



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
Planning Division

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	July 9, 2024
<b>SUBJECT/REPORT NO:</b>	Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 365 Highway No. 8, Stoney Creek (PED24108) (Ward 10)
<b>WARD(S) AFFECTED:</b>	Ward 10
<b>PREPARED BY:</b>	Michael Fiorino (905) 546-2424 Ext. 4424
<b>SUBMITTED BY:</b>	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That **Amended Official Plan Amendment Application UHOPA-24-005, by Bousfield Inc. (c/o David Falletta) on behalf of 2752037 Ontario Inc. (c/o Mario Nesci), Owner**, to amend the Western Development Area Secondary Plan to add a new Site Specific Policy within the “District Commercial” designation to permit residential dwelling units and a medical clinic or office on the ground floor to facilitate development of a nine storey mixed use building, for lands located at 365 Highway No. 8, as shown on Appendix “A” to Report PED24108, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED24108, 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-24-011, by Bousfield Inc. (c/o David Falletta) on behalf of 2752037 Ontario Inc. (c/o Mario Nesci), Owner**, for a change in zoning from the District Commercial (C6)

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Zone to the District Commercial (C6, 904, H177) Zone, to permit a nine storey mixed use building consisting of 189 residential dwelling units, 273 square metres of ground floor commercial and 187 parking spaces, for lands located at 365 Highway No. 8, as shown on attached Appendix "A" to Report PED24108, be **APPROVED** on the following basis:

- (i) That the draft Amended By-law, attached as Appendix "C" to Report PED24108, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending Amended 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 proposed District Commercial (C6, 904, H177) Zone:

The Holding Provision 'H177', is to be removed conditional on the following:

- (1) That the owner submit and receive approval of a revised Functional Servicing Report, prepared by a qualified Professional Engineer, to the satisfaction of the Director, Growth Management and Chief Development Engineer;
  - (2) That the owner submit and receive approval of a revised Transportation Impact Study, prepared by a qualified Professional Traffic Engineer, to the satisfaction of the Director of Transportation Planning and Parking;
  - (3) That the owner submit and receive approval of a revised Tree Protection Plan addressing the protection of trees, including the applicable review fee and submission of written confirmation from the abutting owner of 357 Highway No. 8 for permission to remove trees 3, 4, 6, and 10 as identified on the Tree Management Plan prepared by Adesso Design Inc. dated April 2, 2024, to the satisfaction of the Director of Heritage and Urban Design;
- (iii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2020), conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and comply with the Urban Hamilton Official Plan and the Western Development Area Secondary Plan upon adoption of the Official Plan Amendment.

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- (c) That approval be given for further modifications to the District Commercial (C6) Zone, to permit a 28.50 metre (nine storey) mixed use building consisting of 189 residential dwelling units, 273 square metres of ground floor commercial and 187 parking spaces, for lands located at 365 Highway No. 8, as shown on Appendix “A” to Report PED24108, subject to the following:
- (i) That the draft By-law, attached as Appendix “I” to Report PED24108, be held in abeyance until such time as By-law No. 24-052, being a by-law to delete and replace Parking regulations, is in force and effect;
  - (ii) That staff be directed to being forward the draft By-law, attached as Appendix “I” to Report PED24108, for enactment by City Council, once By-law No. 24-052 is in force and effect.

### **EXECUTIVE SUMMARY**

The subject lands are municipally known as 365 Highway No. 8 and are located on the north side of Highway No. 8, east of the intersection of Highway No. 8 and King Street East in Stoney Creek. The applicant has applied for an Urban Hamilton Official Plan Amendment and a Zoning By-law Amendment.

The purpose of the amended Official Plan Amendment application is to amend the Western Development Area Secondary Plan to add a new Site Specific Policy area within the “District Commercial” designation to permit residential dwelling units and a medical clinic or office on the ground floor to facilitate development of a nine storey mixed use building consisting of 189 dwelling units and ground floor commercial uses within the “District Commercial” designation.

The purpose of the amended Zoning By-law Amendment application is to change the zoning from the District Commercial (C6) Zone to the District Commercial (C6, 904, H177) Zone to permit a nine storey mixed use building consisting of 189 residential dwelling units, 273 square metres of ground floor commercial and 187 parking spaces, as shown on Appendix “E” to Report PED24108. Site specific modifications to the District Commercial (C6) Zone are proposed to accommodate the proposed development, and permit ground floor residential which are discussed in detail in Appendix “D” to Report PED24108.

