



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	February 1, 2022
SUBJECT/REPORT NO:	City Initiative CI-20-A to Amend the Urban Hamilton Official Plan and Zoning By-law for Lands Located at 1400 Baseline Road, Stoney Creek (PED20002(a)) (Ward 10) (Outstanding Business List Item)
WARD(S) AFFECTED:	Ward 10
PREPARED BY:	Alissa Mahood (905) 546-2424 Ext. 1250
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **City Initiative CI-20-A**, to amend the Urban Hamilton Official Plan to change the designation from “Low Density Residential 2b” to “Medium Density Residential 3” designation, and identified as a Site Specific Policy Area in the Urban Lakeshore Area Secondary Plan for the lands located at 1400 Baseline Road, Stoney Creek, as shown on Appendix “A” attached to Report PED20002(a), be **APPROVED** on the following basis:
- (i) That the draft Urban Hamilton Official Plan Amendment, attached as Appendix “B” to Report PED20002(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (ii) That the draft Urban Hamilton Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- (b) That **City Initiative CI-20-A**, to rezone the subject lands from the Neighbourhood Development “ND” Zone to the Multiple Residential “RM3-69(H)” Zone, Modified, Holding, under Zoning By-law No. 3692-92 (Stoney Creek) on the lands known as 1400 Baseline Road, in order to permit Maisonettes, Townhouses, Apartment Dwellings, Dwelling Groups, a Home Occupation and Uses, buildings or structures

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accessory to a permitted use, for lands located at 1400 Baseline Road, Stoney Creek, as shown on Appendix “A” attached to Report PED20002(a), be **APPROVED** on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED20002(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law apply the Holding Provision of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding symbol ‘H’ as a suffix to the proposed zoning for the following:

The Holding Provision for the Multiple Residential “RM3-69(H)” Zone, Modified, Holding, shall be removed when the following conditions have been met:

- (1) That a Traffic Impact Study has been submitted and implemented by the Applicant, to the satisfaction of the Manager of Transportation Planning, City of Hamilton;
- (2) That the Applicant/Owner shall investigate the noise levels on the site and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of Environment, Conservation and Parks (MECP) recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended control measures shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the Owner/Applicant and shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner;
- (3) That the proponent shall carry out an Archaeological Assessment of the subject property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI);

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- (4) That the Owner/Applicant enters into and registers an applicable development agreement(s), including an External Works Agreement, and posting of appropriate securities to ensure the implementation of any infrastructure upgrade needs identified in the Functional Servicing Report, the Traffic Impact Study, or both, recommendation(s) to the satisfaction of the Senior Director of Growth Management, City of Hamilton;

City Council may remove the 'H' symbol and, thereby give effect to the "RM3-69(H)" Zone, Modified, Holding, by enactment of an amending By-law once the above conditions have been fulfilled;

- (iii) That the proposed amendment is consistent with the Provincial Policy Statement (2020), conforms to the Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- (iv) That this By-law will comply with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No. XX;
- (c) That Item 19J be removed from the Planning Committee Outstanding Business List.

EXECUTIVE SUMMARY

On January 12, 2021, a statutory public meeting of the Planning Committee was held to consider City Initiative file CI-20-A to amend the Urban Hamilton Official Plan and Zoning By-law No. 3692-92 for the lands located at 1400 Baseline Road, Stoney Creek (refer to previous Report PED20002). At the subsequent Council meeting of January 20, 2021, a decision was not made with regards to the proposed amendments, rather Council passed a motion deferring the amendments to a future planning committee meeting for consideration and directed staff to hold a neighbourhood information meeting with enhanced public notice for both the neighbourhood meeting and future statutory public meeting.

To implement Council's direction, a virtual neighbourhood meeting was held on March 18, 2021. Public notice for the meeting was given in advance of the neighbourhood meeting by way of a sign posting on the property, a meeting notice mail out to residents living greater than 120 metres of the subject lands, a newspaper advertisement posted in the Stoney Creek News and Hamilton Spectator on March 4, 2021, as well as an email notice sent to anyone who had contacted staff by way of email.

The purpose of this report is to present the amendment to the Urban Hamilton Official Plan to change the designation from "Low Density Residential 2b" to "Medium Density

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Residential 3” designation, and identified as a Site Specific Policy Area in the Urban Lakeshore Area Secondary Plan and the implementing zoning by-law amendment to rezone the subject lands from the Neighbourhood Development “ND” Zone to the Multiple Residential “RM3-69(H)” Zone, Modified, Holding, under Zoning By-law No. 3692-92 (Stoney Creek) for the lands located at 1400 Baseline Road, Stoney Creek (refer to Location Map attached as Appendix “A” to Report PED2002(a)).

Following the neighbourhood meeting, a number of changes have been made to the proposed Official Plan and Zoning By-law Amendments:

Official Plan Amendment

- The Site Specific Policy – Area “X” has been revised to clarify that the City may require proponents to submit studies to demonstrate that the height, orientation, design, and massing of a proposed multiple dwelling does not unduly overshadow, block light, or result in the loss of privacy of adjacent residential uses;

