



PLANNING JUSTIFICATION REPORT

499 Mohawk

499 Mohawk Road East, Hamilton

Project No. 412-21

Prepared for: 499 Mohawk Inc.

By: UrbanSolutions Planning & Land Development Consultants Inc.

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1. Introduction

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) has been retained by 499 Mohawk Inc., the registered owner of the lands municipally known as 499 Mohawk Road East in the City of Hamilton (subject lands) to assist in the coordination and preparation of planning applications necessary to facilitate a site-specific Official Plan & Zoning By-law Amendment.

The enclosed application and supporting materials constitutes a complete application as described in Section Nos. 22, and 34 of the *Planning Act*.

This Planning Justification Report (Report) has been prepared in support of the enclosed Official Plan Amendment & Zoning By-law Amendment to permit the construction of the proposed development. The proposed development consists of multiple dwellings ranging from 8-storeys to 25-storeys in height and 3-storey townhouse dwellings, for a total of 1995 dwelling units. Further, the proposal is accommodated by 1995 resident and visitor parking spaces contained in surface parking spaces and an underground parking garage. A detailed description of this proposal can be found in Section 2 of this report.

This Report provides an overview of the subject lands and a detailed description of the proposal, a description of the supporting studies and a detailed review of the applicable planning policy framework. This Report also provides the planning justification in support of the proposed residential development through the evaluation of the planning merits of the Official Plan and Zoning By-law Amendment applications.

1.1 Location

The subject lands comprise of a square shaped parcel located on the north side of Mohawk Road East and west side of Upper Sherman Avenue, as shown in Figure 1.



Figure 1 – Subject Lands

1.2 Site Description and Surrounding Context

The subject lands are situated within Ward 7 located in the Burkholme Neighbourhood. Proposed for demolition on the subject lands is an underutilized one storey commercial strip mall and surface parking lot with no landscaped open space at the address municipally known as 499 Mohawk Road East, Hamilton. The site has +/- 196.2 metres of frontage on Mohawk Road East and +/- 117.5 metres on Upper Sherman Avenue and is approximately 3.95 hectares (9.76 acres) in size.

A varied range of densities, built forms and land uses surround the subject lands as shown in Figure 2 and outlined below:



Figure 2 – Neighbourhood Context

North: Abutting the subject lands to the north, are a mix of 1 – 2-storey single detached dwellings. Further north of the subject lands is the Franklin Road Elementary School.

East: East of the subject lands, across Upper Sherman Avenue, is a mix of 1 and 2-storey single, semi-detached dwellings and commercial buildings. Across Upper Sherman, less than 50 metres northeast of the subject lands, is the 6.96 hectare Macassa Park.

South: Abutting the subject lands to the south, across Mohawk Road East, are several multiple dwellings ranging from 6-storeys to 12-storeys in height. Further south, is a predominant mix of 1 and 2-storey single and semi-detached dwellings.

West: Abutting the subject lands to the west, there are a collection of 1 and 2-storey single and semi-detached dwellings. Further southwest, approximately 500 metres from the subject lands is a grocery store and Limeridge Mall.

1.3 Transportation Context

Transportation

The subject lands have frontage on Mohawk Road East and Upper Sherman Avenue. Mohawk Road East is classified as a Major Arterial Road in Schedule C – Functional Road Classification in the Urban Hamilton Official Plan

(UHOP). While Upper Sherman Avenue is identified as a Minor Arterial Road in Schedule C – Functional Road Classification of the UHOP, as shown on Figure 3. Mohawk Road East is a two-way, five lane street with a central turning lane and sidewalks on both the north and south side. Upper Sherman Avenue is a two-way, five lane street with a central turning lane and sidewalks on the east and west sides.

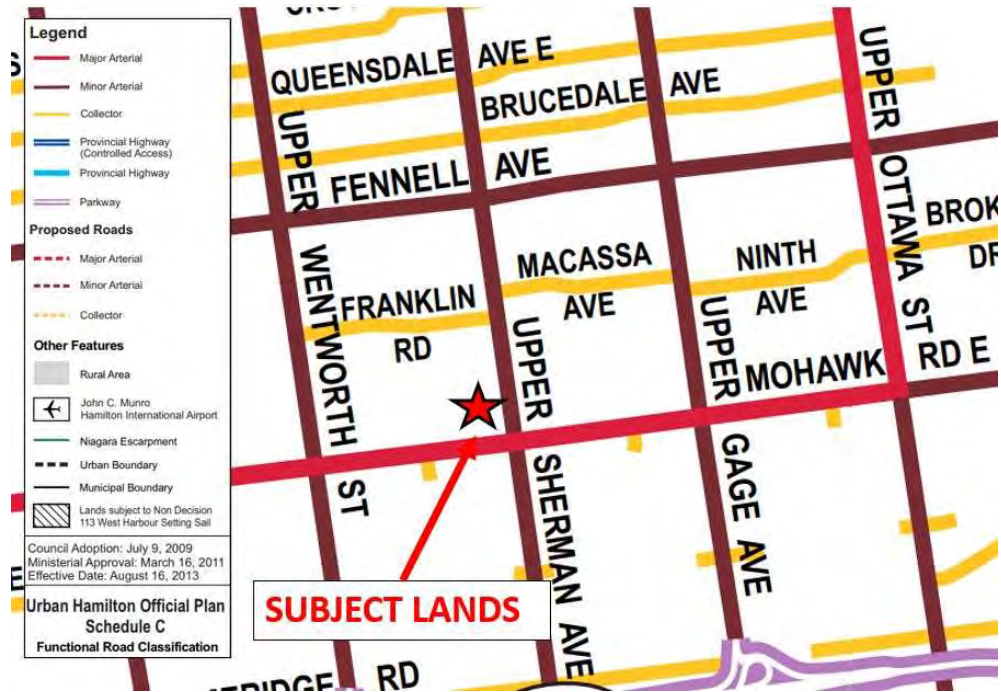


Figure 3 – Urban Hamilton Official Plan – Schedule C: Functional Road Classification

As shown below in Figure 4, an existing Route 41 & 42 HSR transit stop is located at the southeast corner of the subject lands on Mohawk Road East, as well as an existing Route 24 HSR transit stop at the northeast corner of the subject lands on Upper Sherman Avenue. An additional Route 41 & 42 HSR transit stop is located approximately 93 metres west of the subject lands on Mohawk Road East, while a Route 24 HSR transit stop is located approximately 131 metres north of the subject lands on Upper Sherman Avenue. Further, on-street bicycle routes are located along Franklin Road and Macassa Avenue +/- 300 metres north of the subject property which links to the greater City of Hamilton active transportation network of bike lanes, trails and paths. With these options, future residents will be well connected to existing transit infrastructure.



Figure 4 – HSR Route Map

2. Proposed Development

The proposed development consists of two (2) 25-storey multiple dwellings, one (1) 20-storey multiple dwelling, two (2) 15-storey multiple dwellings, one (1) 13-storey multiple dwelling, two (2) 8-storey multiple dwellings and seven (7) 3-storey townhouse dwellings. The proposed multiple dwellings contain 1945 dwelling units, while the proposed townhouses comprise of 50 dwelling units for a total of 1995 dwelling units. The 1995 proposed dwelling units include 350 bachelor units, 585 one-bedroom units, 619 one-bedroom + den units, 342 two-bedroom units and 99 three-bedroom units. The proposal is accommodated by 1995 resident and visitor parking spaces contained in surface parking spaces and an underground parking garage, as well as 95 short term bicycle parking spaces and 948 long term bicycle parking spaces. Further, the owner is proposing to develop the site to implement sustainable design in the construction and operation of the future buildings on the subject lands. This includes the installation of geothermal heat exchange systems for each of the proposed multiple dwellings on site, effectively reducing carbon emissions and improving

overall building energy efficiency. The Concept Plan for the proposed development is contained within Appendix A of this Report.