The proposed amended Official Plan Amendment and amended Zoning By-law Amendment have merit and can be supported for the following reasons:

- They are consistent with the Provincial Policy Statement (2020);

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- They conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- They comply with the Urban Hamilton Official Plan and Western Development Area Secondary Plan upon adoption of the Official Plan Amendment; and,
- The proposal is compatible with the existing land uses in the immediate area, and represents good planning by, among other things, providing a compact and efficient urban form, achieves the planned urban structure and supports developing a complete community.

**Alternatives for Consideration – See Page 12**

**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**

<b>Application Details</b>	
Owner:	2752037 Ontario Inc. (c/o Mario Nesci).
Applicant:	Bousfield Inc. (c/o David Falletta).
File Number:	UHOPA-24-005 and ZAC-24-011.
Type of Applications:	Urban Hamilton Official Plan Amendment and Zoning By-law Amendment.
Proposal:	The purpose of the amended Official Plan Amendment is to amend the Western Development Area Secondary Plan to add a new Site Specific Policy within the “District Commercial” designation to permit residential dwelling units, medical clinic and office on the ground floor.

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<b>Application Details</b>	
<b>Proposal: (Continued)</b>	<p>The purpose of the amended Zoning By-law Amendment application is for a change in zoning from the District Commercial (C6) Zone to the District Commercial (C6, 904, H177) Zone.</p> <p>The effect of these applications is to facilitate the development of a nine storey mixed use building consisting of 189 residential dwelling units and 273 square metres of ground floor commercial and 22 surface (inclusive of one barrier free space) and 165 underground parking spaces (inclusive of six barrier free spaces) for a total of 187 parking spaces with seven barrier free spaces.</p> <p>The proposal includes 12 residential units on the ground floor at the rear of the building, with commercial uses located at the street line. The development is planned to include 121 one bedroom units, eight one bedroom plus den, 55 two bedroom units and five three bedroom units.</p> <p>Access to the development is from Highway No. 8 and a road widening of approximately 4.9 metres will be taken from Highway No. 8.</p>
<b>Property Details</b>	
<b>Municipal Address:</b>	365 Highway No. 8.
<b>Lot Area:</b>	0.48 ha.
<b>Servicing:</b>	Existing full municipal services.
<b>Existing Use:</b>	The subject site includes a vacant commercial building with surface parking.
<b>Documents</b>	
<b>Provincial Policy Statement:</b>	The proposal is consistent with the Provincial Policy Statement (2020).
<b>A Place to Grow:</b>	The proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).
<b>Official Plan Existing:</b>	"District Commercial"

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<b>Documents</b>	
Official Plan Proposed:	No amendment proposed.
Secondary Plan Existing:	“District Commercial” in the Western Development Area Secondary Plan.
Secondary Plan Proposed by Applicant:	“Mixed Use – Medium Density” in the Western Development Area Secondary Plan.
Secondary Plan Proposed by Staff:	“District Commercial” with a Site Specific Policy to allow ground floor residential units, within the Western Development Area Secondary Plan.
Zoning Existing:	District Commercial (C6) Zone.
Zoning Proposed by Applicant:	Site Specific Mixed Use Medium Density (C5) Zone.
Zoning Proposed by Staff:	District Commercial (C6, 904, H177) Zone.
Modifications Proposed:	<p>The following modifications have been requested by the applicant:</p> <ul style="list-style-type: none"> <li>• To increase the building height from 22.0 metres to 28.5 metres; and,</li> <li>• To increase the maximum building setback from a street line from 4.5 metres to 8.0 metres.</li> </ul> <p>The following modifications are being proposed by staff:</p> <ul style="list-style-type: none"> <li>• To permit dwelling units, medical clinics, and offices on the ground floor while restricting residential uses on the portion of the ground floor of a mixed use building facing the street;</li> <li>• To increase the minimum interior side yard abutting a Residential or Institutional Zone or lot containing residential use from 4.5 metres to 7.5 metres;</li> <li>• To include minimum building height and angular plane requirements;</li> <li>• To include minimum amenity area requirements for dwelling units; and,</li> <li>• To establish a minimum gross floor area for commercial uses.</li> </ul>

