



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	September 5, 2023
SUBJECT/REPORT NO:	Applications for Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1310 South Service Road, Stoney Creek (PED23135) (Ward 10)
WARD(S) AFFECTED:	Ward 10
PREPARED BY:	Mark Michniak (905) 546-2424 Ext. 1224
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Amended Official Plan Amendment Application UHOPA-22-026, by Jennum Properties Inc. (c/o Toby Singlehurst, Applicant) on behalf of 843803 Ontario Ltd. (c/o Norman Kim, Owner)**, to redesignate the subject lands from “District Commercial” to “Neighbourhoods” within the Urban Hamilton Official Plan; and to redesignate the subject lands from “District Commercial” to “Medium Density Residential 2”, remove the lands from Area Specific Policy – Area G, and add a new Site Specific Policy within the Fruitland-Winona Secondary Plan; to permit a commercial / residential mixed use development comprised of two mixed use buildings of eight and 12 storeys, a residential building of ten storeys, and four, three storey townhouse blocks containing 32 units of which eight are Live/Work units, for a total of 705 dwelling units and 1,282 square metres of commercial space, with a maximum density of 310 units per hectare and a maximum height of 12 storeys, as shown on Appendix “A” attached to Report PED23135, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED23135, which has been prepared in a form satisfactory to the City Solicitor, be adopted by City Council;

- (ii) That the proposed 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 **Amended Zoning By-law Amendment Application ZAC-22-063, by Jennum Properties Inc. (c/o Toby Singlehurst, Applicant) on behalf of 843803 Ontario Ltd. (c/o Norman Kim, Owner)**, for a change in zoning from the District Commercial (C6, 301, H112) Zone to the Mixed Use Medium Density (C5, 851, H112) Zone, to permit a commercial / residential mixed use development containing a total of 705 dwelling units and 1,282 square metres of commercial space within two mixed use buildings of eight and 12 storeys, a residential building of ten storeys, and four, three storey townhouse blocks containing 32 units of which eight are Live/Work units with a total of 698 parking spaces including 27 surface parking spaces, for lands located at 1310 South Service Road, as shown on Appendix “A” attached to Report PED23135, be **APPROVED** on the following basis:
 - (i) That the draft By-law, attached as Appendix “C” to Report PED23135, 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 Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject property by amending the Holding symbol ‘H112’ to the proposed Mixed Use Medium Density (C5) Zone;

The Holding Provision ‘H112’ is to be removed to allow for a 12 storey mixed use development, conditional upon:

- (1) The Owner enters into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks. This Record of Site Condition must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the Record of Site Condition by the Ministry of the Environment, Conservation and Parks, and the submission of the City of Hamilton’s current Record of Site Condition administration fee;
- (2) The Owner agrees in a Site Plan Agreement to implement all required noise mitigation measures identified in the Noise

Feasibility Study prepared by Howe Gastmeier Chapnik Limited dated August 18, 2022 and updated February 8, 2023, to the satisfaction of the Director of Planning and Chief Planner;

- (3) The Owner agrees in a Site Plan Agreement, to provide notice to any subsequent owner, as well as any prospective purchasers or tenants that the dwellings are located in a Class 4 Area, and to agree to register this notice and any / all warning clauses on title, and include them in any purchase and sale and in any lease or rental agreement, to the satisfaction of the Director of Planning and Chief Planner;
 - (4) The Owner submit and receive approval of an updated Functional Servicing Report, prepared by a qualified Professional Engineer, to address sanitary design, watermain hydraulic analysis, and stormwater outlets, to the satisfaction of the Director of Growth Management and Chief Development Engineer and the Hamilton Conservation Authority;
 - (5) The Owner submit and receive approval of an updated Transportation Impact Study, with particular focus on improvement to mitigate both future background and total traffic at the Queen Elizabeth Way interchanges, to the satisfaction of the Ministry of Transportation and a cost estimate schedule and required securities for the improvements, to the satisfaction of the Director of Growth Management and Chief Development Engineer and the Director of Transportation Planning and Parking.
- (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow (2019, as amended), and will comply with the Urban Hamilton Official Plan and the Fruitland-Winona Secondary Plan upon approval of Urban Hamilton Official Plan Amendment No. X;
- (c) That Council deem the lands at 1310 South Service Road (see Appendix “A” attached to Report PED23135) as a Class 4 Area pursuant to the Ministry of the Environment, Conservation and Parks’ Noise Guidelines NPC-300 (Stationary and Transportation Sources – Approval and Planning), and that the Class 4 Area designation apply only to dwelling units within Building C and the two townhouse blocks adjacent to the southern property line with the requirement that all noise mitigation and warning clauses be secured through the Holding Provision

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attached to the implementing Zoning By-law as specified in Section ii) b. and c. outlined above.

EXECUTIVE SUMMARY

The subject lands are municipally known as 1310 South Service Road and are located south of South Service Road and east of Vince Mazza Way. Applications have been submitted to amend both the Urban Hamilton Official Plan and the City of Hamilton Zoning By-law No. 05-200. The amendments will permit the development of a 705 unit mixed use development with three buildings of 12, 10, and eight storeys in height, 32, three storey townhouse units, and 1,282 square metres of commercial space supported by a total of 698 parking spaces including 27 surface parking spaces.

The purpose of the Official Plan Amendment is for a change in designation from “District Commercial” to “Neighbourhoods” in the Urban Hamilton Official Plan, a change in designation from “District Commercial” to “Medium Density Residential 2” and to create a Site Specific Policy Area in the Fruitland-Winona Secondary Plan.

The purpose of the Zoning By-law Amendment is for a change in zoning from the District Commercial (C6, 301, H112) Zone to the Mixed Use Medium Density (C5, 851, H112) Zone within the City of Hamilton Zoning By-law No. 05-200. Site specific modifications to the (C5) Zone are proposed to accommodate the development. As part of the Zoning By-law Amendment, a Holding Provision is required to be added to the subject lands with respect to completing a Record of Site Condition, noise mitigation and designation as a Class 4 Area, an updated Functional Servicing Report, and an updated Transportation Impact Study and cost estimate schedule.