2.1 Planning Applications

On November 16, 2021 a version of this development concept was first presented via Formal Consultation No. FC-22-012. Following the City's review of the material, a Development Review Team meeting took place on January 26, 2022. Further, a Formal Consultation Document was issued by the City of Hamilton dated February 9, 2022.

Following the Formal Consultation process, the concept plan has been refined and the current iteration reflects the comments provided by the City.

The Formal Consultation process confirmed the studies, plans and reports that are required to be submitted for a "complete" application as per the *Planning Act*. In addition to this Planning Justification Report, the following materials are required to support the planning application:

- Functional Servicing Report
- Preliminary Storm Drainage Area Plans
- Preliminary Grading & Servicing Plan
- Watermain Hydraulic Analysis
- Water Servicing Report
- Survey Plan
- Tree Protection Plan
- Urban Design Report
- Sun Shadow Study
- Wind Impact Study
- Noise Impact Study
- Phase I & Phase II Environmental Site Assessment (in lieu of Record of Site Condition)
- Concept Plan
- Transportation Impact Study
- Transportation Demand Management Report
- Archaeological Assessment
- Public Consultation Strategy
- Draft Official Plan Amendment and Draft Zoning By-law

2.2 Required Approvals

The Formal Consultation Document confirms that approval of the following applications would be required to facilitate the development:

- an Official Plan Amendment;
- a Zoning By-law Amendment;
- a Site Plan Control; and,
- a Draft Plan of Condominium application.

The purpose of the Urban Hamilton Official Plan Amendment is to facilitate the proposal with regards to built form requirements for high density development. Accordingly, the Urban Hamilton Official Plan Amendment will redesignate the lands from District Commercial to Mixed Use Medium Density with site specific policies to permit a maximum height of 25-storeys. The Draft Official Plan Amendment is contained within Appendix B of this Report.

The purpose of the Zoning By-law Amendment is to rezone the subject lands from the City of Hamilton Zoning By-law No. 05-200 District Commercial (C6) Zone to site specific Mixed Use – Medium Density (C5,___) Zone in City of Hamilton Zoning By-law No. 05-200. The Draft Zoning By-law Amendment is contained within Appendix C of this Report.

A future submission of a site plan application will be required to implement the detailed design of the Concept selected for development.

A future standard Draft Plan of Condominium application will also be submitted to establish the tenure for the multi-unit dwellings.

3. Supporting Studies

In addition to this Planning Justification Report, the required studies have been completed in support of this proposal. The following is intended to provide a brief summary of the findings of each study.

3.1 Phase I & II Environmental Site Assessment

As it is acknowledged that a Record of Site Condition will be required prior to full permit issuance, Pinchin Ltd. completed a Phase I and Phase II Environmental Site Assessment for the subject lands in February 2018 and

August 2019 respectively. Subsequently, Pinchin prepared an updated Phase I and Phase II Environmental Site Assessment for the property in August 2019 and June 2021 respectively, based off the findings of their previous reports. The Phase I Environmental Site Assessment concluded that nine Areas of Potential Environmental Concern (APECs) were present on the subject lands as a result of the potentially contaminating activities (PCAs) that occurred on the site historically. The Phase II Environmental Site Assessment concluded that the groundwater quality on site is not impacted by contaminants and meet the applicable Ontario Regulation 153/04. Additionally, the report determined that the soil samples collected on site did not indicate concentrations of contaminant material exceeding the allowances permitted under Ontario Regulation 153/04. Once necessary remediation of the site has been completed, a Record of Site Condition will be filed for the property to the Ministry of Environment, Conservation and Parks.

3.2 Hydraulic Assessment

The Hydraulic Assessment dated August 31, 2022 was prepared by C3 Water Inc. The Assessment concludes that the service pressures under existing and future conditions are expected to fall within the operating standards established by the MECP and City of Hamilton Guidelines. The fire-flow analysis determined that the required fire flow can be achieved at the hydrants on Mohawk Road, while the hydrants on Upper Sherman Avenue were not able to meet the fire flow requirements in the 2031 projected needs of the area. While the Upper Sherman Avenue hydrants are deficient in 2031, this condition is not a result of the proposal but rather the anticipated growth scenario of the servicing area in general. As such, it is expected that the City would upgrade the infrastructure to meet this demand accordingly. Furthermore, the Hydraulic Assessment confirmed that the proposed watermains can withstand the pressure necessary to service the development and surrounding built form.

3.3 Functional Servicing Report & Stormwater Management Plan

A Functional Servicing Report was prepared by Lanhack Consultants dated August, 2022. This report concludes that the subject lands can be developed in accordance with municipal standards. The proposed development will not exceed the allowable discharge rates during storm events, sufficient stormwater storage is provided through the installation of a stormwater storage tank as per the Preliminary Site Servicing Plan and a sufficient sanitary and water servicing system is to be installed as per the Preliminary Site Servicing Plan. Furthermore, the water distribution system has adequate

pressure and capacity to fully service the proposed development. In addition to the Functional Servicing Report, Lanhack Consultants also prepared a preliminary Grading & Servicing Plan for the proposed development which demonstrates that stormwater flows are directed to the appropriate locations. A Stormwater Management Report was prepared by Lamarre Consulting Group dated July 2022. The report concludes that the 100-year peak runoff rate of the subject site into the Upper Sherman sewer system will be effectively controlled to the existing 2-year peak rate, taking into account the estimated increase in sanitary sewer flow. This is achieved through the installation of a stormwater tank and 450mm orifice pipe to restrict outlet rate.

3.4 Tree Protection Plan & Preliminary Landscape Plan

Whitehouse Urban Design prepared the Tree Protection Plan, August 2022. The Report summarizes the status of the existing trees and provides recommendations for tree management in the public and private realm. As noted in the Tree Protection Plan, the three existing trees on site are proposed to be retained through construction of the proposed development. The Preliminary Landscape Plan prepared by Whitehouse Urban Design provides a central linear park that creates a vibrant sense of place for the proposed development that aesthetically enhances the streetscape of the neighbourhood. Contained in the landscape design is the proposed treatment and integration of indoor and outdoor amenity areas throughout the site in the various multiple dwellings. Further, the landscape design for the proposed development includes features that support the proposed buildings, including the design of pedestrian circulation, surface materials for all areas not covered by buildings, fencing/visual barriers, resident dog park amenity area, streetscape, proposed plantings, planting chart including size and quantity.

3.5 Traffic Impact Study & Transportation Demand Management Report

A Traffic Impact Study was prepared by Paradigm Transportation Solutions dated August 2022. The study assesses the impact of traffic on the adjacent roadway related to the proposed development of the subject lands and provides recommendations to accommodate this traffic in a safe and efficient manner. The report concludes that the proposed development can generally be accommodated by the existing transit system and intersections surrounding the site, however did make some infrastructure

recommendations to mitigate any potential impacts to the road network. Specifically, the median at Cameo Avenue at Upper Sherman Avenue is recommended to be removed to allow for full movements at the intersection and the signal timing plans of the study area are recommended to be modified to accommodate the increased background traffic growth. All intersections are expected to operate at acceptable levels of service and will not add significant delay or congestion to the local roadway network. Further, the proposed arrangement of accesses on Upper Sherman Avenue and Mohawk Road East comply to City standards and is consistent with the context of the area. A Transportation Demand Management Report was also included in the Traffic Impact Study. This report conducted a review of the Transportation Demand Management Plan for the site which includes the inclusion of adequate onsite bike parking, consideration for the unbundling of parking stalls with unit purchase and wayfinding and travel planning Welcome Packages for residents. Ultimately, it was determined that the Transportation Demand Management Plan is comprehensive and will aid in reducing automobile reliance on site and increase travel by sustainable modes of transportation.