Zoning By-law Amendment

- The minimum side yard regulation for apartment buildings has been increased from 7.5 metres minimum to 30.0 metres minimum setback from the existing residential dwellings on Redcedar Crescent. This is to ensure that the massing and height of an apartment building does not unduly overshadow, block light, or result in the loss of privacy of adjacent residential uses;
- Section 6.10.5, Regulations for Parking of the Multiple Residential RM3” Zone of By-law No. 3692-92 (Stoney Creek) has been applied to the property whereas previously Zoning By-law 05-200 parking regulations were proposed. This results in a slightly higher parking requirement than By-law 05-200. This change is in response to residents’ concerns about the lack of parking in the neighbourhood;
- The Holding Provision requiring the submission of a Functional Servicing Report (FSR) for water and sanitary servicing has been revised. Hamilton Water has confirmed after reviewing the design basis of the collection system and Shippee pump station that there is more than enough unallocated capacity to accommodate the proposed density increase at 1400 Baseline Road, therefore for sanitary servicing, neither a Holding provision nor engineering study is necessary to support the amendments. In addition, staff hired AECOM to carry out a water distribution analysis that concluded that there are no impacts from the proposed amendments on the minimum required water pressure in the City’s Pressure District 1 and adequate water service can be maintained with the proposed density increase (see Appendix “E” attached to Report PED20002(a)). However, the

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Holding provision will require that the proponent enter into an External Works Agreement for any required infrastructure improvements required; and,

- Two new studies have been added to the Holding Provision (an Archaeological Assessment and noise study) for clarity purposes. These were added based on internal comments received from Cultural Heritage and Growth Management staff to make these requirements of any future site plan approval more explicit.

Alternatives for Consideration – See Page 27

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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

HISTORICAL BACKGROUND

Report Fact Sheet

City Initiative Details	
Owner:	City of Hamilton.
Applicant:	City of Hamilton.
File Number:	CI-20-A.
Type of Application:	Urban Hamilton Official Plan Amendment. City of Stoney Creek Zoning By-law No. 3692-92 Amendment.
Proposal:	To remove the subject lands from the “Low Density Residential 2b” designation and to add the subject lands to the “Medium Density Residential 3” designation in the Urban Lakeshore Area Secondary Plan. To add a site specific policy to the subject lands to permit all forms of multiple dwellings. To rezone the subject lands from the Neighbourhood Development “ND” Zone to the Multiple Residential “RM3-69(H)” Zone, Modified, Holding.

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Property Details	
Municipal Address:	1400 Baseline Road, Stoney Creek (Ward 10) (see Location Map attached as Appendix “A” to Report PED20002(a)).
Lot Area:	1.17 hectares or 11,736 m ² . (rectangular).
Existing Use:	Currently vacant.
Surrounding Land Uses:	North: Residential, Multiple Residential Two (RM2) Zone. South: North Service Road/QEW, Neighbourhood (ND) Development Zone. East: Residential, Multiple Residential Three (RM3) Zone. West: Commercial, Community Commercial (C3) Zone.
Documents	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS (2020).
Growth Plan (2019 as amended):	The proposal conforms to The Growth Plan for the Greater Golden Horseshoe (2019, as amended).
Official Plan Existing:	Urban Hamilton Official Plan: Identified as Neighbourhoods on Schedule E – Urban Structure and designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations.
Secondary Plan Existing:	Urban Lakeshore Area Secondary Plan – Low Density. Residential 2b on Urban Lakeshore Area. Secondary Plan, Land Use Plan, Map B.7.3-1. Permitted uses: single, semi-detached and duplex dwellings. 1 to 29 units per net residential hectare.
Secondary Plan Proposed:	Urban Lakeshore Area Secondary Plan – re-designate the lands to Medium Density Residential 3 (see Appendix “B” attached to Report PED20002(a)). Permitted uses: Predominantly apartment buildings not exceeding nine storeys. 50 to 99 units per net residential hectare. Site Specific Policy to permit all forms of multiple dwellings.

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Documents	
Zoning Existing:	Neighbourhood Development (ND) Zone.
Zoning Proposed:	Multiple Residential “RM3-69(H)” Zone, Modified, Holding (see Appendix “C” attached to Report PED2002(a)).

Description of the Subject Lands

The subject property is known municipally as 1400 Baseline Road in the former municipality of Stoney Creek and is located north of the Queen Elizabeth Way, on the north side of North Service Road and east of Fifty Road. The property is surrounded by residential uses to the north, and a neighbourhood commercial plaza located to the west of the subject lands (named “50 Point Market”). The residential forms adjacent to the site consist of single detached, semi-detached and block townhouses (freehold units on a condominium road). To the northeast of the property is the Fifty Point Conservation Area. The property has a frontage of approximately 175 metres along Baseline Road and is approximately 80 metres deep for a total land area of 1.17 hectares, or approximately 2.9 acre in size. The site is currently vacant.

Background

The subject lands were identified by the Affordable Housing Site Selection Sub-Committee to be part of a disposition strategy to create more Affordable housing. In November of 2017, the Affordable Housing Site Selection Sub-Committee directed staff to complete due diligence and circulate for comments a portfolio of 19 properties. Some of these properties were identified as sites for future redevelopment by CityHousing as affordable housing units. Other properties were identified as sites for divestment. Some of the divestment properties would be marketed and sold in their current condition, whereas other properties would undergo a City initiated planning amendments prior to divestment. The subject lands at 1400 Baseline Road were identified by the Real Estate Division as a property that would benefit from updating the planning instruments for the lands. Proceeds from the sale of 1400 Baseline Road would then be used to fund future affordable housing projects as well as transportation infrastructure upgrades within the neighbourhood.