Based on the subject property being located in proximity to stationary noise sources the applicant is seeking to have the subject property classified a Class 4 Area pursuant to the Ministry of the Environment, Conservation and Parks’ Noise Guidelines NPC-300.

The proposal has merit and can be supported for the following reasons:

- It is consistent with the Provincial Policy Statement (2020) (PPS);
- It conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- It complies with the general intent and purpose of the Urban Hamilton Official Plan and the Fruitland-Winona Secondary Plan subject to the proposed Official Plan Amendment; and,
- The proposed development represents good planning by, among other things, making efficient use of land and infrastructure by providing housing in an efficient urban form, expanding the range of residential dwelling types, supports local

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commercial uses and planned transit, and contributing to developing a complete community.

Alternatives for Consideration – See Page 35

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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

HISTORICAL BACKGROUND

Report Fact Sheet

Application Details	
Owner:	843803 Ontario Ltd. (c/o Norman Kim).
Applicant:	Jennum Properties Inc. (c/o Toby Singlehurst).
Agent:	The Planning Partnership (c/o Brandon Simon).
File Number:	UHOPA-22-026 and ZAC-22-063.
Type of Application:	Urban Hamilton Official Plan Amendment and Zoning By-law Amendment.
Proposal:	<p>To permit the development of a 705 unit residential mixed use development with three buildings of 12, 10, and eight storeys, 32, three storey townhouse units, and 1,282 square metres of commercial space. A total of 698 parking spaces will be provided including 27 surface parking spaces and 671 underground parking spaces. Access will be from Vince Mazza Way. See Appendix “E” attached to Report PED23135.</p> <p>Building A is 8 storeys and will contain 166 units and 1,157 square metres of commercial space at ground level. Building B is 12 storeys and will contain 266 units and 125 square metres of commercial spaces at ground level. Building C is 10 storeys and will contain 241 units. 32, three storey townhouse units are proposed along Vince Mazza Way with eight Live/Work units fronting directly onto Vince Mazza Way.</p>

OUR Vision: To be the best place to raise a child and age successfully.
OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.
OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

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Application Details	
Proposal Continued:	Outdoor amenity area will be provided via an internal trail network and a central courtyard/open space. Ground floor units will have private outdoor amenity spaces, where possible, in the form of patios and balconies. In addition, Buildings B and C have dedicated indoor amenity area on the ground floor, while Building A has ground floor commercial space that could be used as indoor amenity area.
Property Details	
Municipal Address:	1310 South Service Road.
Lot Area:	2.36 ha.
Servicing:	Full municipal services.
Existing Use:	Vacant.
Documents	
Provincial Policy Statement:	The proposal is consistent with the Provincial Policy Statement (2020).
A Place to Grow:	The proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).
Official Plan Existing:	"Neighbourhoods" on Schedule E – Urban Structure and "District Commercial" on Schedule E-1 – Urban Land Use Designations.
Original Official Plan Proposed:	"Mixed Use – Medium Density" on Schedule E-1 – Urban Land Use Designations and to add a new policy to the Mixed Use – Medium Density Designation.
Amended Official Plan Proposed:	"Neighbourhoods" on Schedule E-1 – Urban Land Use Designations.
Secondary Plan Existing:	"District Commercial" and within "Area Specific Policy G" area in the Fruitland-Winona Secondary Plan.
Original Secondary Plan Proposed:	To remove lands from "Area Specific Policy – Area E" and to add a new Site Specific Policy to the Fruitland-Winona Secondary Plan.
Amended Secondary Plan Proposed:	"Medium Density Residential 2", remove the lands from "Area Specific Policy – Area G", and add a new Site Specific Policy – Area X to the Fruitland-Winona Secondary Plan.
Zoning Existing:	District Commercial (C6, 301, H112) Zone.
Original Zoning Proposed:	District Commercial (C6, XXX) Zone.

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Documents	
Amended Zoning Proposed:	Mixed Use Medium Density (C5, 851, H112) Zone.
Modifications Proposed	<p>The applicant proposed the following modifications to the Mixed Use Medium Density (C5) Zone:</p> <ul style="list-style-type: none"> • To define Live/Work Unit and allow it as a permitted use; • To increase yard encroachments from 1.5 metres to 3.5 metres for porches, decks, or canopies; • To increase yard encroachments from 1.0 metres to 2.0 metres for balconies; • To modify permitted gross floor area of accessory buildings; • To increase parking setback from a street line from 3.0 metres to 25.0 metres; • To eliminate the planting strip requirement across the site; • To introduce a requirement for long-term bicycle parking of 0.25 bicycle parking spaces per unit; • To increase the short-term bicycle parking space requirement to 20 short-term bicycle parking spaces; • To permit short-term bicycle parking spaces anywhere on the subject site; • To permit residential units at-grade across the site; • To reduce minimum building setback from all street lines from 3.0 metres to 2.0 metres; • To increase maximum building setback from a street line from 4.5 metres to 8.5 metres on the western property line; • To increase maximum building setback from a street line from 4.5 metres to 16.5 metres on the northern property line; • To increase the maximum building height from 22.0 metres to 45.0 metres within specified areas; • To permit a minimum façade height along all street lines of 4.5 metres for a portion 12.0 metres wide; • To remove the requirement for incremental yard increases above 11.0 metres for development abutting Residential and Institutional Zones; • To locate 85% of required parking within an underground parking structure; • To introduce a minimum 40% landscape requirement; • To introduce a minimum 1,000.00 square metre contiguous outdoor amenity area located 25.0 metres from all street lines; • To introduce a minimum density of 60 units per net hectare; and, • To introduce a maximum density of 310 units per net hectare. <p>(See Appendix “D” attached to Report PED23135.)</p>

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Processing Details	
Received:	September 7, 2022.
Deemed Complete:	September 30, 2022.
Notice of Complete Application:	Sent to five property owners within 120 metres of the subject property on October 13, 2022.
Public Notice Sign:	Posted October 17, 2022 and updated with Public Meeting date August 9, 2023.
Notice of Public Meeting:	Sent to five property owners within 120 metres of the subject property on August 18, 2023.
Public Comments:	No comments received.
Processing Time:	363 days.

