

CITY OF HAMILTON PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT Planning Division

ТО:	Chair and Members Planning Committee	
COMMITTEE DATE:	June 18, 2024	
SUBJECT/REPORT NO:	Applications for an Official Plan Amendment and Zoning Bylaw Amendment for Lands Located at 118 King Street West, Stoney Creek (PED24069) (Ward 5)	
WARD(S) AFFECTED:	Ward 5	
PREPARED BY:	Alaina Baldassarra (905) 546-2424 Ext. 7421	
SUBMITTED BY: SIGNATURE:	: Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department	

RECOMMENDATION

- (a) That Official Plan Amendment Application UHOPA-23-014, by IBI Group (c/o Jared Marcus), on behalf of 1970752 Ontario Inc., Owner, to redesignate the subject lands from "Neighbourhoods" to "Mixed Use Medium Density" in the Urban Hamilton Official Plan and from "Local Commercial" to "Mixed Use Medium Density" in the Old Town Secondary Plan, with a Site Specific Policy to permit the development of a 12-storey mixed use building consisting of 124 residential units, 190 square metres of commercial and 124 parking spaces, for the lands located at 118 King Street West, as shown on Appendix "A" attached to Report PED24069, be APPROVED on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED24069, 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).

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- (b) That Zoning By-law Amendment Application ZAC-23-031, by IBI Group (c/o Jared Marcus), on behalf of 1970752 Ontario Inc., Owner, for a change in zoning from the Community Commercial (C3, 579) Zone to the Mixed Use Medium Density (C5, 893, H170) Zone, to permit a 12-storey mixed use building consisting of 124 residential units, 190 square metres of commercial and 124 parking spaces (74 underground spaces, 14 covered parking spaces at grade and 36 surface parking spaces), for lands located at 118 King Street West, as shown on Appendix "A" attached to Report PED24069, be APPROVED on the following basis:
 - (i) That the draft By-law, attached as Appendix "C" to Report PED24069, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and will comply with the Urban Hamilton Official Plan upon approval of Official Plan Amendment No. XX:
 - (iii) 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 including the Holding symbol 'H' to the Mixed Use Medium Density (C5, 893, H170) Zone:

The Holding Provision 'H170' is to be removed conditional upon:

- (1) That the Owner submit to the Director of Development Engineering for review and approval, a revised Functional Servicing Report to demonstrate:
 - (a) That there is a suitable sanitary sewer outlet with sufficient capacity available, including but not limited to improvements to the existing sanitary sewer / trunk sewer systems from the subject property along King Street West and Nash Road northerly to the Red Hill Valley Ramp in accordance with the Centennial Neighbourhood Water Distribution and Wastewater Collection Servicing Study, to service the proposed development;
 - (b) That as part of the future Site Plan Control application, the owner will enter into and register an External Works

Agreement with the City on the title of the lands for the design and construction of any required sanitary sewer improvements to the municipal infrastructures identified in the Centennial Neighbourhood Water Distribution and Wastewater Collection Servicing Study, in accordance with the City's Financial Policy to support this development;

- (2) That no development within the subject site can proceed until the City completes the Centennial Neighbourhood Water Distribution and Wastewater Collection Servicing Study and the required sanitary sewer improvements to the municipal infrastructure are in place and operational, to the satisfaction of the Director of Development Engineering;
- (3) That the Owner submit and receive approval of a Hydrogeological Brief conducted by a qualified professional that discusses the soil/groundwater conditions to properly characterize the potential dewatering needs, to the satisfaction of the Director of Hamilton Water:
- (4) That the existing centre median island along Centennial Parkway South be extended as per the Traffic Impact Brief by Paradigm Transportation Solutions Limited dated November 3, 2022, to the satisfaction of the Manager of Transportation Planning. All costs associated with these works, including but not limited to the detailed design drawings and construction will be at the expense of an Owner;
- (5) That the Owner submit and receive approval of a revised Tree Protection Plan addressing the protection of trees, including submission of written confirmation from the abutting owner of 5 and 7 Orlanda Road for permission to remove tree 235 as identified on the Vegetation Management Plan prepared by IBI Group dated December 9, 2022, to the satisfaction of the Director of Heritage and Urban Design;
- (6) That the necessary legal agreements and easements be created and registered on title of the lands municipally known as 102, 110 and 118 King Street West, for the proposed shared access and parking areas, to the satisfaction of the Director of Transportation Planning and Parking and the Director of Development Planning.