On May 14, 2019, City Council approved a motion directing City staff to investigate updating the land use designation and zoning requirements to reflect the highest and best use of the land. Staff commenced a City initiated amendment to amend the Urban Hamilton Official Plan (UHOP) to implement Council's motion. Staff have carried out a land use review and a series of massing exercises to better understand how different residential densities and forms could be accommodated on the site. On January 12, 2021, a statutory public meeting was held to present amendments to the UHOP and

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Zoning By-law No. 3692-92 for the lands located at 1400 Baseline Road, Stoney Creek to re-designate the lands from “Low Density Residential 2b” in the “Medium Density Residential 3” in the Urban Lakeshore Area Secondary Plan and to change the zoning to the Multiple Residential “RM3-69(H)” Zone, Modified, Holding, under Zoning By-law No. 3692-92 (Stoney Creek) (refer to previous Report PED20002). At the January 20, 2021 Council meeting, Council deferred approval of the Official Plan Amendment and Zoning By-law amendment and passed the following motion:

“WHEREAS, Council has received numerous communications from the public regarding how notice was provided with respect to City Initiative CI-20-A to Amend the Urban Hamilton Official Plan and Zoning By-law for lands located at 1400 Baseline Road, Stoney Creek;

WHEREAS, staff have confirmed that the legislated obligations as per the Planning Act, with respect to notice of a City Initiative was provided; and

WHEREAS, the public has the right to comment on planning matters and Council has an obligation to provide the public with an opportunity to comment on planning matters.

THEREFORE BE IT RESOLVED:

- (a) That Item 6 of the January 12, 2021 Planning Committee Report (21-001), respecting Report PED20002, City Initiative CI-20-A to Amend the Urban Hamilton Official Plan and Zoning By-law for lands located at 1400 Baseline Road, Stoney Creek, which was approved by Council on January 20, 2021, be referred back to the Planning Committee for further consideration;
- (b) That staff be directed to schedule a neighbourhood information meeting in conjunction with the Ward Councillor, and that notice of the meeting be made by way of mailout and that the limits of the mailout be determined based on consultation with the Ward Councillor; and,
- (c) That staff be directed to provide enhanced public notice of the statutory public meeting of the Planning Committee which will include posting a sign on the property, mailout and publishing in the newspaper.”

A virtual neighbourhood meeting was held on March 18, 2021 with 79 registrants. Enhanced notice for the meeting included a sign posting on the property, a meeting notice mail out to residents living greater than 120 metres of the subject lands a newspaper advertisement posted in the Stoney Creek News and Hamilton Spectator on March 4, 2021. Furthermore, an email notice sent to anyone who had contacted staff by way of email.

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A summary of the public feedback received on the proposed Official Plan Amendment and Zoning By-law Amendment is attached as Appendices “F” and “G” attached to Report PED20002(a).

The purpose of this report is to present the amendment to the Urban Hamilton Official Plan Amendment (UHOPA) to re-designate the subject lands from “Low Density Residential 2b” to “Medium Density Residential 3” in the Urban Lakeshore Area Secondary Plan. The UHOPA also adds a site-specific policy area to the subject lands to permit all forms of multiple dwellings.

An implementing zoning by-law amendment will rezone the subject lands from the Neighbourhood Development “ND” Zone to the Multiple Residential “RM3-69(H)” Zone, Modified, Holding, under Zoning By-law No. 3692-92 (Stoney Creek) for the lands located at 1400 Baseline Road, Stoney Creek (refer to Location Map attached as Appendix “A” to Report PED20002(a)).

Both the Official Plan Amendment and the Zoning By-law Amendment have been revised in response to the feedback received from the public.

The current policy framework designates the lands “Low Density Residential 2b”. This designation permits single detached, semi-detached and duplex dwellings with a residential density range of 1 to 29 units per net residential hectare.

The proposed “Medium Density Residential 3” designation on the lands located will permit ground related dwellings as well as one multiple dwelling up to nine storeys in height with a density of 50 to 99 units per net residential hectare.

Because the current Lakeshore Area Secondary Plan limits the permitted uses in the “Medium Density Residential 3” designation to predominantly apartment dwellings up to nine stories with a density of 50 to 99 units per net residential hectare, the proposed amendment will add a site specific policy area to the lands to permit all forms of multiple dwellings (to include block townhouses, maisonette townhouses, stacked townhouses and/or an apartment). This site-specific policy aligns the permitted uses for the property with the permitted uses of the Medium Density Residential designation of Volume 1 of the UHOP. Once the amendments are approved a future site plan Application will be required and the Application will be assessed to ensure that the proposed respects the existing neighbourhood character and built form of the Fifty Point neighbourhood.

Based on public feedback, the OPA has been revised to add a policy to the site-specific policy area that allows the City to ask for studies to demonstrate that the height, orientation, design, and massing of a proposed multiple dwelling does not unduly overshadow, block light, or result in the loss of privacy of adjacent residential uses. This policy was added in response to concerns residents raised regarding a potential

nine storey building on the site and the potential impacts the building may have on adjacent properties with regards to shadows and privacy.

The proposed Zoning By-law Amendment will rezone the subject lands from the Neighbourhood Development “ND” Zone to the Multiple Residential “RM3-69(H)” Zone, Modified, Holding. A number of site-specific modifications to the Multiple Residential “RM3” Zone are proposed and discussed in detail in Appendix “D” attached to Report PED20002(a). A holding ‘H’ provision is recommended in order to ensure any potential traffic and noise impacts are mitigated and that an Archaeological Assessment is submitted prior to Site Plan. The noise study and Archaeological Assessment are two new studies that have been added to the previously recommended holding provision that was included in the Zoning By-law Amendment that was presented with Report PED20002.

