proposed instead of the minimum required 55,031 sq. m of amenity space with 5,503 sq. m of outdoor space;
- Accessory residential uses including residential parking and amenity areas were proposed on the ground floor, whereas all residential uses are required above commercial uses;
- Twenty percent of the lot area was devoted to landscaped open space whereas a minimum of 50% open landscaped area was required;

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- Minimum 5.0 m wide landscape strips abutting North Service Road, Frances Avenue, as required, were not provided; and,
- A 3.6 m wide landscape strip was provided abutting the stormwater channel whereas a minimum 9.0 m wide strip is required.

As staff had concerns with the proposal as submitted, Conditional Site Plan Approval was not granted.

Second Site Plan Submission

On April 2, 2020, the applicants submitted a revised proposal with the following modifications (see Appendix “C” attached to Report PED19115(a)):

- Tower heights were adjusted to 47, 52, and 59 storeys with the same unit count of 1836 units;
- Tower floor plates adjusted from 952 sq. m to 842 sq. m;
- Commercial gross floor area increased to 1,220 sq. m;
- Parking was increased for a total of 2,445 parking spaces; and,
- Parking podium increased to six storeys with a reduced footprint.

Staff comments identified the following concerns, amongst others, with the resubmission. Based on a review of the revised proposal, the Applicant was advised that:

- The Traffic Impact Study and Parking Study prepared by Paradigm Transportation Solutions, dated April 2020 was not prepared in accordance with terms of reference provided by the Ministry of Transportation or the City’s Transportation Planning staff;
- The Parking Study provided comparison and analysis of lands subject to different zoning requirements and zoning By-laws that were not comparable to the Mixed Use Commercial “MUC-4” Zone or scale of development proposed;
- The proposed private driveway access over the storm channel would require the approval of an Environmental Impact Study and would require a successful Zoning By-law Amendment Application as the channel is subject to the Conservation / Hazard Lands (P5) Zone. This Zone does not permit structures for residential access;
- The Noise Study did not address previous staff comments, and a Wind Study had not been revised to ensure that the proposed towers would not result in adverse impacts at the ground level or negatively affect the amenity areas.

The zoning review identified the following non-conformities to the Zoning By-law:

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- A total of 33,109 sq. m of amenity space, 2,094 sq. m of which are located outdoors was proposed whereas 40,608 sq. m of amenity space is required with 4,060 sq. m to be located outdoors;
- A total of 38% of landscaped open space was proposed whereas 50% is required;
- No landscape strips surrounding Tower 1 were proposed and a minimum 1.0 m wide landscape strip was proposed abutting Green Road, whereas a minimum of 5.0 m wide landscape strips is required abutting all streets;
- A 3.6 m wide landscape strip was provided abutting the stormwater channel whereas a 9.0 m wide strip is required;
- A total of 2,387 residential parking and 39 commercial parking spaces were proposed whereas 2,754 residential spaces are required. Commercial parking requirements could not be determined as the specific uses were not provided; and,
- Parallel parking spaces proposed dimensions of 3.0 m by 6.0 m whereas dimensions of 2.75 m by 6.7 m are required.

As staff continued to have concerns with the proposal, Conditional Site Plan Approval was not granted.

Informal Site Plan Resubmission

On March 16, 2021, staff were presented with a high level, conceptual revision to the site plan with the following key changes to the project:

- Maximum height of 39 storeys for all three towers;
- Reduction in the number of dwelling units to 1,346;
- A reduction of amenity space by 50% compared to the second submission; and,
- Parking reduction to 1.3 spaces per unit.

Staff were not provided the appropriate technical studies and reports, such a traffic study, to assist the City to complete a detailed review of the proposed development (see Appendix “D” attached to Report PED19115(a)). Based on the previous materials provided and the high-level changes proposed, staff identified similar concerns as with the previous submission. For example, the data provided to support the parking reduction was based on development in the overall Stoney Creek community. The data did not consider areas in Stoney Creek without access to transit.

On January 14, 2002, the Site Plan was appealed to the OLT.

Minor Variance Application SC/A-21:346

On September 17, 2021, the Applicants submitted a Minor Variance Application to the Committee of Adjustment for variances outlined in Appendix “E” attached to Report

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PED19115(a). The Application was scheduled for a hearing on October 21, 2021. Staff comments to the Committee of Adjustment recommended denial of the Application (attached as Appendix “E” to Report PED19115(a)). In response to the concerns from staff, the Ward Councillor and the public, the Application was tabled until a neighbourhood meeting was held to outline the proposal and to discuss the requested variances with the public.

The neighbourhood meeting, hosted by the Applicant, was held on November 18, 2021. City staff and the Ward Councillor attended the meeting to observe the presentation and discussion (see Appendix “F” attached to Report PED19115(a)).

The Minor Variance Application was considered by the Committee of Adjustment at its Hearing held on December 9, 2021 with slight modifications to the proposal based on the preliminary comments issued for the October 21, 2021 meeting. The revised variances are outlined in Appendix “E” attached to Report PED19115a. The Committee of Adjustment denied all variances as the Committee was not satisfied that the variances met the four tests of the *Planning Act*.

The decision from the Committee of Adjustment was appealed to the Ontario Land Tribunal (OLT) by the Applicants on December 21, 2021 (see Appendix “G” attached to Report PED19115(a)). City staff will be attending the OLT Hearing to defend this denial.

Third Site Plan Resubmission

On December 16, 2021, a third detailed submission was received proposing the following (see Appendix “H” attached to Report PED19115(a)):

- Towers reduced to 44, 38, and 33 storeys in height;
- Parking podium of five storeys, unchanged from the previous design;
- Reduction in the number of units for a total of 1,346 dwelling units;
- 1,220 sq. m of commercial GFA;
- A total of 1,732 and four parallel parking spaces, 47 of which were devoted to commercial uses, 177 spaces for visitor parking, two for car share spaces, and the remaining 1,506 for residential parking; and,
- Amenity space being 11,943 sq. m, 1,562 sq. m of which was to be located indoors.

These modifications did not address the previous concerns from staff regarding meeting the intent of the Stoney Creek Zoning By-law No. 3692-92. Staff denied the Site Plan Control application on December 21, 2021 (see Appendix “I” attached to Report PED19115(a)). As per Sections 41(12) and (12.01) of the *Planning Act*, an appeal to the OLT may only be submitted if the municipality fails to approve the plans and

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drawings within 30 days after they are submitted or if the owner is not satisfied with the requested conditions.

PUBLIC CONSULTATION

Throughout the review of this Application, staff received correspondence from the public related to the proposal. All correspondence from the public received after the April 24, 2019 Planning Committee was opposed to the development proposal and is attached as Appendix “J” to Report PED19115(a).

APPENDICES AND SCHEDULES ATTACHED

- Appendix “A” – Location Map
- Appendix “B” – Initial Site Plan
- Appendix “C” – Second Site Plan
- Appendix “D” – Informal Concept Plan
- Appendix “E” – Minor Variance Notices and Staff Recommendation
- Appendix “F” – Notice of Public Consultation
- Appendix “G” – Minor Variance Appeal
- Appendix “H” – Third Site Plan
- Appendix “I” – Denial Letter
- Appendix “J” – Public Input

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