3.6 Sun/Shadow Study

SunPosition prepared a Sun/Shadow Study, dated July 22, 2022. In keeping with the guidelines contained in Appendix F of the City of Hamilton Shadow Impact Study for Downtown Hamilton Terms of Reference, the study evaluated shadows throughout the day on March 21st and September 21st. The study identified 14.0 metres as the maximum permitted height on the subject lands and used that height to inform the as-of-right shadows for the site. A comparison of as of right shadows and those cast by the proposed development demonstrates that shadows cast by the tower design do not result in significant adverse impacts as adjacent residential amenity areas, public open space, public sidewalks, and the face of residential buildings are not subject to prolonged shadows. The development has been designed to be consistent with the direction provided in the City's design policies and guidelines. As proposed, the development concept maintains 5-hours of continuous sunlight for all abutting properties as prescribed by the City-Wide Corridor Planning Principles and Design Guidelines.

3.7 Wind Study

RWDI Consulting Engineers completed a Pedestrian Wind Study, dated July 14, 2022. Overall, the proposed development meets all wind safety criterion. Wind conditions at pedestrian areas, amenity areas, sidewalks and all

entrances to the proposed development are considered suitable for the intended usage throughout the summer months, and the development is expected to have minimal impact on the existing conditions of the surrounding public sidewalks. The wind conditions specifically around the southeast corner of the site may become uncomfortable, yet safe in the winter months. However, the uncomfortable wind conditions present on the lands containing the existing mid-rise buildings to the south are predicted to be eliminated by the proposed built form. Additionally in the summer and winter months, wind conditions on the proposed terraces and ground level amenity areas are expected to be suitable for passive activities.

3.8 Noise Impact Study

A Noise Impact Study, dated August 18, 2022, was prepared by HGC Engineers. The study concludes that sound levels will meet MECP guidelines at all lots in the proposed development with the addition of mitigation measures. The report requires Standard Warning Clauses to be inserted into all Offers and Agreements of Purchase and Sale or Lease. Overall, the impacts of the environment can be adequately controlled with upgrades to the building construction, the inclusion of central air condition systems, ventilation and warning clause requirements and the installation of 1.07 metre solid parapet along the border of the 5th floor outdoor amenity area terrace of Building B. In addition, impacts of the proposed development on its surroundings are expected to meet the applicable guideline limits and can be adequately controlled. The report recommends that the builder's plans be reviewed by an Acoustical Consultant prior to issuance of a building permit to ensure required noise control measures have been incorporated.

3.9 Urban Design Brief

The Urban Design Brief dated August 2022 was prepared by Whitehouse Urban Design. The Brief concludes that the design complies with zoning in terms of permitted use, is consistent with the Provincial Policy Statement, conforms to the policies, and implements the general intent of both the Urban Hamilton Official Plan and City of Hamilton Zoning By-law No. 05-200 and 6593. The Brief confirms that the proposed design of the project connects to the public realm, beautifies the streetscape, and fits seamlessly with the surrounding context of the neighbourhood. While site specific modifications to the By-law are required; the Brief confirms appropriate design considerations have been applied to ensure the intent of the provisions are maintained and the modifications do not result in any adverse impacts. Further, the proposed development offers an elegant and

differentiated design of multiple dwellings to establish appropriate transition and integration with the surrounding built context.

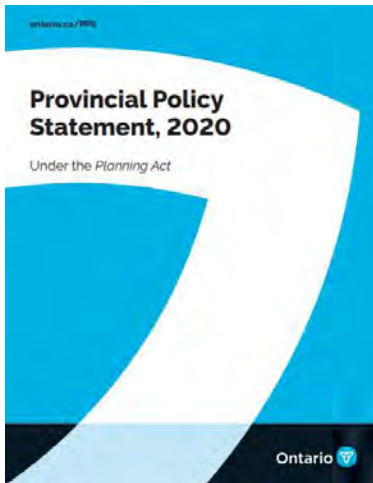
3.10 Archaeological Assessment

A Stage 1 Archaeological Assessment of the site was prepared by Parslow Heritage Consultancy dated April 7, 2022. The Assessment concluded that after a property inspection, the study area was found to have been deeply and extensively disturbed from construction activities occurring on the site for several decades. As such, the integrity of archaeological resources on site have been severely damaged and a Stage 2 Archaeological Assessment is not warranted. On May 18th, 2022, the Ministry of Heritage, Sport, Tourism and Culture confirmed that no further archaeological work was required for the 499 Mohawk Road East property and entered the report into the Ministry registry. This Assessment concludes that the subject lands contain no archaeological resources and therefore, no further archaeological assessment of the Study Area is recommended.

4. Planning Policy Framework

The following is intended to provide a review and highlight the planning policy framework applicable to the subject lands. The applicable documents include the Provincial Policy Statement (2020), Places to Grow – Growth Plan for the Greater Golden Horseshoe (2020), the Urban Hamilton Official Plan (2019), the City-Wide Corridor Planning Principles and Design Guidelines, the Downtown Hamilton Tall Buildings Guidelines, the Burkholme Neighbourhood Plan and the City of Hamilton Zoning By-law No. 05-200.

4.1 Provincial Policy Statement, 2020



On February 28, 2020 notice was received from the Ministry of Municipal Affairs and Housing of an updated Provincial Policy Statement (PPS) which took effect as of May 1, 2020. The PPS supports the implementation of More Homes, More Choice: Ontario's Housing Supply Action Plan and includes key changes to:

- Encourage an increase in the mix and supply of housing;
- Protect the environment and public safety;
- Reduce barriers and costs for development and provide greater certainty;
- Support rural, northern and Indigenous communities; and
- Support the economy and job creation.

The PPS, 2020 works together with other recent changes to the land use planning system which collectively support key government priorities of increasing housing supply, supporting job creation and reducing red tape.

The PPS, 2020 policies took effect on May 1, 2020 and replaced the PPS, 2014. In accordance with Section 3 of the *Planning Act*, all decisions affecting land use planning matters made after this date shall be consistent with the PPS, 2020. Recognizing that, this proposal has been prepared in accordance with this new policy framework.

In line with the Provincial Policy Statement 2014, the PPS 2020 continues the mandate of building strong healthy communities. The vision of the PPS 2020 includes the long-term prosperity and social well-being of Ontario which depends on wisely managing change and promoting efficient land use and development patterns.

1.0 Building Strong Healthy Communities

This policy speaks to efficient land use and development patterns which intern support sustainability by promoting strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth.

Policy 1.1.1 identifies a range of criteria for the creation and sustainability of healthy communities that includes efficient development patterns, a mix of housing opportunities, environmental and public health protections, an emphasis on transit-supportive development, and climate change

considerations. To manage and direct land use to achieve efficient and resilient development and land use patterns, the PPS provides the following direction to approval authorities:

“1.1.1 Healthy livable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- 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;
- d) avoiding development and land use patterns that would prevent the efficient expansion of *settlement areas* in those areas which are adjacent or close to *settlement areas*;
- 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;
- f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;
- g) ensuring that necessary *infrastructure* and public service facilities are or will be available to meet current and projected needs;

- h) promoting development and land use patterns that conserve biodiversity; and
- i) preparing for the regional and local impacts of a changing climate.”

Policy 1.1.2 mandates sufficient land be made available to accommodate an appropriate range and mix of land uses, noting that within *settlement areas*, sufficient land shall be made available through *intensification* and *redevelopment*.

1.1.3 Settlement Areas

The PPS, 2020 has specific policies regarding settlement areas noting, among others, that:

“1.1.3.1 *Settlement areas* shall be the focus of growth and development, and their vitality and regeneration shall be promoted.”

“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.”

1.4 Housing

“1.4.3 Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

- a) planning establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households and which aligns with applicable housing and homelessness plans. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s)

which shall represent the minimum target(s) for these lower-tier municipalities;

- b) permitting and facilitating:
 - 1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and
 - 2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;
- c) directing development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
- d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;
- e) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and
- f) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.”

1.6 Infrastructure and Public Service Facilities

Section 1.6 of the Provincial Policy Statement contains a range of policies related to Infrastructure and Public Service Facilities, specifically to ensure consideration for appropriate sewage, water, stormwater, transportation and waste management infrastructure is contemplated for all land development.