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<b>Documents</b>	
Modifications Proposed: <b>(Continued)</b>	<ul style="list-style-type: none"> <li>To establish minimum vehicle and bicycle parking requirements for Dwelling Unit(s), Mixed Use in the District Commercial (C6) Zone.</li> </ul> <p>The following modifications to the Council adopted Parking Regulations (By-law No. 24-052) have been included in the Held in Abeyance By-law (Appendix “I” to Report PED24108):</p> <ul style="list-style-type: none"> <li>To reduce the minimum number of required parking spaces from 0.85 spaces per unit for residents plus 0.25 visitor parking spaces per unit to 0.99 parking spaces per unit; and,</li> <li>To require a minimum of 25% of the parking spaces provided to be Electric Vehicle Parking Spaces.</li> </ul> <p>A complete analysis of the proposed modifications is attached as Appendix “D” to Report PED24108.</p>
<b>Processing Details</b>	
Received:	April 15, 2024.
Deemed Complete:	April 15, 2024.
Notice of Complete Application:	Sent to 70 property owners within 120 metres of the subject property on May 1, 2024.
Public Notice Sign:	Posted April 30, 2024.
Notice of Public Meeting:	Sent to 70 property owners within 120 metres of the subject property on June 28, 2024.
Staff and Agency Comments:	Staff and agency comments have been summarized in attached Appendix “G” to Report PED24099.
Public Consultation:	An in person neighbourhood meeting was held on November 30, 2023. Based on the summary provided by the applicant, attached in Appendix “H” to Report PED24108, approximately 15 members of the public attended the meeting, including the Ward Councillor of which 10 individuals signed the sign in sheet.

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<b>Processing Details</b>	
<b>Public Consultation: (Continued)</b>	Letters of information and invitations were mailed to all neighbours within 240 metres of the development on November 16, 2023.  Resident concerns identified related to privacy, loss of vegetation, property value, height, traffic and parking, affordability and unit sizes, timing of construction, location of loading spaces and rear parking.
<b>Public Comments:</b>	Staff received one written submission expressing concern with reduced privacy, tree removal, reduced property values, and increased traffic. Written submissions are attached in Appendix "H" to Report PED24108.
<b>Processing Time:</b>	85 days.

**Existing Land Use and Zoning**

	<b>Existing Land Use</b>	<b>Existing Zoning</b>
<b>Subject Lands:</b>	Existing vacant one storey commercial building.	District Commercial (C6) Zone.
<b>Surrounding Lands:</b>		
North	Commercial landscape area and single detached dwellings.	Single Residential "R4" Zone, Residential "R6" Zone and District Commercial (C6) Zone.
South	Existing commercial.	District Commercial (C6) Zone and Neighbourhood Commercial (C2, 579) Zone.
East	Existing commercial with dwelling unit(s) above.	District Commercial (C6) Zone.
West	Existing commercial.	District Commercial (C6) Zone.



## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

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

A full review of the applicable Provincial Policy Statement (2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) policies is provided in Appendix “F” to Report PED24108.

#### **Provincial Policy Statement (2020)**

The proposed development supports the development of healthy, liveable, and safe communities. The subject site is located on the north side of Highway No. 8 east of the intersection of Highway No. 8 and King Street East which is intended to develop as a commercial and mixed use corridor and has been identified as a potential higher order transit route. Hamilton Street Railway operated bus routes are located along Highway No. 8.

Based on the foregoing, and subject to the Holding Provision, the proposal is consistent with the Provincial Policy Statement (2020).

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

The subject lands are located within the Urban Boundary and Built-up Area in a settlement area, with existing and planned municipal services. The proposed development supports the achievement of complete communities. It provides a mix of housing options, expands access to transportation options and public service facilities, and provides a more compact built form and a vibrant public realm.

Based on the foregoing, and subject to the Holding Provision, the proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

#### **Urban Hamilton Official Plan and Western Development Area Secondary Plan**

The subject lands are identified as “Secondary Corridor” on Schedule E – Urban Structure, designated “District Commercial” on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan, and further designated “District Commercial” on Map B.7.1-1 – Western Development Area Secondary Plan – Land Use Plan. A full policy analysis of the applicable Urban Hamilton Official Plan policies is provided in Appendix “F” attached to Report PED24108.

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The purpose of the Official Plan Amendment is to amend the Western Development Area Secondary Plan to add a new Site Specific Policy within the “District Commercial” designation to permit residential dwelling units, medical clinic, and office uses on the ground floor of a building to facilitate development of a nine storey mixed use building consisting of 189 dwelling units and ground floor commercial uses.