EXISTING LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands:	Vacant.	District Commercial (C6, 301, H112) Zone.
Surrounding Lands:		
North	Queen Elizabeth Way	Holding Major Institutional “I-H” Zone.
South	Commercial plaza.	District Commercial (C6, 301) Zone.
East	Commercial plaza.	District Commercial (C6, 301) Zone.
West	Vacant.	Mixed Use Medium Density (C5, 562) Zone.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2020)

The Provincial Planning Policy Framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (2020). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the Provincial Policy Statement. The following policies, amongst others, apply to the proposed development.

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

- b) Accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
- c) Avoiding development and land use patterns which may cause environmental or public health and safety concerns; 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;

1.1.3.1 *Settlement areas* shall be the focus of growth and development.

1.1.3.2 Land use patterns within *settlement areas* shall be based on densities and a mix of land uses which:

- a) Efficiently use land and resources;
- b) Are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
- e) Support *active transportation*; and,
- f) Are *transit-supportive*, where transit is planned, exists or may be developed;

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.

- 1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.
- 1.7.1 Long-term economic prosperity should be supported by:
- b) Encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce.”

The application is consistent with Policies 1.1.1 b) and 1.1.3.3, by accommodating a broader range and mix of residential types to meet long-term needs. The proposed Zoning By-law Amendment ensures that the concerns outlined in 1.1.1 c) and 1.1.3.4, which seek to avoid development patterns which may cause environmental or public health concerns, are addressed. The application is also consistent with Policies 1.1.3.1 and 1.1.3.2, which focus on growth and development within settlement areas.

The vicinity of Fifty Road and South Service Road has been identified as a potential multi-modal transportation terminal, as shown on Appendix “B” of Volume 1 of the Urban Hamilton Official Plan, pending the extension of Light Rail Transit and a combination Light Rail Transit / Government of Ontario Transit rail station hub. Currently, the area is serviced by Trans Cab, which links the subject lands to the existing local transit route at the Municipal Service Centre on Highway No. 8. The addition of residential dwellings supports existing and planned transit for the area.

The proposed development is located within a settlement area with appropriate infrastructure and public service facilities and can support active transportation and planned transit.

Noise and Vibration

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

The subject lands are close to existing transportation noise sources and existing stationary noise sources in the area. A Noise Feasibility Study, prepared by Howe Gastmeier Chapnik Limited, dated August 18, 2022 and updated February 8, 2023, and a Response Letter dated May 9, 2023, was submitted with the applications. The study

identified South Service Road and the Queen Elizabeth Way located to the north, and commercial uses located to the south, Costco, and east as potential sources of noise. The Costco includes rooftop mechanical equipment and a loading bay with three docks on the north side of the building. The report indicates that the sound emissions from the activities associated with the Costco has the potential to exceed background sound levels in the area during a worst-case scenario, therefore, a Class 4 Area designation is being sought.

The Study recommends the following noise mitigation measures be implemented for the proposed development respecting transportation noise sources:

- Air conditioning is required for the proposed residential buildings. The location, installation and sound ratings of the air conditioning devices should comply with NPC-300;
- Upgraded building and glazing constructions are required for the proposed residential buildings. When detailed floor plans and building elevations are available for the proposed buildings at the building permit stage, an acoustical consultant should provide revised recommendations based on actual window to floor area ratios;
- Warning clauses are required in all offers of purchase and sale or lease agreements to inform future owners/tenants of the sound level excesses and the presence of neighbouring commercial uses; and,
- Tarion Builders Bulletin B19R requires that the internal design of condominium projects integrates suitable acoustic features to insulate the suites from noise from each other and amenities in accordance with the Ontario Building Code, and limit the potential intrusions of mechanical and electrical services of the buildings on its residents. If B19R certification is to be sought, an acoustical consultant is required to review the mechanical and electrical drawings and details of demising constructions and mechanical/electrical equipment, when available, to help ensure that the noise impact of the development on itself are maintained within acceptable levels.

The Study recommends the following noise mitigation measures be implemented for the proposed development respecting stationary noise sources from the activities associated with the Costco:

- A Class 4 Area designation should be requested for Building C (as shown on Appendix “E” attached to Report PED23135) and the southerly townhouses of

the development which would require: air conditioning for the building; upgraded building and glazing requirements; and a Class 4 Area specific warning clause;

- No windows into sensitive spaces along the southern façade of the southern townhouse blocks; and,
- To address the potential for audible sound from the nearby industrial/office facilities, specific noise warning clauses are required as indicated throughout the noise report.

The Class 4 Area designation is recommended by this Report. The implementation of remaining noise mitigation measures related to transportation and stationary noise sources will be undertaken through the Site Plan Control and Building Permit application processes.

While the applicant is proposing to include a number of mitigation measures for the proposed development to address transportation and stationary noise sources the measures will not achieve compliance with respect to a Class 1 Area requirements for stationary noise sources. Noise mitigation at the source, while preferred, is not feasible, as these noise sources are located off-site and would require enclosing the loading docks. At the time of development, sensitive land uses were not located or planned adjacent to the Costco, so noise mitigation at the source would not have been considered.

In order to meet the Ministry of the Environment Conservation and Parks' requirements, windows along the southern façade of both Building C and the townhouse dwellings would be required to be limited and possibly eliminated. This could result in blank walls. The study found that these requirements would limit design of the southern façades. Therefore, the change in classification from Class 1 Area to Class 4 Area is recommended.

Given the extent of the mitigation measures required to achieve compliance with the Ministry of the Environment Conservation and Parks based on a Class 1 Area for stationary noise sources, staff are in agreement that it is not practical to eliminate the noise from the southern façade of the building. Therefore, staff recommend that the lands be re-classified from a Class 1 Area to a Class 4 Area in accordance with the Environmental Noise Guideline – Stationary and Transportation Sources – Approval and Planning (NPC-300) from the Ministry of the Environment Conservation and Parks (see Recommendation (c) of this Report).