2.1 Natural Heritage

Section 2.1 of the Provincial Policy Statement contains policy direction related to the management and conservation of Natural Heritage features including wood lots, wetlands, linkages, wildlife habitats and other natural heritage systems. The general intent of Section 2.1 is to have regard for the above noted features during land development and site alteration.

2.6 Cultural Heritage and Archaeology

Similar to Section 2.1, Section 2.6 of the Provincial Policy Statement policy direction related to the management and conservation of Cultural Heritage and Archaeological resources. Specifically to ensure consideration for built heritage resources, cultural heritage landscapes and archaeological resources for all land development.

4.2 Places to Grow – Growth Plan for the Greater Golden Horseshoe, 2020

The Greater Golden Horseshoe (GGH) is one of the fastest growing regions in North America. In order to accommodate such growth, the Province of Ontario adopted the Places to Grow – Growth Plan for the Greater Golden Horseshoe (Growth Plan) under the *Places to Grow Act, 2005*. This Plan provides the framework for implementing the Government of Ontario's vision for building stronger, prosperous communities by better managing growth in the region to 2051. Section 5(b) of the *Planning Act* requires that decisions that affect planning matters shall conform to or shall not conflict with provincial plans, including the Growth Plan. Schedule 3 of the Growth Plan establishes population targets for the municipalities and regions of the Greater Golden Horseshoe. Specifically, Schedule 3 of the Growth Plan identifies a population target of 820,000 and 360,000 jobs for the City of Hamilton by the year 2051.

The vision for the GGH is found in the Guiding Principles of the Growth Plan, Section 1.2.1 and provides the basis for guiding decisions on how land is to develop. These principles include the following:

- Support the achievement of *complete communities* that are designed to support healthy and active living and meet people's needs for daily living throughout an entire lifetime.
- Prioritize *intensification* and higher densities to make efficient use of land and *infrastructure* and support transit viability.
- Provide flexibility to capitalize on new economic and employment opportunities as they emerge, while providing certainty for traditional industries, including resource-based sectors.
- Support a range and mix of housing options, including second units and *affordable* housing, to serve all sizes, incomes, and ages of households.
- Improve the integration of land use planning with planning and investment in *infrastructure* and *public service facilities*, including

integrated service delivery through community hubs, by all levels of government.

- Provide for different approaches to manage growth that recognize the diversity of communities in the *GGH*.
- Protect and enhance natural heritage, hydrologic, and landform systems, features and functions.
- Support and enhance the long-term viability and productivity of agriculture by protecting *prime agricultural areas* and the *agri-food network*.
- Conserve and promote *cultural heritage resources* to support the social, economic, and cultural well-being of all communities, including First Nations and Métis communities.
- Integrate climate change considerations into planning and managing growth such as planning for more resilient communities and *infrastructure* – that are adaptive to the impacts of a changing climate – and moving towards low-carbon communities, with the long-term goal of net-zero communities, by incorporating approaches to reduce greenhouse gas emissions.

Section 2.2.1 Managing Growth

- “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...;
 - d) Expand convenient access to:
 - i) a range of transportation options...
 - ii) public service facilities...
 - iii) an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other...
 - e) Provide for a more compact built form and a vibrant public realm, including public open spaces;
- ...”

Section 2.2.2 Delineated Built-up Areas

- “1. By the time the next municipal comprehensive review is approved and in effect, and for each year thereafter, the applicable minimum intensification target is as follows:

- a) A minimum of 50 per cent of all residential development occurring annually within each of the Cities of Barrie, Brantford, Guelph, Hamilton, Orillia and Peterborough and the Regions of Durham, Halton, Niagara, Peel, Waterloo and York will be within the delineated built-up area”

Section 2.2.6 Housing

Section 2.2.6 of the Growth Plan provides policy to support housing choice through the achievement of minimum intensification and density targets. Additionally, Section 2.2.6 of the Growth Plan supports the achievement of complete communities through the provision of a diverse range and mix of housing options and densities.

- “2.2.6.1 Upper- and single-tier municipalities, in consultation with lower-tier municipalities, the Province, and other appropriate stakeholders, will:
- a) support housing choice through the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan by:
 - i. identifying a diverse range and mix of housing options and densities, including additional residential units and affordable housing to meet projected needs of current and future residents; and,
 - ii. establishing targets for affordable ownership housing and rental housing;
 - iii.”

Section 3.2 Policies for Infrastructure to Support Growth

Section 3.2 of the Growth Plan speaks to infrastructure to support growth and contains policies related to transportation, infrastructure corridors, water and wastewater systems, stormwater management and public service facilities.

Section 4.2.2 Natural Heritage System

Section 4.2.2 of the Growth Plan sets out policy direction for protecting water resource systems, natural heritage systems, key hydrologic features, and the long-term ecological functions of those areas and features.

Section 4.2.7 Cultural Heritage Resources

Section 4.2.7 of the Growth plan contains policy regarding the conservation of cultural heritage features and wise use and management of cultural heritage resources.

Section 4.2.10 Climate Change

“1.

- a) supporting the achievement of *complete communities* as well as the minimum intensification and density targets in this Plan;
 - b) reducing dependence on the automobile and supporting existing and planned transit and *active transportation*;
- ...”

4.3 Urban Hamilton Official Plan

The City of Hamilton’s Urban Hamilton Official Plan (UHOP) was adopted by Council and received final approval from the Ontario Municipal Board on August 16, 2013. The UHOP is a guiding planning document which provides policies on community management, land use changes, and physical development in the City.

Urban Structure & Urban Land Use

Schedule E – Urban Structure of the UHOP identifies the subject lands as “Neighbourhoods”, as shown in Figure 5. While Schedule E-1 – Urban Land Use of the UHOP designates the subject lands as the “District Commercial”, as shown in Figure 6. The District Commercial designation is intended to provide retail and service commercial uses to the immediate neighbourhood. These retail shops and services may currently be clustered in plaza forms but new redevelopment of existing areas can create an improved street presence by bringing the stores up to the edge of the street. Residential development is additionally permitted and encouraged in the District Commercial designation, provided it enhances and is compatible with the scale and character of existing development. The District Commercial designation consists of commercial uses, medical clinics, offices and residential uses provided they are located above the first storey.

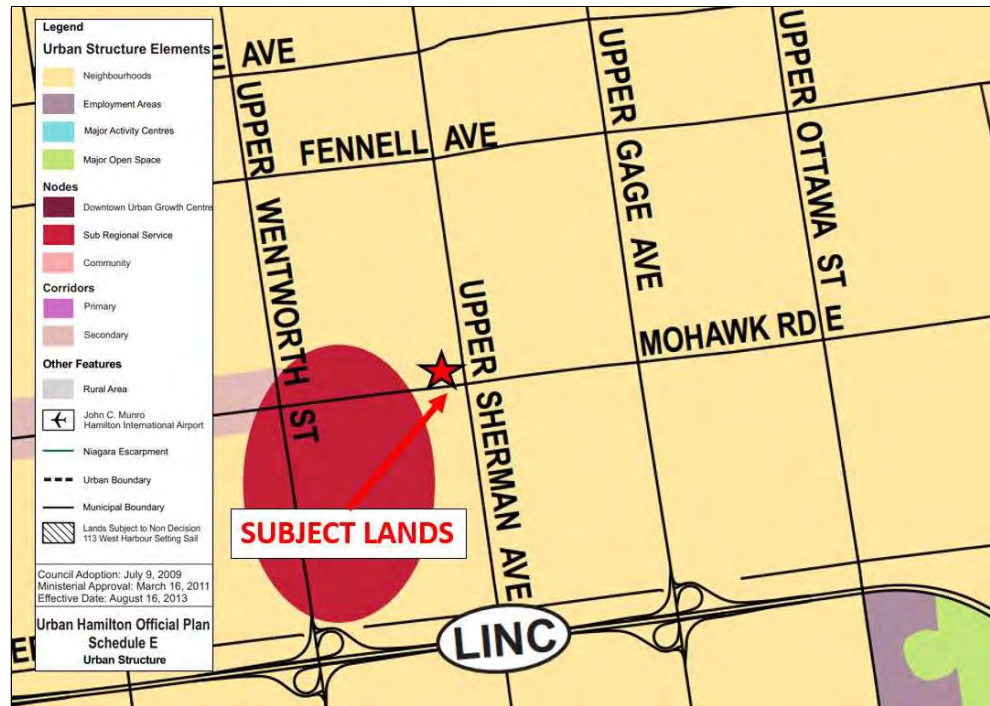


Figure 5 – Urban Hamilton Official Plan – Schedule E (Urban Structure)