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EXECUTIVE SUMMARY

The subject lands are municipally known as 118 King Street West and are located on the north side of King Street West between Owen Place and Centennial Parkway South. The lands are currently vacant.

The purpose of the Official Plan Amendment application is to amend Volume 1 of the Urban Hamilton Official Plan to redesignate the lands from "Neighbourhoods" to "Mixed Use - Medium Density", to amend the Old Town Secondary Plan to redesignate the subject lands from "Local Commercial" to "Mixed Use - Medium Density" and to add a Site Specific Policy to increase the maximum permitted height to 12 storeys.

The purpose of the Zoning By-law Amendment application is to rezone the subject lands from the Community Commercial (C3, 579) Zone to the Mixed Use Medium Density (C5, 893, H170) Zone, under Zoning By-law No. 05-200. Site specific modifications to the Mixed Use Medium Density (C5) Zone are proposed.

The applications will facilitate the development of a 12 storey mixed use building consisting of 124 residential units, 190 square metres of commercial gross floor area and 124 parking spaces (74 underground spaces, 14 covered parking spaces at grade and 36 surface parking spaces). The proposed development will function in coordination with the abutting properties municipally known as 102 and 110 King Street West, being an existing motor vehicle gas bar and an existing drive thru motor vehicle service station. The properties currently function with a reciprocal access easement which is registered on title for all three properties.

Holding Provisions are recommended for the amending By-law regarding the servicing capacity of the subject lands, the extension of the existing centre median on Centennial Parkway South, a revised Tree Protection Plan and permission to remove a boundary tree, the registration of the necessary parking and access agreements and easements, and the submission and approval of a Hydrogeological Brief.

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

- It is consistent with the Provincial Policy Statement (2020):
- It conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- It complies with the general intent of the Urban Hamilton Official Plan and Old Town Secondary Plan, as it relates to the function, scale, and design of the "Mixed Use – Medium Density" designation; and,

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 The proposal represents good planning, as it will provide a built form that is compatible with the character of the area and provides a compact and efficient urban form on an underutilized site.

Alternatives for Consideration – See Page 14

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:	1970752 Ontario Inc.	
Applicant/Agent:	IBI Group (c/o Jared Marcus).	
File Number:	UHOPA-23-014 and ZAC-23-031.	
Type of Applications:	Urban Hamilton Official Plan Amendment. Zoning By-law Amendment.	
Proposal:	The proposed development includes a 12 storey mixed use building containing 124 residential units, 190 square metres of commercial gross floor area and 124 parking spaces (74 underground spaces, 14 covered parking spaces at grade and 36 surface parking spaces). The proposed parking spaces will be accessed using an existing entrance on the adjacent lands to the east, which is currently secured through an existing easement.	
	The development includes 124 dwelling units which is composed of 30 (24%) one bedroom and one bedroom plus den, 83 (67%) two bedroom and two bedroom plus den, and 11 (9%) three bedroom.	