The Study has also confirmed that a Vibration Study is not required due to the physical separation from the Canadian National Railway tracks to the south.

Archaeology

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

The subject property meets two of the ten criteria used by the City of Hamilton and the Ministry of Citizenship and Multiculturalism for determining archaeological potential:

- 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; and,
- In an area of sandy soil in areas of clay or stone.

These criteria define the property as having archaeological potential. Stage 1 and Stage 2 Archaeological Assessments (P449-0636-2022 and P449-0650-2022) were submitted to the City of Hamilton and the Ministry of Citizenship and Multiculturalism. The Province provided clearance letters dated July 25, 2022 and August 17, 2022 respectively regarding the Stage 1 and Stage 2 Archaeological Assessments. Staff reviewed the assessment and found that the municipal interest in the archaeology has been satisfied.

Therefore, the applications are consistent with the Provincial Policy Statement (2020).

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

The policies of A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) apply to any Planning decision. The proposal conforms to the Guiding Principles, Section 1.2.1, as it supports the achievement of complete communities, prioritizes residential intensification to make efficient use of land and infrastructure and support transit, and supports a range and mix of housing options. The following policies, amongst others, apply to the proposed development.

“2.2.1.2 Forecasted growth to the horizon of this Plan will be allocated based on the following:

- a) The vast majority of growth will be directed to *settlement areas* that:
 - i. Have a *delineated built* boundary;

- ii. Have existing or planned *municipal water and wastewater systems*; and,
 - iii. Can support the achievement of complete communities;
- c) Within settlement areas, growth will be focused in:
- i. Delineated built-up areas;
 - ii. Strategic growth areas;
 - iii. Locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and,
 - iv. Areas with existing or planned public service facilities;

2.2.1.4 Applying the policies of this Plan will support the achievement of complete communities that:

- a) Feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;
- c) Provide a diverse range and mix of housing options, including additional residential units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;
- e) Provide for a more compact built form and a vibrant public realm, including public open spaces;"

The proposed development is located within a delineated built boundary and has access to existing municipal services. The proposed development supports achievement of complete communities by providing residential dwellings with convenient access to local stores, services, and public service facilities and in a building form that expands the range and mix of housing options.

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

Urban Hamilton Official Plan and Fruitland-Winona Secondary Plan

The subject lands are identified as “Neighbourhoods” on Schedule E – Urban Structure and designated “District Commercial” on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan. The lands are also designated “District

Commercial” and located within “Area Specific Policy Area G” on Map B.7.4-1 – Fruitland-Winona Secondary Plan – Land Use Plan.

An Official Plan Amendment is necessary to re-designate the subject lands to facilitate the proposed mixed use development. Within the City’s Urban Structure, the subject lands are located within “Neighbourhoods” and not within an “Urban Node” or “Urban Corridor”. The Official Plan Amendment application proposes to re-designate the subject lands from “District Commercial” to “Neighbourhoods” in the Urban Hamilton Official Plan and “Medium Density Residential 2” in the Fruitland-Winona Secondary Plan. In addition, the amendment will remove the lands from Site Specific Policy Area G and create a new Site Specific Policy Area in the Fruitland-Winona Secondary Plan.

The following policies, amongst others, apply.

Urban Structure - Neighbourhoods

Volume 1

- “E.2.7.2 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.2.7.4 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.2.7.5 The Neighbourhoods element of the urban structure shall permit a range of commercial uses including retail stores and services. These commercial uses may be clustered into plaza forms or in main street configurations. Over time, some of these commercial areas may evolve into a mixed use form, where appropriate. Commercial uses that cater to a broader regional market shall be directed to appropriate Urban Nodes. The Neighbourhoods element of the urban structure permits a broader range of commercial areas than the Neighbourhoods Designation. The different types of commercial areas are designated on Schedule E-1 – Land Use Designations. The policies of Section E.4.0 – Commercial and Mixed Use Designations, Section E.3.0 – Neighbourhoods Designation, and applicable secondary plans of Volume 2 shall provide specific direction on the scale of commercial uses in the various commercial and mixed use designations.

E.2.7.7 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.”

The uses within the proposed development are compatible with the land uses intended within the “Neighbourhoods” component of the urban structure. The proposed development consists primarily of residential uses with commercial uses located within mixed use buildings. As proposed, the Live/Work units resemble a main street configuration. Compatibility with the character of the neighbourhood will be examined in the following sections.

Commercial and Mixed Use Designations – General Policies

Volume 1

“E.4.2.9 Notwithstanding Policies E.4.2.3 and E.4.2.6, four major commercial areas currently exist in the City of Hamilton that exceed 25,000 square metres of retail and commercial service space, but are not anticipated to evolve into mixed use areas during the life of this Plan. These four areas are not identified as Urban Nodes or Urban Corridors, are within the Neighbourhood element of the Urban Structure on Schedule E – Urban Structure, are designated District Commercial on Schedule E-1 – Urban Land Use Designations and have area or site specific requirements contained in Volume 2 or Volume 3. The amount or type of retail uses in these locations shall not be expanded without an amendment to the Urban Structure. The four major commercial areas are located:

- c) In the area south of the [Queen Elizabeth Way] QEW, west of Fifty Road, north of the CNR Railway, east of Winona Road, and east and south of Vince Mazza Way; and, (OPA 158)”

Although Policy E.4.2.9 states that the subject lands are not anticipated to evolve into a mixed use area, lands located to the west, on the opposite side of Vince Mazza Way, were removed from the “District Commercial” designation and zoned Mixed Use Medium Density (C5) Zone. The Planning Justification Report, prepared by The Planning Partnership and dated February 2023 in support of this application, states that

the site has been unable to develop commercial uses as intended. The report notes that the site has been vacant since 2014 when the previous uses were demolished. Further, the Fruitland-Winona Secondary Plan Summary Report (2013) concluded that there is a surplus of commercial lands within the secondary plan area.

District Commercial Designation

Volume 1

“E.4.7.9 Although residential development is permitted and encouraged, it is not the intent of the Plan for the District Commercial designated areas to lose the planned retail and service commercial function set out in this Plan.”