The previous holding provision requirement that calls the submission of a Functional Servicing Report for water and sanitary servicing has been removed but the Holding provision does require the proponent to enter into an external works agreement with the City of Hamilton. Hamilton Water has confirmed after reviewing the design basis of the collection system and Shippee pump station that there is more than enough unallocated capacity to accommodate the proposed density increase at 1400 Baseline Road, therefore for sanitary servicing, neither a holding provision or engineering study is necessary to support the amendments.

In addition, staff hired AECOM to carry out a water distribution analysis that concluded that there are no impacts from the proposed amendments on the minimum required water pressure in the City’s PD1 and adequate water service can be maintained with the proposed density increase (Refer to Appendix “E” attached to Report PED20002(a) for the Water Distribution Analysis Report). Further, if future Development Applications conform to the density permissions there will be no future water servicing analysis required.

The proposed City initiated Official Plan and Zoning By-law Amendments have merit and can be supported as the proposed amendments are consistent with the Provincial Policy Statement (2020), conform to the Growth Plan for the Greater Golden Horseshoe (2019, as amended) and comply with and implement the policies of the Urban Lakeshore Secondary Plan upon approval of the UHOPA.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2020)

This City initiative has been reviewed with respect to the Provincial Policy Statement (PPS) policies that contribute to the development of healthy, liveable and safe

communities as contained in Policy 1.1.1. In particular, the Application is consistent with the following policies:

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

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

The proposed amendment is consistent with Policy 1.1.3.1 of the PPS, which focuses on growth in settlement areas. The proposed development is located within a settlement area and will allow for the development of underutilized lands for residential uses.

“1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.”

The proposed amendment is consistent with Policy 1.1.3.3 of the PPS, which directs municipalities to promote opportunities for intensification and to implement minimum targets for intensification within built-up areas as established by provincial plans. The proposed amendments will allow for development that provides for a broad range of residential forms in a greenfield area that provides efficient land use to accommodate residential needs.

Based on the foregoing, the proposed UHOPA is consistent with Section 3 of the *Planning Act* and the PPS 2020.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended)

The policies of the Growth Plan for the Greater Golden Horseshoe apply to any Planning decision.

Section 1.2.1 of the Growth Plan outlines a number of Guiding Principles regarding how land is developed, resources are managed and protected, and public dollars are invested. This proposed amendment to the Urban Lakeshore Area Secondary Plan conforms to these Guiding Principles in that it supports the achievement of a complete community that is designed to support healthy and active living, meeting people's needs for daily living throughout an entire lifetime.

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

- "2.2.1.4 Applying the policies of this Plan will support the achievement of *complete communities* that:
- a) feature a diverse mix of land uses, including residential and employment uses, convenient access to local stores, services, and *public service facilities*."

Similarly, other Growth Plan policies support opportunities for increased densities and exploring opportunities for intensification. For example:

- "2.2.6.1 a) Support housing choice through the achievement of the minimum intensification and density targets in this Plan, as well as other policies of this Plan by:
- (i) Identifying a diverse range and mix of housing options and densities, including additional residential units and affordable housing to meet projected needs of current and future residents."

The proposed amendment to the Urban Lakeshore Area Secondary Plan is in keeping with the Growth Plan's emphasis on supporting growth towards the achievement of complete communities. Similarly, the proposed Zoning By-law Amendment to change the zoning of the subject lands to a modified Multiple Residential "RM3-69(H)" Zone, Modified, Holding to permit multiple dwellings will provide additional opportunities for residential purposes in a variety of housing forms. By offering a variety of residential forms and unit sizes to a walkable community with parks and nearby local stores and

commercial uses, the proposed amendments would contribute to achieving a complete community.

Municipal Planning Policy

Urban Hamilton Official Plan (UHOP)

The subject lands are identified as “Neighbourhoods” on Schedule E – Urban Structure and designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations. The following Urban Hamilton Official Plan policies, amongst others, apply:

Neighbourhoods Designation

- “E.2.6.2 Neighbourhoods shall primarily consist of residential uses and complementary facilities and services intended to serve the residents. These facilities and services may include parks, schools, trails, recreation centres, places of worship, small retail stores, offices, restaurants, and personal and government services;
- E.2.6.3 The Neighbourhood element of the urban structure shall be implemented through land use designations shown on Schedule E-1 – Urban Land Use Designations;
- E.2.6.4 The Neighbourhoods element of the urban structure shall permit and provide the opportunity for a full range of housing forms, types and tenure, including affordable housing and housing with supports;
- E.2.6.7 Neighbourhoods shall generally be regarded as physically stable areas with each neighbourhood having a unique scale and character. Changes compatible with the existing character or function of the neighbourhood shall be permitted. Applications for development and residential intensification within Neighbourhoods shall be reviewed in consideration of the local context and shall be permitted in accordance with Sections B.2.4 – Residential Intensification, E.3.0 – Neighbourhoods Designation, E.4.0 – Commercial and Mixed Use Designations, and, E.6.0 – Institutional Designation;
- E.3.2.1 Areas designated Neighbourhoods shall function as *complete communities*, including the full range of residential dwelling types and densities, as well as supporting uses intended to serve the local residents.

E.3.2.3 The following uses shall be permitted on lands designated Neighbourhoods on Schedule E -1 – Urban Land Use Designations:

- a) Residential dwellings, including second dwelling units and *housing with supports*;
- b) Open space and parks;
- c) Local *community facilities/services*; and,
- d) Local commercial uses.”