Application Details			
Proposal (Continued)	Additionally, the proposal includes a total of 761 square metres of amenity space (in the form of indoor and outdoor amenity space), 62 long term bicycle parking spaces, 16 short term bicycle parking spaces, four commercial spaces and 16% landscaping within the parking area.		
	The development will function in conjunction with the two abutting commercial properties as access and maneuvering for parking spaces is provided through the lands abutting to the east through a registered easement. As a result, the site circulation for the proposal was evaluated as a whole to ensure that the site continues to function appropriately after the introduction of the proposed multiple dwelling. As part of the development, a median extension is required to restrict the Centennial Parkway South access to right-in and right-out only. The applicant confirmed that the adjacent landowners (Pioneer Gas Station) have no objection to the median extension.		
Property Details			
Municipal Address:	118 King Street West, Stoney Creek (see Location Map on Appendix "A" attached to Report PED24069).		
Lot Area:	±0.4 hectares (generally rectangular).		
Servicing:	Existing municipal services.		
Existing Use:	Vacant.		
Proposed Use:	Mixed Use Development (commercial/residential).		
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 "Neighbourhoods" on Schedule E-1 – Urban Land Use Designations.		
Official Plan Proposed:	"Mixed Use – Medium Density" on Schedule E-1 – Urban Land Use Designations.		

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Documents		
Secondary Plan Existing:	"Local Commercial" on Old Town Secondary Plan Map B.7.2-1: Land Use Plan.	
Secondary Plan Proposed:	"Mixed Use – Medium Density" with a Site Specific Policy Area on Old Town Secondary Plan Map B.7.2-1: Land Use Plan. The purpose of the Site Specific Policy is to allow a maximum permitted building height of 12 storeys.	
Zoning Existing:	Community Commercial (C3, 579) Zone.	
Zoning Proposed:	Mixed Use Medium Density (C5, 893, H170) Zone.	
Modifications Proposed:	The following modifications are being proposed in the amending Zoning By-law:	
	 To reduce the landscape strip requirement along the westerly property line for a parking area from 1.5 metres to 1.0 metres with no visual barrier; To increase the maximum building height from 22 metres to 37.5 metres; To decrease the westerly side yard from 7.5 metres to 6.0 metres to a building and 4.5 metres to a support column; To increase the maximum building setback to a street from 4.5 metres to 5.3 metres; and, To reduce the planting strip requirement along the west property line from 1.5 metres to 1.0 metre and remove the visual barrier requirement. A modification to remove the increased yard requirement (in the form of a setback or stepback) along the westerly side lot line 	
	when adjacent to a residential zone or use; whereas the current provision requires that the yard be equivalently increased with the height of the building after 11 metres, was added by Staff. The applicant included a request to modify the minimum requirement for a Barrier Free Parking Space size. Staff do not support the requested site specific and have not included it within the draft zoning by-law. Based on conversations with the applicant, they have accepted staff's recommendation regarding the Barrier Free Parking Space size.	

Documents		
Modifications Proposed: (Continued)	Staff advised the applicant that the proposed development would be subject to the regulations within approved By-law No. 24-052, which proposed to delete and replace the parking section in Zoning By-law No. 05-200.	
	A zoning review was completed based on the Council approved By-law No. 24-052, which is subject to appeals. The review identified non-conformities with the new regulations for the proposed development related to electric vehicle parking requirements and the minimum number of accessible parking space requirements. Through discussions with the applicant, they requested a modification to the minimum number of Barrier Free Parking Spaces and advised that they are not requesting any other modifications to the identified non-conformities. Staff do not support a modification to the number of Barrier Free Parking Spaces as the City's latest approved regulations align Zoning By-law No. 05-200 with the requirements of the <i>Accessibility for Ontarians with Disabilities Act</i> . Any reductions from this would bring the proposal out of compliance with this legislation.	
Processing Details		
Received:	December 14, 2022.	
Deemed Incomplete:	January 4, 2023.	
Deemed Complete:	February 22, 2023.	
Notice of Complete Application:	Sent to 64 property owners within 120 m of the subject lands or March 10, 2023.	
Public Notice Sign:	Posted March 13, 2023, and updated with Public Meeting date May 8, 2024.	
Notice of Public Meeting:	Sent to 64 property owners within 120 m of the subject lands on May 17, 2024.	
Staff and Agency Comments:	Staff and agency comments have been summarized in Appendix "G" attached to Report PED24069.	
Public Consultation:	On April 25, 2023, a letter was sent by Arcadis IBI Group to neighbours within 120 metres of the subject property outlining the details of a public open house.	