The proposed mixed use development will contain less retail than set out in this plan. As a result, development of an Official Plan Amendment is necessary to re-designate the lands. The Official Plan Amendment proposes to re-designate the lands from “District Commercial” to “Neighbourhoods”. The proposed Official Plan Amendment is attached as Appendix “B” to Report PED23135.

Neighbourhoods Designation

Volume 1

“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.3.2.2 The Neighbourhoods designation applies to lands generally greater than 4 hectares in size designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations.

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; and,
- d) Local commercial uses.

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, subject to 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.3.8.4 Local commercial uses may be permitted in the following built forms:
- d) Multiple storey buildings with the local commercial uses on the ground floor and residential units above.”

The proposed development meets the intent of the “Neighbourhoods” designation. Residential uses are proposed in multiple residential and mixed use building form. Limited local commercial uses to support residents are proposed on the ground floor of mixed use buildings and within Live/Work units. Local commercial uses are permitted within the “Neighbourhoods” designation. These uses are consistent with the designation. The site is located adjacent to South Service Road, which is classified as a minor arterial road. There are a range of commercial, institutional, and recreational uses found both within proximity to the subject lands to meet the long-term needs of future residents. Growth in residential population is expected to support future transit services in the area. The subject lands, at approximately 2.36 hectares in size, are less than the minimum area generally required for the “Neighbourhoods” designation of 4.0 hectares, however, as the subject lands will be integrated with the commercial lands to the east and south and will have opportunities for improved connections to the adjacent “Neighbourhoods” designations to the west, the proposal meets the intent of this policy.

Commercial and Mixed Use Designations

Volume 2

“B.7.4.5.4 District Commercial Designation

Section E.4.7 – District Commercial Designation of Volume 1 shall apply to lands designated District Commercial on Map B.7.4-1 – Fruitland-Winona Secondary Plan – Land Use Plan.

Area Specific Policy – Area G

B.7.4.18.7 For the lands bounded by Winona Road, South Service Road, CNR Railway and Fifty Road and as shown as Area Specific Policy - Area G, and designated District Commercial on Map B.7.4-1 - Fruitland-Winona Secondary Plan – Land Use Plan, the following policies shall apply:

- b) Notwithstanding Policy E.4.7.2 (a) and (c) - District Commercial of Volume 1, residential uses shall not be permitted;

The proposed development consists of residential buildings, mixed use buildings, and Live/Work buildings. These uses are not permitted by the current land use permissions. Therefore, an Official Plan Amendment is necessary to re-designate the lands.

Residential Designations

Volume 2

“B.7.4.4.6 Medium Density Residential 2 Designation

In addition to Section E.3.5 - Medium Density Residential Policies of Volume 1, for lands designated Medium Density Residential 2 on Map B.7.4-1 – Fruitland-Winona Secondary Plan – Land Use Plan, the following policies shall apply:

- a) In addition to the uses permitted in Policy E.3.5.2 of Volume 1, the following additional uses shall be permitted:
 - ii) Live-work housing units in accordance with the following provisions:
 - 1. Commercial uses shall include retail, personal services and offices; and,
 - 2. Commercial uses shall be located at grade.
- b) Notwithstanding Policy E.3.5.7 of Volume 1, the net residential density shall be greater than 60 units per hectare and shall not exceed 75 units per hectare.

- c) Notwithstanding Policy E.3.5.8 of Volume 1, the maximum height shall be 3.5 storeys.”

For the proposed development to comply with the policies of the “Medium Density Residential 2” designation, the following Site Specific policies are proposed:

- To permit a maximum net residential density of 310 dwelling units per hectare, whereas a maximum density of 75 units per hectare is permitted; and,
- To permit a maximum building height of 12 storeys, whereas a maximum building height of 3.5 storeys is permitted.

It is Staff’s opinion that the subject lands are an appropriate location for residential land uses given the site’s location adjacent to major transportation routes, future transit, employment areas, and retail centres.

Residential Intensification and Compatibility

Volume 1

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

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

- g) The ability of the development to comply with all applicable policies.

B.2.4.2.2 When considering an application for a residential intensification development within the Neighbourhoods designation, the following matters shall be evaluated:

- a) The matters listed in Policy B.2.4.1.4;
- b) Compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
- c) The relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;
- d) The consideration of transitions in height and density to adjacent residential buildings;
- e) The relationship of the proposed lot(s) 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 and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;
- h) The ability to complement the existing functions of the neighbourhood;
- i) The conservation of cultural heritage resources; and,
- j) Infrastructure and transportation capacity and impacts.”

Volume 2

“B.7.4.3 General Policies

The Fruitland-Winona Secondary Plan has been developed to guide development within the Secondary Plan area. The following policies address land uses and other matters common to all parts of the Fruitland-Winona Secondary Plan area:

- d) When reviewing an application for development within the Fruitland Winona Secondary Plan area, the following matters shall be evaluated: (OPA 142)
 - i) Compatibility with adjacent land uses including matters such as shadowing, grading, overlook, noise, lighting, traffic and other nuisance effects;
 - ii) Transition in height and density to adjacent and existing residential development; (OPA 142)
 - iii) The relationship of the proposed lot(s) with adjacent and existing lot pattern and configuration; and,
 - iv) The policies in Section 7.4.14 – Block Servicing Strategy and all other applicable policies of this Secondary Plan. (OPA 142)”

The proposed development increases the amount and range of housing options in the City to accommodate the anticipated growth through intensification of the built up area. The proposed mixed use development includes landscape features such as an internal trail system, central courtyard, and Live/Work units along Vince Mazza Way. This combination of land uses and landscape design will encourage connections with adjacent land uses and enhance the streetscape. The proposed development is not anticipated to create any negative impacts on adjacent lands in terms of privacy, overlook, and sun shadow as a result of the proposed site layout. The subject lands are bound by roads to the north and west and by commercial uses to the south and east. The area is well serviced by municipal infrastructure and no road improvements are required as sufficient capacity exists within the road network.