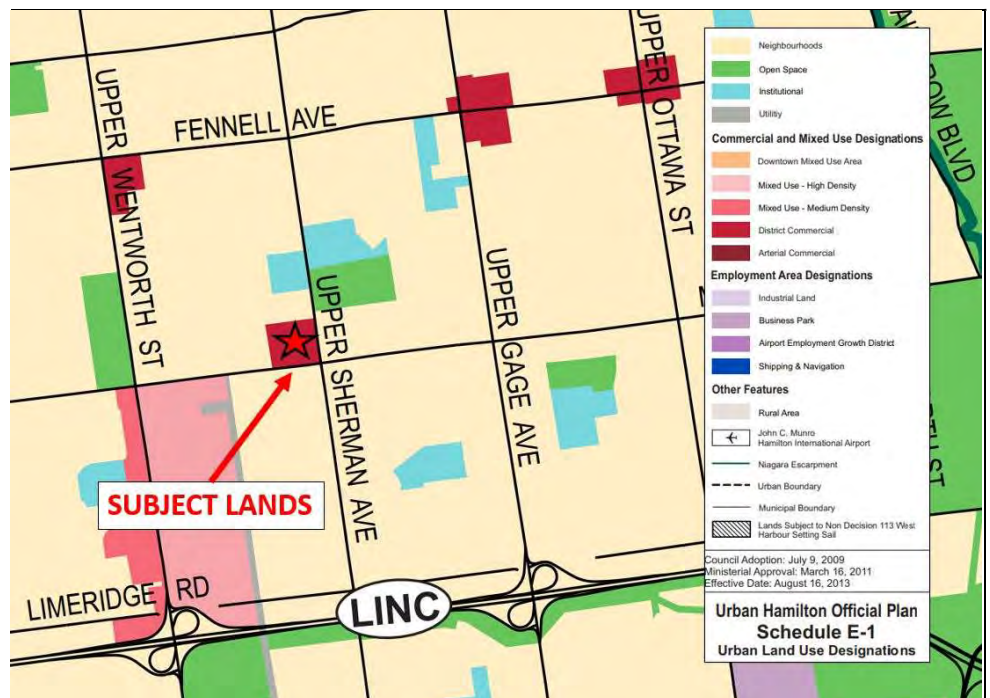


Figure 6 – Urban Hamilton Official Plan – Schedule E-1 (Urban Land Use)

Transportation

Schedule C – Functional Road Classification of the UHOP identifies Upper Sherman Avenue as a ‘Minor Arterial’ road and Mohawk Road East as a ‘Major Arterial’ road. During Formal Consultation with the City, Transportation Planning staff noted that Upper Sherman Avenue has a planned right-of-way width of 36.576 metres through future road widenings. Specifically, a road widening dedication of 5.0 – 8.0 metres on Upper Sherman Avenue was identified as being required to accommodate necessary Right-of-Way improvements.

Additionally, the Local Transit Strategy approved by City Council on March 11, 2015 identifies Mohawk Road as the T-Line on the BLAST Network. Part of the Strategy is for each line within the network to accommodate future growth.

4.4 Burkholme Neighbourhood Plan

While not an applicable policy document under the *Planning Act*, the City of Hamilton Neighbourhood Plans have been approved by Council and provide detailed information about land uses and policies that are relevant to a specific area. The Burkholme Neighbourhood Plan is applicable to the subject lands, the Plan identifies the subject lands as ‘Commercial’ on the Burkholme Neighbourhood Land Use Plan as shown in Figure 7.

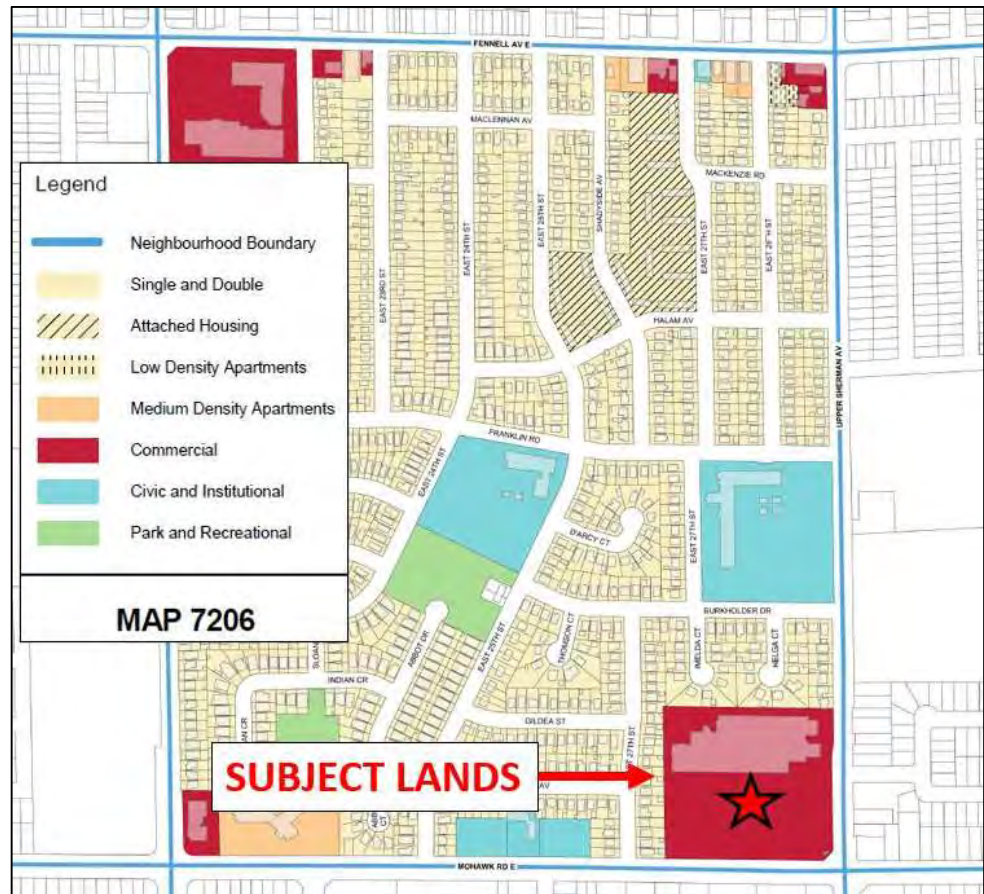


Figure 7 – Burkholme Neighbourhood Land Use Plan

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

In recognition of the previous land use, the subject lands are located in the District Commercial (C6) Zone in the City of Hamilton Zoning By-law No. 05-200, as shown in Figure 8 below.

Due to the nature of the proposed development and the applicable zoning noted above, a Zoning By-law Amendment is required to facilitate the proposal. The purpose of this amendment is to rezone the lands from the District Commercial (C6) Zone in Zoning By-law No. 05-200, to a site specific Mixed Use Medium Density (C5,__) Zone in City of Hamilton Zoning By-law 05-200. Additionally, the proposed Zoning By-law Amendment will provide the necessary site specific zoning provisions to facilitate the proposed multiple dwellings and townhouse dwellings, containing 1995 dwelling units. A copy of the draft Zoning By-law Amendment can be found within Appendix C of this report.