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Public Consultation: (Continued)	The public open house took place on May 24, 2023, with the applicant and four members of the public in attendance. The public comments received at the meeting related to neighbourhood character and density, increased traffic, construction nuisance, and privacy.	
Public Comments:	To date no public comments have been received by staff.	
Processing Details		
Revised Submissions Received:	A resubmission was received on October 27, 2023.	
Processing Time:	468 days from deemed complete and 221 days from receipt of final revised submission.	

Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
Subject Lands:	Vacant	Community Commercial (C3, 579) Zone
Surrounding Land	Uses:	
North	Single detached dwellings	Single Residential "R2" Zone
South	Vacant parcel, open space, and a cemetery (Stoney Creek Cemetery)	Open Space (P4) Zone and Community Commercial (C3, 579) Zone
East	Existing gas station and associated convenience retail	Community Commercial (C3, 579) Zone
West	Two storey mixed use buildings and six storey multiple dwelling	Multiple Residential "RM2-30" Zone, Modified, and Multiple Residential "RM4-7" Zone, Modified

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POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Policy Framework

A comprehensive policy review has been provided for the Provincial Policy Statement (2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) in Appendix "E" attached to Report PED24069.

Provincial Policy Statement (2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended)

The proposed 12 storey mixed-use building is an efficient use of land and infrastructure and is proposed on full municipal services subject to a Holding Provision for capacity. The proposal will contribute to the range and mix of residential units in the neighbourhood, which will help accommodate households of all income levels and stages of life. The subject site is also located in proximity to community uses including the Stoney Creek Recreation Centre, Stoney Creek Arena, Battlefield Park, Sister's of Saint Joseph Park, and Saint David's Elementary School. The proposal is located along the existing number 5 Hamilton Street Rail bus route and within approximately 1.5 kilometres of the proposed light-rail transit stop located at Centennial Parkway and Queenston Road. Accordingly, the proposal will contribute to the achievement of a complete, transit-supportive community.

Based on the foregoing, the proposal is consistent with the Provincial Policy Statement (2020) and conforms to the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

Urban Hamilton Official Plan

The subject lands are identified as "Neighbourhoods" on Schedule E – Urban Structure and designated as "Neighbourhoods" on Schedule E-1 – Urban Land Use Designations. An Official Plan Amendment to redesignate the lands to the "Mixed Use – Medium Density" designation is required to implement the proposal, which is attached as Appendix "B" to Report PED24069. A comprehensive review of the applicable Official Plan policies is attached as Appendix "E" to Report PED24069.

The intent of the proposed "Mixed use – Medium Density" designation is to permit a range of retail, commercial and residential accommodation and function as vibrant people places by increasing day and night activity with the residential component, while also enhancing the function of these areas as transit supportive corridors.

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Staff reviewed the proposal as it relates to the proposed increase in height from six to 12 storeys subject to the applicant complying with the applicable development criteria, which includes a mix of unit sizes to accommodate a range of household sizes and income levels, the incorporation of sustainable building and design principles, that no undue shadow impacts are created on existing residential areas designated "Neighbourhoods", that buildings are progressively stepped back from the adjacent areas designated "Neighbourhoods", and that buildings are stepped back from the street to create an appropriate scale relative to the street width. Based on the studies submitted in support of the applications and the proposed unit composition of the development, staff have determined that the proposal complies with the policies to increase the height to 12 storeys.

To meet the access policies of the Urban Hamilton Official Plan, the vehicular access will be provided through an existing access on the adjacent property to the east through a registered easement. Staff evaluated alternative access arrangements, including a separate access for the proposal onto King Street West; however, these alternatives did not meet City guidelines with respect to separation distance between vehicular accesses. As the proposed access does traverse the lands to the east, the proposal was evaluated with regard to if the proposed development negatively impacts the existing commercial uses on the adjacent lands and how the sites will function.