Urban Design

Volume 1

- “B.3.3.1.5 Ensure that new development is compatible with and enhances the character of the existing environment and locale.
- 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.3.3.2.3 Urban design should foster a sense of community pride and identity by:
 - a) Respecting existing character, development patterns, built form, and landscape;

- b) Promoting quality design consistent with the locale and surrounding environment;
- c) Recognizing and protecting the cultural history of the City and its communities;
- d) Conserving and respecting the existing built heritage features of the City and its communities;
- e) Conserving, maintaining, and enhancing the natural heritage and topographic features of the City and its communities;
- f) Demonstrating sensitivity toward community identity through an understanding of the character of a place, context and setting in both the public and private realm;
- g) Contributing to the character and ambiance of the community through appropriate design of streetscapes and amenity areas;
- h) Respecting prominent sites, views, and vistas in the City; and,
- i) Incorporating public art installations as an integral part of urban design.

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

- a) Organizing space in a logical manner through the design, placement, and construction of new buildings, streets, structures, and landscaping;
- b) Recognizing that every new building or structure is part of a greater whole that contributes to the overall appearance and visual cohesiveness of the urban fabric;
- e) Creating a continuous animated street edge in urban environments;
- f) Including transitional areas between the public and private spaces where possible through use of features such as landscaping, planters, porches, canopies, and/or stairs;

- g) Creating public spaces that are human-scale, comfortable, and publicly visible with ample building openings and glazing; and,
- i) Minimizing excessive street noise and stationary noise source levels through the design, placement, and construction of buildings and landscaping.”

The proposed development is compatible with adjacent land uses in that it is not anticipated to cause any negative impact in terms of privacy, overlook, or sun shadow. The pedestrian network and internal central courtyard are quality spaces resulting from the placement of buildings and landscaping on the site. The internal central courtyard is placed to minimize excessive street noise from the Queen Elizabeth Way corridor. The placement of Live/Work units along Vince Mazza Way serves to create active street frontages through the inclusion of commercial uses and increased setbacks to allow for outdoor amenity space.

Integrated Transportation Network

Volume 1

- “C.4.2.3 All land use planning and design decisions shall be coordinated with, and consider, the integrated transportation network goals and policies of Section C.4.0 – Integrated Transportation Network.
- C.4.2.3.1 The timing of new *developments* shall be coordinated with the availability of adequate, matched transportation network capacity.
- C.4.5.2 The road network shall be planned and implemented according to the following functional classifications and right-of-way widths:
- a) Provincial highways, subject to the following general policies:
 - ii) New entrances or the upgrading of entrances within the Ministry of Transportation’s permit control area of a provincial highway shall be subject to the approval of the Ministry of Transportation; and,
 - iii) The City and the Ministry of Transportation shall work cooperatively with respect to the planning of land development and associated access connections within the Ministry of Transportation’s permit control area adjacent to all provincial highways and interchanges within the City, to protect the future

capacity and operation of both the provincial highway network and the City's transportation facilities."

The updated Transportation Impact Study, prepared by LEA Consulting Ltd. and dated February 2023, shows that the proposed development is generally supported by the surrounding transportation network. The study recommends an exclusive eastbound right-turn lane with 35 metres of storage at the intersection of South Service Road and Vince Mazza Way, optimized signal timing at the intersection of South Service Road and East Plaza Access during peak hours, and optimized signal timing at the intersection of Fifty Road and South Service Road during peak hours.

The Transportation Impact Study also indicates that both eastbound and westbound off ramps to the Queen Elizabeth Way will experience delays during peak hours which is expected to deteriorate further as a result of the proposed development's impact on the surrounding road network. Detailed comments from the Ministry of Transportation are provided in the Relevant Consultation section below. A Holding Provision has been added to require updates to the Transportation Impact Study to provide additional mitigation measures to the satisfaction of the Ministry of Transportation.

Tree Management

Volume 1

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

Trees were not identified on the subject site; therefore a Tree Protection Plan was not required in support of this development. Tree plantings will be identified on the Landscape Plan required during the future Site Plan Control stage.

Based on the foregoing, the proposal complies with the applicable policies of the Urban Hamilton Official Plan and the Fruitland-Winona Secondary Plan subject to the proposed Official Plan Amendment.

City of Hamilton Zoning By-law No. 05-200

The subject lands are zoned District Commercial (C6, 301, H112) Zone in City of Hamilton By-law No. 05-200, as shown on Appendix "A" attached to Report PED23135. The District Commercial (C6, 301, H112) Zone permits a range of commercial uses to serve the day-to-day and weekly shopping needs of residents in the immediate and surrounding neighbourhoods. Residential uses are permitted but the intent of the zone

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is predominantly for commercial uses. As such, the applicant has proposed a rezoning to a site specific Mixed Use Medium Density (C5) Zone to permit multiple dwellings with a maximum height of 12 storeys and Live/Work units in addition to commercial uses.

The proposed zoning and zoning standards are consistent with the proposed land use designations in the Urban Hamilton Official Plan. The rationale for the Zoning By-law Amendment is discussed in the Analysis and Rationale for Recommendation section, and an evaluation of the proposed modifications to the (C5) Zone is included in Appendix “D” attached to Report PED23135. The Holding Provision will address the completion of Record of Site Condition requirements, implementation of noise mitigation measures, registration of noise warning clause, and submission and approval of an updated Functional Servicing Report, Hydraulic Analysis, Stormwater Management Report, and updated Transportation Impact Study. Once these conditions have been addressed, the applicant can apply for the removal of the Holding Provision through the passing of a by-law lifting the ‘H’.

RELEVANT CONSULTATION

Department and Agencies	Response
<ul style="list-style-type: none">• Planning and Economic Development Department, Economic Development Division, Corporate Real Estate Section and Commercial Districts and Small Business Section;• Public Works Department, Environmental Services Division, Parks & Cemeteries Section,• Public Works Department, Engineering Services Division;• Hydro One Networks Inc.; and,• Canada Post.	No Comment.