The Urban Structure generally identifies how the City will grow over time and builds upon the historic structure of the amalgamated city. The Urban Structure is based on Nodes and Corridors where the Neighbourhoods element provides the opportunity for a full range of housing forms, types and tenures while respecting stable areas with unique scale and character. As a result, the subject lands can be considered for residential development provided that the policies of Section B.2.4 – Residential Intensification are met.

Residential Intensification

“B.2.4.1.1 Residential intensification shall be encouraged throughout the entire built-up area, in accordance with the policies of Chapter E – Urban Systems and Designations and Chapter F – Implementation.

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

- c) 40% of the residential intensification target is anticipated to occur within the Neighbourhoods as illustrated on Schedule E – Urban Structure.

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

- a) a balanced evaluation of the criteria in b) through g), as follows;
- b) The relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable patterns and built forms;

- c) The development's contribution to maintaining and achieving a range of dwelling types and tenures;
- d) The *compatible* integration of the development with the surrounding area in terms of use, scale, form, and character. In this regard, the City encourages the use of innovative and creative urban design techniques;
- e) The development's contribution to achieving the planned urban structure, as described in Section E.2.0 – Urban Structure;
- f) Infrastructure and transportation capacity; and,
- g) The ability of the development to comply with all applicable policies.”

More specifically, proposals in the Neighbourhood's designation are subject to the following evaluation criteria provided in Section B.2.4.2.2:

“B.2.4.2.2

- a) The matters listed in Section B.2.4.1.4;
- b) Compatibility with adjacent land uses, including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
- c) The relationship of the proposed buildings with the height, massing, and scale of nearby residential buildings;
- d) The consideration of transitions in height and density to adjacent residential buildings;
- e) The relationship of the proposed lot with the lot pattern and configuration within the neighbourhood;
- f) The provision of amenity space and the relationship to existing patterns of private and public amenity space;
- g) The ability to respect or enhance the streetscape patterns, including block lengths, setbacks, and building separations;
- h) The ability to complement the existing functions of the neighbourhood;

- i) The conservation of cultural heritage resources; and,
- j) Infrastructure and transportation capacity impacts.”

The proposed amendment will allow for residential development at an appropriate location. The intent of the UHOP is to intensify the existing built-up area in appropriate locations, with 40% of the intensification targeted to occur within Neighbourhoods. The proposed amendment to the Secondary Plan will allow for more intense development of the site than what was permitted in the Low Density Residential designation. The property is located on the periphery of the Fifty Point Neighbourhood with access to a Minor Arterial Road (North Service Road) which is a suitable location for multiple dwelling development.

As per Policy B.2.4.1.3 c), the lands subject to the UHOPA and Zoning By-law Amendment are located within the Built Boundary and are identified as Neighbourhoods, which are planned to accommodate 40% of residential intensification.

The proposed amendment to the Urban Lakeshore Area Secondary Plan contributes to a complete community by allowing for increased residential density and expansion of permitted built forms on the subject lands. By permitting a variety of residential forms and unit sizes, this amendment implements the intent and purpose of the general policies of the Neighbourhoods designation and contributes to the principle complete communities that include a full range of residential dwelling types and densities.

Medium Density Residential

The following policies, amongst other, apply to Medium Density Residential development:

- “E.3.5.1 Medium density residential areas are characterized by multiple dwelling forms on the periphery of neighbourhoods in proximity to major or minor arterial roads, or within the interior of neighbourhoods fronting on collector roads;
- E.3.5.2 Uses permitted in medium density residential areas include multiple dwellings except street townhouses;
- E.3.5.4 Local commercial uses may be permitted on the ground floor of buildings containing multiple dwellings, provided the provisions of Section E.3.8 – Local Commercial are satisfied;
- E.3.5.5 Medium density residential uses shall be located within safe and convenient walking distance of existing or planned community facilities,

public transit, schools, active or passive recreational facilities, and local or District Commercial uses;

- E.3.5.7 For medium density residential uses, the net residential density shall be greater than 60 units per hectare and not greater than 100 units per hectare; and,
- E.3.5.8 For medium density residential uses, the maximum height shall be six storeys.”

The subject lands are appropriate for medium density residential development. As per the UHOP, medium density residential areas are to be located on the periphery of neighbourhoods in proximity to major or minor arterial roads. The subject site is located on the periphery of the Fifty Point neighbourhood and North Service Road is designated a minor arterial roadway on Schedule C – Functional Road Classifications of the UHOP.

The proposed amendment to the Urban Lakeshore Area Secondary Plan contributes to a complete community by allowing for increased residential density on the future development of the currently vacant/underutilized property. This amendment to the Secondary Plan will expand the range of permitted residential dwellings to include all forms of multiple dwellings (block townhouses, maisonettes, etc).

The subject lands are within walking distance to a neighbourhood park (Lake Pointe Park) and Fifty Point Conservation Area which includes lakefront trails, picnic areas and outdoor activities such as boating, fishing and swimming. The subject lands are in close proximity to the bikeway and pedestrian path system identified on Map B.7.3-1 – Urban Lakeshore Area - Land Use Plan. The system provides safe access to these open space areas and other community facilities.

The development of these lands for medium density uses will function as an appropriate transition between the Queen Elizabeth Way (QEW) and North Service Road to the south and the neighbourhood to the north. This amendment proposes to expand the range of permitted residential dwellings to include different forms of townhouses as well as apartment dwellings that are not to exceed a height of nine stories.

The subject lands are located in proximity to lands zoned Community Commercial (C3) Zone (under Zoning By-law 05-200 on the westside of Lockport Way consisting of an existing commercial development (named “50 Point Market”). These zoning permissions permit uses that serve residents within the surrounding neighbourhood.