The proposed amendments can be supported as the proposed development will provide a greater range of housing types and achieve the planned urban structure. The current “District Commercial” designation of Volume 1 of the Urban Hamilton Official Plan permits retail uses in a primarily non-mixed use environment and prohibits residential uses on the ground floor, whereas the “Secondary Corridor” is intended to accommodate retail and mixed use forms in small clusters. The site specific policy area can be supported as Urban Corridor policies promote street-oriented uses which incorporate a mix of retail, employment, and residential uses, developed at overall greater densities, located along arterial roads serving as major transit routes. It is noted that the size and shape of the lot proposed makes it difficult to provide commercial space along the entirety of the ground floor and the proposal has separated the commercial use from the residential while creating an attractive streetscape which is safe and accessible.

Based on the foregoing, and subject to the Holding Provision, the proposal complies with the Urban Hamilton Official Plan and Western Development Area Secondary Plan upon adoption of the Official Plan Amendment.

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

The proposed Zoning By-law Amendment is for a change in zoning from the District Commercial (C6) Zone to the District Commercial (C6, 904, H177) Zone to permit a 28.5 metre (nine storey) mixed use building consisting of 189 residential dwelling units, 273 square metres of ground floor commercial and 187 parking spaces. Modifications to the District Commercial (C6) Zone are required to facilitate the development.

Staff also completed a review of the proposal against the Council approved parking regulations recently adopted through By-law No. 24-052. These regulations are currently not in-force as they are subject to appeals. Accordingly, staff have included a second by-law that includes the necessary modifications to By-law No. 24-052, which is to be held in abeyance until such time as the appeals are resolved and By-law No. 24-052 is in force and effect (refer to Appendix “I” attached to Report PED24108). All requested modifications are summarized in the Report Fact Sheet above and further discussed in attached Appendix “D” to Report PED24108.

## **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 the Western Development Area Secondary Plan upon adoption of the Official Plan Amendment; and,
  - (iii) It is compatible with existing development in the immediate area, and it represents good planning by, among other things, providing a compact and efficient urban form, achieves the planned urban structure and supports developing a complete community.

### **2. Official Plan Amendment**

The purpose of the Official Plan Amendment is to add a new Site Specific Policy within the “District Commercial” designation in the Western Development Area Secondary Plan to permit residential dwelling units, medical clinic and office uses on the ground floor to facilitate development of a nine storey mixed use building consisting of 189 dwelling units and ground floor commercial uses.

The Official Plan Amendment can be supported as the proposed development supports the development of healthy, liveable, and safe communities. The proposed development represents a compatible form of development. It will provide a greater range of housing types and achieve the planned urban structure by maintaining a commercial frontage. The increased density will support the use of existing and planned transit and commercial uses.

Based on the foregoing and the analysis provided in attached Appendix “F” to Report PED24108, staff supports the proposed Official Plan Amendment.

### **3. Zoning By-law Amendment**

The subject lands are zoned District Commercial (C6) Zone in Hamilton Zoning By-law No. 05-200. The Zoning By-law Amendment proposes to change the zoning to the District Commercial (C6, 904, H177) Zone. Staff are satisfied that the proposal meets the intent of the “District Commercial” designation policies in

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the Urban Hamilton Official Plan and the Western Development Area Secondary Plan upon adoption of the proposed Official Plan Amendment.

The proposed amendments meet the general intent of the Zoning By-law. An analysis of the requested modifications is provided in attached Appendix "D" to Report PED24108.

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

4. Holding Provisions

A Holding "H" Provision is proposed to be added to the subject lands for the purpose of requiring an updated Functional Servicing Report, a revised Transportation Impact Study, and approval of a revised Tree Protection Plan. Upon completion of the above noted conditions, the Holding Provision can be lifted.

**ALTERNATIVES FOR CONSIDERATION**

Should the applications be denied, the subject land can be used in accordance with the District Commercial (C6) Zone in City of Hamilton Zoning By-law No. 05-200.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report PED24108 – Location Map  
Appendix "B" to Report PED24108 – Urban Hamilton Official Plan Amendment  
Appendix "C" to Report PED24108 – Zoning By-law Amendment  
Appendix "D" to Report PED24108 – Zoning Modification Table  
Appendix "E" to Report PED24108 – Concept Plan  
Appendix "F" to Report PED24108 – Policy Review  
Appendix "G" to Report PED24108 – Staff and Agency Comments  
Appendix "H" to Report PED24108 – Public Comments  
Appendix "I" to Report PED24108 – Held in Abeyance Zoning By-law Amendment

MF:sd