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Department	Comment	Staff Response
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	<p>Development Engineering does not have any objections to the approval of the applications.</p> <p>An updated Functional Servicing Report is required to revise the sanitary design sheet based on a revised boundary, conduct watermain hydraulic analysis, and establish a storm outlet and stormwater management criteria.</p>	The recommended Zoning By-law includes a Holding Provision for the completion of an updated Functional Servicing Report.
Growth Planning Section, Growth Management Division, Planning and Economic Development Department	Municipal addressing for this proposal will be determined after conditional Site Plan Approval is granted.	Individual unit addresses for the proposed development will be addressed at the Site Plan Control stage.
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	The landscape concept plans for the installation of street trees, prepared by The Planning Partnership and dated January 25, 2023, are approved in principle, although measurements need to be confirmed through the submission of a landscape plan with a format that can be measured accurately.	A Landscape Plan will be required at the future Site Plan Control stage.
Waste Management Division, Public Works Department	<p>The townhouse units will store all recycling, organics and waste within a shared internal waste storage area located in the multi-residential buildings.</p> <p>The mixed use buildings and multi-residential building will require front-end bin service for collection of garbage, recyclable containers, recyclable papers, and organic waste.</p> <p>The daycare will require private waste collection.</p>	Location of collection areas will be determined at the Site Plan Control stage.

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Department	Comment	Staff Response
<p>Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department</p>	<p>The proposed development is projected to be generally supported by the surrounding transportation network.</p> <p>The Transportation Impact Study, prepared by LEA Consulting Ltd., dated September 2022 and revised February 2023, is approved.</p> <p>An exclusive eastbound right-turn lane with 35 metres of storage is required at the intersection of South Service Road and Vince Mazza Way once full build-out of the subject lands has been completed. A cost estimate schedule and required securities for the required works to be completed by the City of Hamilton once full build-out of the subject lands has been completed is to be provided.</p> <p>Long-term bicycle parking spaces are recommended to be located in a secure enclosed bicycle parking area. Short-term and long-term bicycle parking areas shall be clearly labelled on the site plan with the total number of spaces provided also to be indicated and numbered on the site plan accordingly.</p> <p>The Transportation Impact Study indicates that the proposed development will sell parking spaces separately from the cost to purchase a unit. The Owner shall provide a signed letter of intent indicating that parking spaces will be unbundled from the cost to purchase a residential unit.</p>	<p>Turning lane construction, long-term bicycle parking and short-term bicycle parking locations, letter of intent, driveway access, and underground parking ramps will be addressed at the future Site Plan Control stage.</p> <p>An updated Transportation Impact Study is required to remove the Holding Provision.</p>

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Department	Comment	Staff Response
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department Continued	<p>The proposed driveway access to Vince Mazza Way shall align centerline to centerline with the proposed driveway access located on the west side of Vince Mazza Way provided to the conditionally approved lands of 1290 South Service Road. For two-way operation onto municipal roadways, the proposed driveway access width(s) must be 7.5 metres at the ultimate property line and curve radii minimum 6.0 metres. These driveway dimensions must be annotated on the site plan.</p> <p>Transportation Planning notes that a maximum grade percentage of 10% is required as per City of Hamilton Comprehensive Development Guidelines for underground parking ramps.</p>	
Landscape Architectural Services, Public Works Department	The inclusion of private amenity space is supported however, this shall not contribute to parkland dedication. Requests cash-in-lieu of parkland dedication.	Cash-in-lieu of parkland dedication will be addressed at the Building Permit stage.
Ontario Ministry of Transportation	<p>Ministry of Transportation shall review the Stormwater Management Report that is to be provided at the Site Plan Application stage.</p> <p>The Ministry of Transportation does not approve the Transportation Impact Study, prepared by LEA Consulting Ltd., dated September 2022 and revised February 2023. The report contains missing or inconsistent analysis and data.</p>	The recommended Zoning By-law includes a Holding Provision for the completion of an updated Servicing Feasibility Report including a Stormwater Management Report.

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Department	Comment	Staff Response
<p>Ontario Ministry of Transportation Continued</p>	<p>The report also indicates that the eastbound off ramp to the Queen Elizabeth Way will perform poorly under future background and total traffic conditions, which is a safety issue. The Ministry of Transportation does not accept poor levels of service. The proponent is required to provide analysis for unsignalized and signalized conditions and additional mitigation plans to ensure Ministry of Transportation thresholds are taken into consideration.</p> <p>The Ministry of Transportation does not permit essential features within 14 metres from the South Service Road right-of-way.</p> <p>Zero light trespass onto the Ministry of Transportation right-of-way is permitted.</p>	<p>The recommended Zoning By-law includes a Holding Provision for the completion of an updated Transportation Impact Study, with particular focus on improvements to mitigate both future background and total traffic at the Queen Elizabeth Way interchanges. Ministry of Transportation Permits will be required at the future Site Plan Control stage to address implementation of any mitigation plans.</p> <p>Essential features are not located within 14 metres of the South Service Road right-of-way.</p> <p>A Lighting Plan will be required during the Site Plan Control stage.</p>
<p>Canadian National Railway</p>	<p>Canadian National Railway reviewed the stormwater management and noise studies.</p> <p>The proposed development is feasible and can be designed to meet the Canadian National Railway, Railway Association of Canada, Federation of Canadian Municipalities, and Ministry of Environment, Conservation and Parks' guidelines.</p>	<p>Noted.</p>

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Department	Comment	Staff Response
Canadian National Railway Continued	As the proposed development is more than 75 m from the CN right-of-way and not immediately adjacent to the Canadian National Railway right-of-way, a detailed vibration assessment is not required, and brick veneer or masonry exterior wall construction is not required.	
Hamilton Conservation Authority	The Functional Servicing Report and related documentation prepared in support of the development were reviewed and the Hamilton Conservation Authority has no concerns with approval of the Official Plan and Zoning By-law Amendment applications. Outstanding comments can be addressed at the future Site Plan Control stage.	Comments can be addressed at the future Site Plan Control stage.
Alectra Utilities	For Residential/Commercial electrical service requirements, the Developer needs to contact our ICI and Layouts Department at 1-877-963-6900 Ext: 25713 or visit our web site at www.alectrautilities.com .	Noted.
Enbridge Gas Inc.	Enbridge Gas Inc. does have service lines running within the area which may or may not be affected by the proposed Site Plan. Should the proposed site plan impact these services, it may be necessary to terminate the gas service and relocate the line according to the new property boundaries. Any Service relocation required would be at the cost of the property owner.	Noted.