The additional traffic generated from the proposed multiple dwelling is not anticipated to create any conflicts with the existing commercial land uses on the adjacent lands to the east. Furthermore, a pedestrian connection is proposed to Centennial Parkway South through adjacent lands to the east. While this walkway is feasible, it is contingent on the redevelopment of the lands to the east. Accordingly, staff have completed a review and are satisfied that sufficient pedestrian access is being provided from King Street West if the lands to the east are not redeveloped, which is subject to a current Site Plan Control application (DA-18-085). Staff have no concerns with the proposed access arrangement and are satisfied that it will function satisfactorily from a vehicular and pedestrian circulation perspective. Transportation Planning staff reviewed the maneuvering for the entire site and confirmed there are no concerns with the location of parking on the subject lands while maneuvering is on the adjacent property within the easement. Details related to the site circulation will be further evaluated at the Site Plan Control stage.

Based on the foregoing and the analysis provided in Appendix "E" attached to Report PED24069, the proposal complies with the general intent of the Urban Hamilton Official Plan subject to the recommended Official Plan Amendment.

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Old Town Secondary Plan (Volume 2)

The subject lands are designated as "Local Commercial" on Map B.7.2-1: Land Use Plan in the Old Town Secondary Plan. To implement the proposal, an Official Plan Amendment is required to redesignate the lands to "Mixed Use – Medium Density" and to add a Site Specific Policy that increases the maximum height to 12 storeys. A review of the applicable Official Plan policies is attached as Appendix "E" to Report PED24069.

The policies within the Old town Secondary Plan note that the Volume 1, "Mixed Use – Medium Density" policies of the Urban Hamilton Official Plan shall also apply to the lands designated "Mixed Use – Medium Density" found within the Old Town Secondary Plan. Staff are satisfied that the proposal complies with the policies of Volume 1 of the Urban Hamilton Official Plan, as noted above. The Secondary Plan does, however, apply a general maximum building height of six storeys for development, which results in the need for a Site Specific Policy to increase the height to 12 storeys.

Staff are satisfied that the applicant has demonstrated that the additional height meets the criteria established in policy E.4.6.8 of Volume 1 of the Urban Hamilton Official Plan as it relates to increased height on-site. The proposed development includes a combination of one bedroom, two bedroom and three bedroom units, the owners have committed to a sustainable building design including, but not limited to, energy efficient appliances and upgraded windows / façade treatments to enhance the building performance, that no undue shadow impacts are created on existing residential areas designated "Neighbourhoods", that buildings are progressively stepped back from the adjacent areas designated "Neighbourhoods", and the proposed building is stepped back from the street to create an appropriate scale relative to the street width.

Based on the foregoing and the analysis provided in Appendix "E" to Report PED24069, the proposal complies with the Old Town Secondary Plan.

Zoning By-law No. 05-200

The proposed Zoning By-law Amendment is for a change in zoning from the Community Commercial (C3, 579) Zone to the Mixed Use Medium Density (C5, 893, H170) Zone as shown on Appendix "C" to Report PED24069. The effect of this Zoning By-law Amendment will permit a 12-storey mixed use building consisting of 124 residential units, 190 square metres of commercial gross floor area and 124 parking spaces (74 underground spaces, 14 covered paring spaces at grade and 36 surface parking spaces). Modifications to the Mixed Use Medium Density (C5) Zone are required to facilitate the development and are summarized in the Report Fact Sheet above and evaluated in Appendix "F" attached to Report PED24069. The proposed zoning is discussed in the Analysis and Rationale section of this Report.