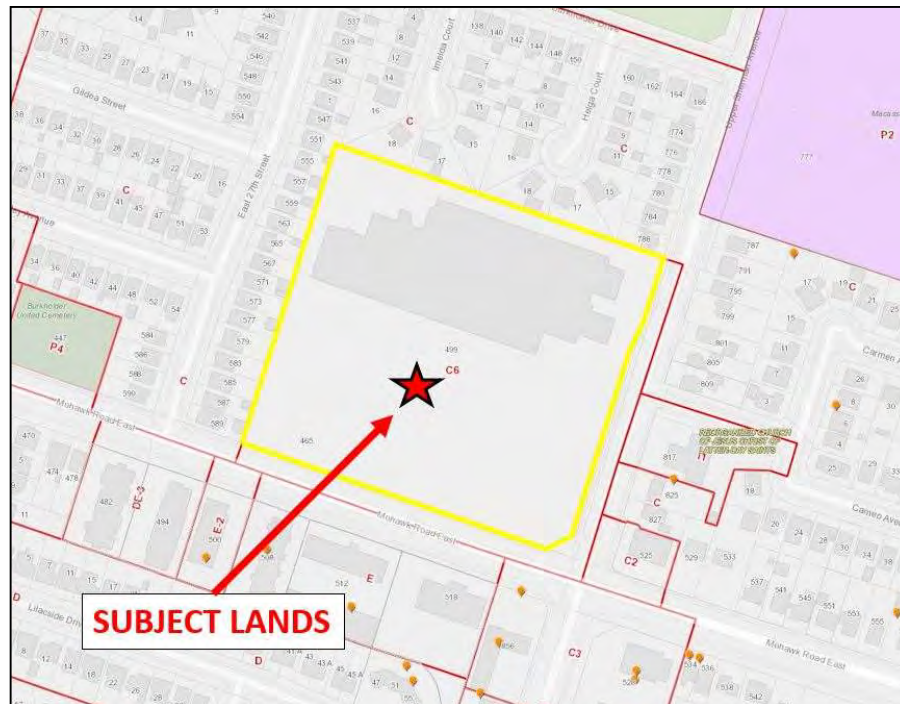


Figure 8 – City of Hamilton Zoning By-law No. 05-200

4.6 City-Wide Corridor Planning Principles and Design Guidelines

The City-Wide Corridor Planning Principles and Design Guidelines (Corridor Guidelines) provides a framework for the design and development of the City of Hamilton’s primary and secondary corridors as identified in the Urban Hamilton Official Plan. The Design Guidelines were established by the City of Hamilton in April of 2012 and directly relate to the Mohawk Road arterial corridor for which the subject lands reside.

Section 4.0 of the Corridor Guidelines outline the Corridor Design Goals for the City and consists of:

- Encourage new intensification and infill development by allowing flexibility and providing alternatives to minimize constraints and provide opportunities.
- Create streetscapes that are attractive, safe and accessible for pedestrians, transit users, cyclists and drivers.
- Minimize the negative effects of shading on existing adjacent properties, streets and public spaces.
- Minimize the negative effects of changes in building scale and character on existing streetscapes and adjacent properties.

- Minimize the negative effects of overview on existing adjacent private properties.
- Encourage a diversity of built form, neighbourhood character and development opportunities along corridors.

Section 4.2 contains a table which prescribes typical building heights for properties based on their existing lot size and dimensions. Specifically, typical heights of 2- to 12-storeys are identified for lots with areas 2.5 hectares or larger. Further, Section 4.2 establishes that taller building heights may also be appropriate based on sun/shadow impacts and design studies.

4.3.1 Maximum Building Height Related to Property Depth

New buildings should be limited in height by a 45 degree build to plane measured from the rear property line when adjacent to existing single detached, semi detached or duplex residential. All parts of the new building above 2 storeys in height should be required to be below the build to plane. This allows for transition in the building form by a stepping down of height adjacent to lower density neighbourhoods. Properties with a greater depth can accommodate a higher building without increasing impacts on adjacent existing properties.

4.3.2 Maximum Building Height Related to Street Width

New buildings should be limited in height by a 45 degree build to plane beginning from a line at grade parallel to the front property line at a distance of 80% of the width of the arterial street right-of-way. All parts of the new building above 3 storeys in height should be below the build to plane. Properties along parts of the corridors with wider streets can accommodate a higher building without increasing impacts on the existing street. This creates an appropriate scale related to the street and minimizes shading.

4.5 Landscaping

A landscape strip should be provided along property lines with single detached, semi detached or duplex residential in the adjacent neighbourhood. This landscape strip should generally be 3 m in width and include trees planted in such a way as to screen views of adjacent properties from the upper floors of new development.

4.9 Long Buildings

Where a building or portion of a building is greater than 60m long and greater than 3 storeys high it should be divided into two separate built forms above the 3rd storey. This will allow a space for light to reach the street and minimize the canyon effect. This is especially important for buildings along the south side of east/west arterials.

4.10 Sidewalks and Streetscapes

1. A minimum sidewalk width consisting of a 2.0 m clear path, and a .5 m area between the curb and clear path for street furniture and lighting should be provided along all corridors. Where buildings are located directly adjacent to the public sidewalk an additional minimum 1.5 m wide zone should be provided between the building façade and clear path to allow for door swings, street furniture and overhangs.
2. Street trees planted at regular intervals should be provided along the street wherever space permits. Trees may be planted on public or private property.
3. At unique locations along the corridors, such as major transit stops, corners and important or highly used buildings, an enhanced public realm should be provided. An enhanced public realm should include wider sidewalks, landscaping, street furniture and public art reflective of the character of the area. These features may be accommodated on public or private property.

4.12 Shadow Impacts

1. Upper floor setbacks, building orientation and shape should be considered in the design of multi storey buildings and incorporated wherever possible to minimize the shading of adjacent properties, public spaces and the public sidewalk.
2. Shadows of the proposed building design should be measured on March 21st when the sun's angle is half way between winter and summer as light levels will improve over the summer months when people tend to be outdoors.
3. To minimize shadow impacts adjacent properties, adjacent public spaces and the public sidewalk on one side of the street should receive a minimum of 5 hours of sunlight throughout the day measured on March 21st.

4.7 Downtown Hamilton Tall Buildings Guidelines

The Downtown Hamilton Tall Buildings Guidelines is a reference document created by the City of Hamilton in February of 2018 to guide the design of tall buildings within Hamilton's Downtown. Specifically, the Guidelines provide direction on building height, massing, transitions, sun/shadowing and building articulation for new high-rise developments. While the subject lands are not located within Hamilton's Downtown, the City of Hamilton identified the Guidelines as a relevant evaluation tool for the proposed development during the Formal Consultation process. As such, elements of the Tall Buildings Guidelines are not applicable to the site, however the relevant design considerations to the project are outlined below.

3.2 Neighbourhood Transition

To ensure that new development is sensitive to and compatible with the existing or planned low-rise residential neighbourhoods, tall buildings should be designed to transition in scale towards existing or planned low-rise residential and existing or planned open space areas. Tall buildings should be designed to:

- a) limit the maximum height, including mechanical units, balconies, railings, overhangs and other projections, and employ measures such as the use of setbacks, stepbacks and building articulation to minimize shadow impact on properties;
- b) transition to the height of adjacent, existing residential development. The portion of the building base adjacent to the low-rise residential building should not exceed the height of the adjacent development; and,
- c) the tower portion of a building should be set back a minimum of 12.5m (excluding balconies) from the property line adjacent to residential neighbourhood to mitigate shadow impact and protect privacy and overlook.

4.2.1 Building Base Placement & Setbacks

Placement

- a) Building bases should generally be placed parallel to the property line and/or centreline of the street, in a fashion that brings uniformity to the built form and frame the street;

- b) The façades of the building base should align with adjacent building façades and align with the existing street wall; if there is none, a new street wall should be designed in coordination with adjacent blocks.