Design Review Panel

The proposed development was reviewed by the Design Review Panel on November 10, 2022. The concept reviewed included two mixed use buildings of eight and 12 storeys, one residential building of 10 storeys, and eight Live/Work units and 32 stacked townhouse units of three storeys with a total of 600 dwelling units, 1,204 square metres of commercial space, and at grade and underground parking.

The panel advised that the proponent should consider improving circulation and connections with the adjacent properties to increase interactions, designating the central square as a pedestrian area, reducing surface parking, and refining tower façade design.

In response to the Panel's comments, Staff note that the revised proposal has reduced the amount of surface parking from 43 to 27 spaces, modified the internal driveway layout, and increased setbacks to provide improved pedestrian connections.

Design Review Panel comments will be further addressed at the Site Plan Control stage.

PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and Council's Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to five property owners within 120 metres of the subject property on October 13, 2022. A Public Notice Sign was posted on the property on October 17, 2022, and updated on August 9, 2023, with the Public Meeting date. Finally, Notice of the Public Meeting was given on August 18, 2023, in accordance with the requirements of the *Planning Act*.

Public Consultation Strategy

In addition to the requirements of the *Planning Act*, the applicants submitted a Public Consultation Strategy with the supporting materials. A Neighbourhood Information Meeting was included as a possible public participation tool. Since no public feedback was received as a result of the Notice of Complete Application or the sign, a Neighbourhood Information Meeting was not held.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement (2020) (PPS);

- (ii) It conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- (iii) It complies with the Urban Hamilton Official Plan and the Fruitland-Winona Secondary Plan, subject to the recommended Official Plan Amendment; and,
- (iv) It represents good planning by, among other things, making efficient use of land and infrastructure by providing housing in an efficient urban form, expanding the range of residential dwelling types, supports local commercial uses and planned transit, and contributing to developing a complete community.

2. Urban Hamilton Official Plan and Fruitland-Winona Secondary Plan Amendments

The purpose of the Official Plan Amendment is to redesignate the lands from “District Commercial” to “Neighbourhoods” within the Urban Hamilton Official Plan and to redesignate the subject lands from “District Commercial” to “Medium Density Residential 2”, remove the lands from Area Specific Policy – Area G, and create a Site Specific Policy within the Fruitland-Winona Secondary Plan to permit a development with a maximum density of 310 units per hectare and a maximum height of 12 storeys.

As per the Urban Hamilton Official Plan policies identified above, the proposed re-designation can be supported since the proposed development makes efficient use of land and infrastructure, provides housing in an efficient urban form, and contributes to developing complete communities. The proposed development will introduce residential intensification in an appropriate location that is compatible with the surrounding area in terms of use, scale, form and character with no privacy, overlook, sun shadow, or other negative impacts. This will support commercial uses on site as well as commercial uses and services on adjacent sites.

The proposed Official Plan Amendment includes the creation of a new Site Specific Policy Area to increase height and density. The “Medium Density Residential 2” permits a maximum density of 75 units per hectare and a maximum height of 3.5 storeys. Staff support the increase in density as the site is located on the periphery of the neighbourhood and in proximity to a retail centre and a potential future transit hub. Staff support the increase in height as it is not expected to cause any negative impacts and supports efficient use of the land. In addition, the current Site Specific Policy Area does not permit residential uses. Staff support removing the lands from the Site Specific Policy Area to allow

residential uses as it complies with the general intent and purpose of the Urban Hamilton Official Plan urban structure.

Based on the foregoing, staff supports the requested amendment.

3. Zoning By-law Amendment

The subject lands are currently zoned District Commercial (C6, 301, H112) Zone in City of Hamilton By-law No. 05-200. The applicant has requested that the subject lands be rezoned to a site specific Mixed Use Medium Density (C5) Zone to facilitate development of a mixed use development containing a total of 705 dwelling units and 1,282 square metres of commercial space within two mixed use buildings of eight and 12 storeys, a residential building of ten storeys, and four, three storey townhouse blocks containing 32 units of which eight are Live/Work units.

The proposed zone contains modifications to permit the development. The modifications are identified on pages 6-7 of Report PED23135 and discussed in detail in Appendix “D” attached to Report PED23135. The proposed Mixed Use Medium Density (C5, 851, H112) Zone will permit a broader range of residential uses and a greater height and density. The maximum height of buildings will be restricted to specific parts of the subject lands by a Special Figure in Schedule F – Special Figures of Zoning By-law No. 05-200. The proposed zoning modifications ensure compatibility with adjacent land use. In addition, the proposal contributes to the creation of a complete community envisioned by the Urban Hamilton Official Plan.

Staff are in support of this change of zoning as the proposal complies with the Urban Hamilton Official Plan policies.

4. Holding Provision

An “H” Holding Provision is recommended to require a Record of Site Condition, implementation of noise mitigation measures, registration of noise warning clauses, updated Functional Servicing Report, Hydraulic Analysis, Stormwater Management Report, and updated Transportation Impact Study. Once these conditions have been addressed, the applicant can apply for the removal of the Holding Provision through the passing of a By-law lifting the ‘H’.

ALTERNATIVES FOR CONSIDERATION

Should the applications not be approved, the subject lands will remain designated "District Commercial" and zoned District Commercial (C6, 301, H112) Zone. The District Commercial (C6) Zone permits a range of commercial uses to serve the day-to-day and weekly shopping needs of residents in the immediate and surrounding neighbourhoods and residential dwellings above the ground floor within a mixed use building.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED23135 – Location Map
Appendix "B" to Report PED23135 – Draft Official Plan Amendment
Appendix "C" to Report PED23135 – Draft Zoning By-law Amendment
Appendix "D" to Report PED23135 – Zoning Modification Chart
Appendix "E" to Report PED23135 – Concept Plan

MM:sd