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ANALYSIS AND RATIONALE FOR RECOMMENDATION

- 1. The proposal has merit and can be supported for the following reasons:
 - i) It is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
 - ii) It complies with the general intent and purpose of the Urban Hamilton Official Plan and Old Town Secondary Plan, subject to the adoption of the proposed Official Plan Amendment; and,
 - iii) The proposal represents good planning by, among other things, providing a compatible residential development that contributes to the achievement of a complete community through the establishment of housing forms and densities that are in keeping with the existing and planned character of the surrounding area, while making efficient use of vacant underutilized land.
- 2. The purpose of the Official Plan Amendment is to amend Volume 1 of the Urban Hamilton Official Plan to redesignate the lands from "Neighbourhoods" to "Mixed Use Medium Density" and to amend the Old Town Secondary Plan to redesignate the subject lands from "Local Commercial" to "Mixed Use Medium Density" and add a Site Specific Policy for an increased height to a maximum of 12 storeys, as shown in Appendix "B" attached to Report PED24069. A full review of the applicable Official Plan policies has been included in Appendix "E" to Report PED24069 and a summary has been provided below.

The proposed Official Plan Amendment can be supported as the development proposes an appropriate scale and density, adds to the range of housing types and unit sizes in the neighbourhood, is compatible with the surrounding neighbourhood, and optimizes existing and planned infrastructure while supporting the viability of transit.

As part of the Official Plan Amendment, a Site Specific Policy is required to permit a maximum height of 12 storeys on the subject lands. To determine if the proposed increase in height is appropriate, the proposal was reviewed against the criteria listed in policy E.4.6.8 of Volume 1 of the Urban Hamilton Official Plan and the City's intensification policies. The proposal meets the intent of the policy by providing a variety of dwelling unit sizes, including family sized units; does not create negative impacts on the surrounding residential or public spaces from a shadowing or privacy/overlook perspective; is progressively stepped back from

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the residential area to the north; and is stepped back from the street to minimize its perceived scale from the public realm.

Therefore, staff supports the proposed Official Plan Amendment.

3. The proposed Zoning By-law Amendment rezones the subject lands to the Mixed Use Medium Density (C5, 893, H170) Zone. An analysis of the proposed modifications is discussed in Appendix "F" attached to Report PED24069.

Staff are satisfied that the proposal meets the intent of the "Mixed Use – Medium Density" designation policies and applicable intensification policies of the Urban Hamilton Official Plan as outlined in Appendix "E" attached to Report PED24069.

Therefore, staff supports the proposed Zoning By-law Amendment.

4. A Holding 'H' Provision is proposed to be added to the subject lands to ensure that the development cannot connect to municipal services until the necessary upgrades are completed to ensure adequate servicing capacity is available; that a Hydrogeological Brief by a qualified professional has been submitted and approved; that a revised Tree Protection Plan is submitted and approved, including written permission from the adjacent property owner regarding the removal of a boundary tree; and that the extension of the centre median along Centennial Parkway South is completed.

Vehicular access and maneuvering for parking spaces will be provided through an existing access on the adjacent property to the east through a registered easement. A Holding Provision is recommended that requires that the applicant enter into the appropriate shared parking and access agreements and register the appropriate easements on title to secure the legal right to the existing access on the adjacent lands in perpetuity.

ALTERNATIVES FOR CONSIDERATION

Should the applications be denied, the proposed development could not proceed, and the lands would remain in the Community Commercial (C3, 579) Zone, which permits local commercial uses intended to serve the residents in the surrounding neighbourhood along a collector or arterial road with limited residential uses permitted above the first floor.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED24069 – Location Map

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Appendix "B" to Report PED24069 – Draft Official Plan Amendment Appendix "C" to Report PED24069 – Draft Zoning By-law Amendment Appendix "D" to Report PED24069 – Concept Plan and Building Elevations Appendix "E" to Report PED24069 – Policy Review Appendix "F" to Report PED24069 – Zoning Modification Chart

Appendix "G" to Report PED24069 – Staff and Agency Comments

AB:sd