Urban Design

Urban Design policies apply to all forms of development and are provided in Section B.3.3. The following policies are noted as they are considered to be relevant to the proposed Official Plan and Zoning By-law Amendments:

“B.3.3.1 Urban Design Goals:

- B.3.3.1.4 Create communities that are transit-supportive and promote active transportation;
- B.3.3.1.8 Promote intensification that makes appropriate and innovative use of buildings and sites, and is compatible in form and function to the character of existing communities and neighbourhoods;
- B.3.3.1.9 Encourage innovative community design and technologies;
- B.3.3.1.10 Create urban places and spaces that improve air quality and are resistant to the impacts of climate change;
- B.3.3.2.3 Urban Design Principles:
 - B.3.3.2.3 (a) Respecting existing character, development patterns, built form, and landscape;
 - B.3.3.2.3 (b) Promoting quality design consistent with the locale and the surrounding environment; and,
 - B.3.3.2.3 (g) Contributing to the character and ambience of the community through appropriate design of streetscapes and amenity areas.”

Staff carried out a massing exercise to test a variety of built forms and heights while considering the need to respect the character of the existing residential areas to the north and east of the property. There are a variety of residential built forms and site plan configurations that could be achieved on this property. The proposed zoning regulations will allow for residential development that respect the existing neighbourhood character, development patterns and built form of the Fifty Point neighbourhood.

Urban Lakeshore Area Secondary Plan

The subject lands are currently designated “Low Density Residential 2b” on Map B.7.3-1 - Land Use Plan of the Urban Lakeshore Area Secondary Plan. The policies for the

area limit the residential dwelling types to single, semi-detached and duplex dwellings, with a maximum permitted density of 29 units per net residential hectare.

The proposed amendment to the Secondary Plan will re-designate the subject lands to the “Medium Density Residential 3” (MDR3) designation in the Urban Lakeshore Area Secondary Plan. The proposed site-specific policy area allows for a broader range of housing forms than what is currently permitted in the Medium Density Residential 3 designation of the Secondary Plan (the existing MDR3 designation permits apartment buildings up to nine stories). The current MDR3 policies permit apartment dwellings but it is proposed to permit all forms of multiple dwellings (e.g. block townhouses, maisonette townhouses, apartment building). The proposed Official Plan Amendment will allow for an increase to the residential density (units per net residential hectare) permitted for the property. In keeping with the Medium Density Residential 3 designation of the Urban Lakeshore Area Secondary Plan, the maximum net residential density of 50 to 99 units per net residential hectare will remain.

Any residential development proposal would be subject to a future Site Plan Control Application. Stormwater and grading matters will be further reviewed in detail at the site plan approval stage.

This amendment to the Urban Lakeshore Secondary Plan is in keeping with the intent of the UHOP and the Urban Lakeshore Area Secondary Plan and provides a policy change that reflects the development potential of the property.

RELEVANT CONSULTATION

Given operational restrictions related to public gatherings, the public session was held by way of an online webinar on March 18, 2021, from 6:00 to 8:00 p.m. 77 residents registered for the meeting and 59 participated, 31 residents provided comments and questions. The meeting was extended a further 30 minutes to 8:30 p.m. so that all questions could be read aloud. City Staff gave a live presentation sharing a power point presentation of key information which was followed by a facilitated question and answer period.

There is a high degree of interest particularly by residents of the Lake Pointe Community in the proposed amendments for 1400 Baseline Road. There were numerous comments about the proposed land use for the site and opposition to the consideration of a nine-storey building. Many questions related to understanding how the height of the building would be calculated. Of equal concern was the impact to neighbourhood traffic and parking from the potential future development of the site. City Staff were able to clarify how the density and height were determined and provided an overview through the City staff presentation. With respect to transportation concerns, City transportation staff provided information on transportation related matters drawing

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on transportation studies undertaken in the area. Comments heard from the public are contained in the Public Feedback Report attached as Appendix “F” to Report PED20002(a).

The following table summarizes departmental and agency comments:

Departments and Agencies with no concerns		
Parks and Cemeteries, Public Works Department; Recreation, Healthy and Safe Communities Department; Environmental Services Department; Public Works; Hamilton Conservation Authority, Watershed Planning; Canada Post; French Public School Board; Alectra (Horizon) Utilities; and, Niagara Escarpment Commission.		
Departments and Agencies with comments		
	Comment	Staff Response
Cultural Heritage, Development Planning, Planning and Economic Development Department	<p>The subject property meets two of the ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential:</p> <p>1) In an area of sandy soil in areas of clay or stone; and, 2) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody.</p> <p>These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the Planning Act and Section 2.6.2 of the Provincial Policy Statement apply to the subject Application. If this Application is approved, staff</p>	Planning Staff note that a holding provision will be placed on the amending by-law until such time as an Archaeological Impact Assessment is submitted by the applicant and is to the satisfaction of the of the Director of Planning.