Setbacks

- f) Maximum setbacks from a street line are permitted as follows (in accordance with Zoning By-Law 05-200):
 - 2.0 metres for the first storey, except where a visibility triangle shall be provided for a driveway access;
 - 6.0 metres for that portion of a building providing an access driveway to a garage;

4.2.2 Building Base Height & Scale

Building Base

- a) Façade height should reflect the existing adjacent building façade height but not be lower than 7.5 m for any portion of a building along a streetline;
- b) Maximum building base height at the streetline should be equal to the width of the right-of-way to ensure sunlight access to the sidewalk across the street;
- c) For corner sites, where buildings have multiple street frontages, the scale and form of the building base should respond to each facing condition;
- d) Along main retail streets the minimum height of a building base should be 3 - 4 storeys in keeping with the built form typology of the street

4.2.4 Façade Articulation

- a) No blank walls permitted along street frontages or on side walls visible from the street and alleys; corner lots would need to address both façades by providing active frontage along both sides;
- b) For exterior side walls visible until new construction occurs in neighbouring sites, an interim solution is required to mitigate the impact on the street, such as public art interventions or cladding;
- c) Where possible, a minimum of 25% of the façade of the second and third storeys shall be composed of windows;
- d) Residential façades should be massed volumetrically (projections, setbacks and overhangs) to create an engaging and continuous interface with the street

4.3.1 Building Tower - Tower Floorplate Size & Shape

Floorplate Size and Shape

- a) The maximum gross floor area for the floor plate of the tower portion of a tall building proposed should not exceed 750 square metres for residential purposes and 850 square metres for offices, excluding balconies; however, in small sites, smaller floorplates may be required when applying all appropriate setbacks. Larger floorplates may only be permitted where the other guidelines of this document can be met to the City's satisfaction;
- b) The maximum floorplate of the tower portion of major office and nonresidential tall buildings will be evaluated in accordance with the applicable guidelines of this document to ensure impacts with respect to shadow, transition to adjacent uses and the general scale are addressed; and,
- c) Towers shall have a "lighter" appearance in general, which may be achieved with material selection as well as tower top design - refer to section 4.4

5.1 Streetscape & Landscape Design

The streetscape and landscape design associated with tall buildings can play a vital role in strengthening Hamilton's public space network. Landscape spaces may be located between the property line and the building line that function as an extension of the public boulevard, contributing to the widening of the sidewalk. Landscape spaces may also serve to integrate building entrances into the public realm. Localized setbacks may alleviate specific pinch points in the pedestrian boulevard and/or offset the mass and scale of a tall building in relation to the pedestrian realm.

- a) At-grade levels of the building fronting the landscape setback should address the street with the presence of building entrances and fenestration;
- b) When grade-related residential units are facing a public street, a minimum 3.0 m landscaped setback is recommended to protect privacy. Profuse vegetation, minor changes in elevation, short fences and porch structures may populate the space;
- c) Landscape areas should clearly be designed as publicly accessible, and changes of elevation greater than 50 cm should not be permitted;
- d) Natural features and landscapes, such as existing trees, should be protected and maintained where possible;

- e) In limited landscape areas, colourful flowers, grasses and shrubs are encouraged to highlight the presence of the landscape feature despite the constrained space;
- f) If appropriate (based on use and scale), accent lighting and seating should be provided;
- g) Where space permits, new trees should be planted to improve the microclimate and urban canopy;
- h) Sufficient soil depth must be provided (through use of soil bridging, soil cells or other best practices) especially in areas where parking garages extend beyond the building façade at the underground level; a minimum soil volume of 20 m³ per tree, or 30 m³ for two trees in a shared trench should be provided;
- i) Permeable paving materials or appropriate storm water management systems (bioswales) should take preference over asphalt to increase site permeability and management of storm water runoff.

5. Analysis

5.1 Policy Framework

When evaluating the merits of this development proposal on the subject lands, it is appropriate to review the proposal against the upper tier policy documents. In this instance, the upper tier documents include the *Planning Act*, PPS 2020, the Growth Plan for the Greater Golden Horseshoe, the Urban Hamilton Official Plan, the City-Wide Corridor Planning Principles and Design Guidelines, the Downtown Hamilton Tall Buildings Guidelines and the Burkholme Neighbourhood Plan.

Planning Act, 1990

Section 2 of the *Planning Act* identifies matters of provincial interest that approval authorities must have regard for when evaluating development proposals. They are as follows:

- a) The protection of ecological systems, including natural areas, features and functions;

Planning Comment: The subject lands do not contain any natural areas or features with the exception of 3 trees which are proposed to be retained in the Tree Protection Plan prepared by Whitehouse Urban Design.

- b) The protection of the agricultural resources of the Province;

Planning Comment: The proposed development is located within the approved urban settlement boundary. Accordingly, the development protects the agricultural resources of the Province.

- c) The conservation and management of natural resources and the mineral resource base;

Planning Comment: The proposed development does not adversely impact natural resources or the mineral resource base, as such it has regard for these matters.

- d) The conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;

Planning Comment: As identified in the Stage 1 Archaeological Assessment completed by Parslow Heritage Consultants, the proposed development will not adversely impact matters of cultural heritage or archaeological significance.

- e) The supply, efficient use and conservation of energy and water;

Planning Comment: As addressed in the Lanhack Consultants Functional Servicing Report, the proposed development has regard for the efficient supply, use and conservation of energy and water. Additionally, the implementation of geothermal heat exchange systems in each multiple dwelling ensures energy conservation and efficiency is emphasized on site.

- f) The adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;

Planning Comment: The proposed development ensures the adequate and efficient provision of communication, transportation and waste management systems. The Functional Servicing Report supports the development's provision of sewage and water services.

- g) The minimization of waste;

Planning Comment: Appropriateness of waste management systems provided will be secured through the Site Plan conditions of approval.

- h) The orderly development of safe and healthy communities;

Planning Comment: Collectively, the zoning by-law regulations and the site plan application and conditions of approval ensure the proper and orderly development of the municipality.

h.1) The accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;

Planning Comment: Conditions of approval will ensure pedestrian connections are AODA compliant and the Ontario Building Code will ensure best practices regarding accessibility are met for dwellings.

- i) The adequate provision and distribution of educational, health, social, cultural and recreational facilities;

Planning Comment: The Subject Lands are within the jurisdiction of the Hamilton District School Board and the Hamilton Catholic District School Board. These boards will be circulated on the Official Plan & Zoning By-law Amendment applications to evaluate school allocation.

- j) The adequate provision of a full range of housing, including affordable housing;

Planning Comment: The proposed development provides a range of dwelling types including 1945 multiple dwelling units ranging from 1-bedroom units to 3-bedroom units and 50 block townhouse units as illustrated in the Concept Plans contained in Appendix A. The proposed units will contribute to the overall housing stock in the City.

- k) The adequate provision of employment opportunities;

Planning Comment: The proposed development is in close proximity to a variety of existing employment, commercial and service opportunities. Specifically, these employment opportunities are located along the Upper Wentworth Street corridor and Limeridge Mall, approximately 600 metres and 450 metres west of the site respectively.

- l) The protection of the financial and economic well-being of the Province and its municipalities;

Planning Comment: The proposed development supports long-term economic prosperity of the Province by adding to the overall housing supply and offering a commercial units at grade to contribute to a diverse workforce and range of employment opportunities. Conditions of approval for parkland dedication, development charges and cost sharing also protect the financial and economic well being of the Province and City. Once developed, the lands will contribute significantly more to the municipal tax base than the current underutilized parcel.

- m) The co-ordination of planning activities of public bodies;

Planning Comment: The comprehensive review of this application by the City of Hamilton ensures matters of provincial interest are accounted for and a coordinated approach of planning activities has been implemented.

- n) The resolution of planning conflicts involving public and private interests;

Planning Comment: N/A

- o) The protection of public health and safety;

Planning Comment: The proposed development does not present any negative impacts to public health and safety.

- p) The appropriate location of growth and development;

Planning Comment: Schedule 3 of the Growth Plan establishes a population target of 820,000 for the City of Hamilton by the year 2051. Based on the subject property being located within the Urban Settlement Boundary for the municipality, the proposed development aids the City of Hamilton in achieving their growth target and implements appropriate intensification adjacent to built-up areas.