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Cultural Heritage, Development Planning, Planning and Economic Development Department Continued.	<p>require that a holding provision be added for archaeology.</p> <p>Given that the designated heritage resource at 1489 Baseline Road is located at a sufficient distance from the subject site, staff are of the opinion there are not likely to be adjacency impacts to the designated heritage resource from the future development of the subject site.</p>	
Capital Budgets and Development Finance, Corporate Services Department	There are outstanding Municipal Act Best Effort storm and watermain charges for 1400 Baseline Road. These charges are applicable as a condition of water and sewer permit issuance.	Noted by Planning staff.
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	<p>Staff has no issues supporting the OPA/ZBA.</p> <p>The site is subject to cost recoveries along Baseline Road for the storm sewer, watermain, stormwater management pond, and the road. For information, adjustments will be required in the future to reflect the applicable flat rate at the time of Application, and the total amounts will be adjusted to reflect the Canada Cost Index.</p> <p>As this site is located within the urban boundary, sidewalk (or cash in lieu) is required along the frontage (on Baseline Road) at entirely the owner's cost.</p> <p>Any work within the municipal right-of-way (i.e. extension of sewers/watermains) will be subject to an External Works Agreement and an Environmental Compliance Application at entirely the owner's cost.</p>	Noted by Planning staff.

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Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department Continued.	A stormwater management brief will be required at site plan.	
Hamilton Water, Source Water Protection, Public Works	<p>As a condition of Site Plan approval to the satisfaction of Director, Hamilton Water, Source Water Protection would require a Hydrogeological Brief conducted by a qualified professional (P.Eng, P.Geo) that discusses soil/groundwater conditions to properly characterize potential dewatering needs. This brief should discuss seasonal high groundwater levels, excavation depths, dewatering calculations (on a L/s and L/day basis), and if dewatering is required, groundwater quality sampling to compare against Sewer Use Bylaw criteria.</p> <p>As information, in order to comply with City of Hamilton Sewer Use Bylaw standards and Temporary Sewer Discharge Permit requirements, discharge location (manhole ID), peak dewatering rate (L/s), and representative water quality will be required.</p> <p>No long term dewatering post-construction would be supported by Hamilton Water. Foundation design should be designed accordingly. Discharging to storm sewer may require additional approvals (e.g. stormwater ECA from the Ministry of Environment, Conservation, and Parks).</p>	<p>Noted by Planning Staff.</p> <p>A condition of site plan approval will be added.</p>

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Hamilton Water, Public Works	<p>Stormwater will be addressed at the site plan approval stage.</p> <p>As staff have undertaken a verification of adequate water servicing for the landuse/populations/jobs (refer to Appendix E to Report PED20002a) staff can consider any future Application “pre-approved” should the proponent conform to the quantities in the report. If a future Application conforms, no analysis is needed.</p> <p>If an Application proposed to deviate above the proposed medium density designation (land use/population/jobs), then the applicant will have to demonstrate adequate services as part of their submission through drinking water system modelling. This also aligns in part with the Capacity Allocation objective whereby through this study we have quantified the available water servicing capacity within the 1400 Baseline block. With each successive approved development Application, the total capacity minus the aggregated sub-allocated capacities can now be managed.</p>	Noted by Planning staff.
Corridor Management, Ministry of Transportation	<p>No features which are essential to the overall viability of the site are permitted within the MTO 14 m setback area, and the MTO setback shall be from the north limit of the North Service Road right-of-way (property line). Essential features include, but are not limited to, buildings/structures (above or below grade) including shoring/tie backs, required parking spaces (required per the municipal zoning by-law), retaining walls,</p>	<p>Noted by Planning staff.</p> <p>The ZBA includes a minimum 14.0 metre setback from the rear yard for the setback from a Provincial Highway.</p>

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Corridor Management, Ministry of Transportation Continued.	utilities, stormwater management features, snow storage, loading spaces, fire routes, essential landscaping, etc. Please note that non-essential parking may be located within the MTO 14 m setback area and must be set back a minimum of 3 m from the property line.	
Ministry of the Environment, Conservation and Parks	No comments, no issues foreseen from the MOECP mandate. Given proximity to the QEW, noise study is recommended to determine the necessity for noise mitigation.	Noted by Planning staff. A holding provision will be placed on the Zoning requiring the submission and implementation of a noise study.
Transportation Planning, Planning and Economic Development	<p>Advised that any future access to 1400 Baseline Road will not be permitted to North Service Road or Lockport Way; access to the site must be provided to Baseline Road and align with the municipal roads to on the north side of Baseline Road.</p> <p>Advised that a Transportation Impact Study (TIS) may be required by Transportation Planning for any future site plan development Application submitted for 1400 Baseline Road. A Transportation Demand Management report is not required, however, TDM measures are required to be incorporated into the development. Prior to divesting the property, the City shall ensure that Baseline Road has a ROW of 26.213 metres. The City of Hamilton may require additional ROW on Baseline Road or an easement on the property as it appears to have a catch basin on the property across from Raintree Drive.</p>	Planning Staff note that a holding provision will be placed on the amending by-law until such time as a Traffic Impact Study is submitted by the applicant and is to the satisfaction of the of the Manager of Transportation Planning.

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Landscape Architectural Services, Public Works Department	Advised that they do not request cash-in-lieu of parkland dedication at this point in the planning process.	Cash-in-lieu is required to be paid at the time of issuance of the building permit and will be a condition of Site Plan.
Urban Forest Health, Public Works Department	Advised that there are no municipal tree assets on the site, and, therefore, no Tree Management Plan is required. A Landscape Plan prepared by a Registered Landscape Architect will be required, depicting the street tree planting scheme for any future development.	Planning Staff note that this requirement will be reviewed at the Site Plan Control stage.
Growth Planning, Planning and Economic Development Department	<p>Staff has no issues supporting the Official Plan Amendment.</p> <p>It should be determined if a noise study will be required as part of the "H" Holding Provision given adjacency to major roadways.</p> <p>It should be noted that any design should ensure AODA requirements along with general standard site design elements and requirements are applied.</p> <p>It should be determined if a permit is required from the Ministry of Transportation (MTO).</p> <p>It should be determined if there is sufficient servicing in the area to support the proposed density scenario.</p> <p>Any major changes to the location of the building, or the number of buildings, could lead to a change of the municipal address. An official address notice will be sent upon all Site Plan conditions being fulfilled and final approval of the Site Plan being granted.</p>	<p>Planning Staff note that a holding provision will be placed on the amending by-law until such time as a Noise Study is submitted by the applicant and is to the satisfaction of the of the Director of Planning.</p> <p>Noted. This is standard and will be addressed at Site Plan.</p> <p>Noted. This is standard and will be addressed at Site Plan.</p> <p>Hamilton Water has confirmed that there is sufficient servicing in the area for the proposed density.</p> <p>Noted. This is standard and will be addressed at Site Plan.</p>

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Public Consultation

Notice of a Neighbourhood Meeting was given on March 4, 2021 by way of a newspaper ad in the Stoney Creek News and the Hamilton Spectator; by way of a mailout notice to 263 residents living within an expanded circulation distance (greater than 120 metres) (refer to Appendix "G" attached to Report PED20002(a) for circulation map).

Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on January 14, 2022, by way of a newspaper ad in the Stoney Creek News and the Hamilton Spectator; by way of a mailout notice to 263 residents living within an expanded circulation distance (greater than 120 metres) (refer to Appendix "G" attached to Report PED20002(a) for circulation map) and by way of posting a sign on the property with the Planning Committee time and date.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Proposed Official Plan Amendment

The proposed UHOPA will change the designation on the subject lands from the "Low Density Residential 2b" to "Medium Density Residential 3", in the Urban Lakeshore Area Secondary Plan. The UHOPA will also add a site-specific policy area to the subject lands to allow for all forms of multiple dwellings. This Policy change reflects the development potential of the property. The density permissions of 50 to 99 units per net residential hectare as per the "Medium Density Residential 3" designation will be applied to the subject lands.

1. The proposed changes have merit and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement (2020) and conforms to the A Place to Grow Plan (2019, as amended). Both policy documents encourage the development of complete communities within built-up areas;
 - (ii) It complies with the general intent and purpose of the UHOP, with regards to residential intensification and complete communities in the Neighbourhoods designation. In particular, the ideal areas where medium density residential areas are to be located (on the periphery of neighbourhoods in proximity to major or minor arterial roads); and,
 - (i) The proposed amendment would be in keeping with the existing function of the Urban Lakeshore Secondary Plan by maintaining the scale, form, and character of the surrounding area while expanding the range of permitted residential dwellings to include all forms of multiple dwelling buildings. By offering a variety of residential forms and unit sizes to the neighbourhood,

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this amendment further supports the Urban Lakeshore Area Secondary Plan policy for the establishment of a variety of residential types.

Proposed Amendment to the City of Stoney Creek Zoning By-law No. 3692-92

The subject property is currently zoned Neighbourhood Development “ND” Zone within the City of Stoney Creek Zoning By-law 3692-92. The “ND” Zone is a zone whereby *“no person shall use any building, structure or land for any purpose other than for which it was used on the date of passing of the Zoning By-law”*. This zone does not currently allow for new uses, only those uses that existed on the date of passing of the By-law.

The proposed Zoning By-law Amendment will rezone the lands located at 1400 Baseline Road from the Neighbourhood Development “ND” Zone to the Multiple Residential “RM3-69(H)” Zone, Modified, Holding, in the City of Stoney Creek Zoning By-law No. 3692-92 to implement the UHOPA and the Site Specific Policy Area proposed.

1. The proposed changes have merit and can be supported for the following reasons:
 - (i) The proposed amendment complies with the general intent of the UHOP and will comply with the Urban Lakeshore Area Secondary Plan upon approval of the proposed UHOPA;
 - (ii) The proposed amendment would be in keeping with the existing function of the Urban Lakeshore Secondary Plan by maintaining the scale, form, and character of the surrounding area while expanding the range of permitted residential dwellings to include all forms of multiple dwelling buildings;
 - (iii) The implementing by-law proposes modifications to the Multiple Residential “RM3” Zone which are discussed in Appendix “D” attached to Report PED20002(a); and,
 - (iv) A Holding ‘H’ Provision is recommended in order to ensure that the site can be adequately serviced and that traffic impacts are mitigated.

ALTERNATIVES FOR CONSIDERATION

City Council could choose to not adopt the proposed amendments and the lands would remain designated as “Low Density Residential 2b” in the Urban Lakeshore Area Secondary Plan and as Neighbourhood Development (ND) Zone in the Stoney Creek Zoning By-law No. 3692-92. This option is not preferred. By changing the designation to allow for medium density residential development and changing the zoning to

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implement the designation, this site can take advantage of its suitable location next to a minor arterial road on the periphery of the neighbourhood. In addition, Staff were directed to undertake this City initiated amendment by a Council Motion from May 14, 2019. The proposed Official Plan and Zoning By-law Amendments represent the highest and best use of the land towards the future development of the subject property.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

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

Healthy and Safe Communities

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

Built Environment and Infrastructure

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” - Location Map
Appendix “B” - Draft Urban Hamilton Official Plan Amendment
Appendix “C” - Draft Zoning By-law No. 3692-92 (Stoney Creek) Amendment
Appendix “D” - Zoning Modification Chart
Appendix “E” - Water Distribution Analysis for 1400 Baseline Road
Appendix “F” - Public Feedback Report
Appendix “G” - Public Notice Circulation Map
Appendix “H” - Public Comments

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