- q) The promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;

Planning Comment: The proposed development has frontage on the existing road network of the surrounding neighbourhood, which is on an HSR public transit route and provides routes which are walkable and support active transportation. The plan promotes connectivity within the design and supports a pedestrian-oriented environment through the provision of a central linear park and bicycle parking spaces.

- r) The promotion of built form that,
- i. is well-designed,
 - ii. encourages a sense of place, and
 - iii. provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;

Planning Comment: The proposed development offers a well-designed, attractive pedestrian environment with access to private terraces and outdoor amenity spaces including a linear park through the centre of the site. The overall design of the massing and façade is aesthetically pleasing and will aid in enhancing the streetscape of the area.

- s) The mitigation of greenhouse gas emissions and adaptation to a changing climate.

Planning Comment: Multi-unit dwellings have been shown to require less energy and water per resident, making them an integral part of the solution to address climate change. Additionally, the multiple dwellings are proposed to include geothermal heat exchange systems to improve the overall energy efficiency of the development. This will help to mitigate greenhouse gas emissions that will be produced and reduce the overall carbon footprint of the proposed development. Further, this form of intensification maximizes municipal resources and assists in limiting the need for further expansion of the urban boundary; minimizing the need for greenfield development. The developer holds sustainable development as a top priority for all projects and the development proposal contemplated by this report is also intended to contain a range of green initiatives to improve overall energy efficiency of the site.

This proposal has regard for matters of Provincial interest as identified in Part 2 of the *Planning Act*.

Provincial Policy Statement, 2020

Legislation states that *Planning Act* applications must be “consistent with” the Provincial Policy Statement.

This proposal contributes to the Province’s objective to accommodate an appropriate range and mix of land uses (Policy 1.1.1). The proposed residential development will assist with the objective of focusing growth and development in *settlement areas* (Policy 1.1.3) and is providing an appropriate mix of housing options and densities (Policy 1.4.1). Development of the subject lands will facilitate intensification and a compact built form (Policy 1.1.3.4). The proposed development additionally aids in providing housing stock to meet housing needs of the region through the provision of 1995 additional dwelling units to the area (1.4.3). The proposed built form is aligned with the intent of the Council approved approach to the Growth Related Integrated Development Strategy by providing a compact built form within the existing urban boundary. The Stage 1 Archaeological Assessment prepared by Parslow Heritage Consultancy ensure the objectives of Section 2.6 are achieved. As shown on the Tree Protection Plan prepared by Whitehouse Urban Design, and the lack of natural heritage resources identified by City staff during Formal Consultation, Section 2.1 is satisfied by the proposed development. The Functional Servicing and Stormwater Management Report prepared by Lanhack Consultants and Transportation Impact Study prepared by Paradigm confirm the proposed development can be adequately serviced and accommodated by the existing transportation network and municipal servicing infrastructure (Section 1.6).

Accordingly, this proposal is consistent with the Provincial Policy Statement.

Places to Grow – Growth Plan for the Greater Golden Horseshoe

The *Planning Act* states that decisions in respect of planning matters shall conform with applicable provincial plans including the Places to Grow – Growth Plan for the Greater Golden Horseshoe.

This proposal supports the Plan’s aim to prioritize *intensification* and higher densities, to make efficient use of land and *infrastructure* and support transit viability.

This proposal supports the achievement of complete communities and higher densities to more efficiently utilize both land and infrastructure (2.2.1) while supporting public transit and active transportation, in line with the stated policies on climate change (4.2.10). The proposed development aids the municipality in achieving the intensification target of at least 50% of growth to be accommodated within the delineated built-up area (2.2.2). The proposed built form supports the creation of complete communities through the provision of a range of housing forms and a mix of residential densities (2.2.6). The proposed development can be adequately accommodated by municipal servicing infrastructure as confirmed by the Functional Servicing and Stormwater Management Report prepared by Lanhack Consultants (3.2). During Formal Consultation, the City did not identify any natural features or linkages on site, with the exception of three private trees to be contemplated by a Tree Protection Plan. As the three private trees on site are proposed to be retained with many additional trees proposed to be planted on site, the proposal does not contain adverse impacts from a natural heritage perspective (4.2.2). Further, the development proposal does not present any adverse impacts to cultural heritage resources on- or off-site as confirmed by the Stage 1 Archaeological Assessment prepared by Parslow Heritage Consultancy (4.2.7). Further, the proposal provides a mix of housing options and densities including 1995 dwelling units to meet the projected needs of current and future residents (2.2.6.a.i).

It is our (UrbanSolutions') opinion that the proposed development is in conformity with the Growth Plan and therefore the proposed use has regard for matters of provincial interest as identified in the *Planning Act*.

Urban Hamilton Official Plan (UHOP)

The UHOP provides direction and guidance on the management of communities, land use change, and physical development over the next 30 years. To better reflect the proposed land use an Official Plan Amendment is requested to redesignate the lands from District Commercial to Mixed Use Medium Density while adding a site specific provision to permit a maximum building height of 25-storeys. As an amendment is required to permit the proposal, the UHOP provides the framework for evaluating this amendment.

To achieve the City's projected population growth, Section B.2.4.1 of the Plan contains policy direction for residential intensification. More specifically, Section B.2.4.1.3 contains prescribes the City's Neighbourhoods to accommodate 40% of the residential intensification target and the proposed development assist in achieving this objective.

Further, Section B.2.4.1.4 provided criteria to evaluate residential intensification developments. As proposed, and as outlined this Planning Justification Report, the Urban Design Brief prepared by Whitehouse Urban Design and the Functional Servicing Report prepared by Lanhack Consultants, the satisfies the criteria contained in Section B.2.4.1.4(a-g).

“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;

Planning Comment: The proposed development balances and addresses the evaluation of criteria contained in the policies below.

- 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;

Planning Comment: The proposed development has been designed to be compatible with the existing character and function of the neighbourhood. The development has been designed to respect the character, scale, and appearance of the surrounding area which is characterized by a varied range of densities and built forms inclusive of ground related dwellings and high rise apartments. The proposal enhances the character of the area by further optimizing an under-utilized parcel to increase the housing stock in the City. It builds upon the established patterns and built forms by transitioning height and density from the low rise dwellings along the northern and western property lines and the high-rise multiple dwellings to the south along Mohawk Road East to the proposed multiple dwellings which implement appropriate step backs and setbacks. These setbacks and step backs ensure the angular plane regulations within the Hamilton City-Wide Corridor Planning Principles and Design Guidelines informs the angular plane provided by the proposed structures along Mohawk Road East. Further, the proposed site design ensures the low-rise townhouse units abut the existing ground-related dwellings to the north and west of the site. As a result, a 45-degree angular plane has been maintained from the northerly and westerly lot lines. As noted in the Urban Hamilton Official Plan, the Neighbourhoods are intended to accommodate a mix of

low, medium and high rise residential buildings, like the development proposed in the subject application.

- c) the development's contribution to maintaining and achieving a range of dwelling types and tenures;

Planning Comment: The neighbourhood is currently occupied by a varied mix of densities and built forms; predominantly single detached dwellings and high-rise multiple dwellings. The proposed development will contribute to the provision of a range of housing forms and densities in the surrounding neighbourhood. As the proposed development consists of one, two and three-bedroom residential dwelling units, it will contribute to the overall housing stock and a range of dwelling types tenures within the neighbourhood.

- 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;

Planning Comment: The scale and form of the proposal are regulated by the amending by-law to ensure an appropriate relationship is established between the proposed development and existing buildings nearby. The Urban Design Brief prepared by Whitehouse Urban Design demonstrates that the design of the proposed multiple dwellings on the western portion of the site include step backs on the fourth, sixth and eighth floors of the building along the eastern face of the structure which face the low-rise dwellings, to mitigate the impacts on the properties to the west. While the 3-storey townhouse units which directly abut the low-rise dwellings maintain a 7-metre setback to the westerly property line. The proposed multiple dwelling abutting the northern property line includes step backs on the third, fifth, seventh, ninth and eleventh floors along the northern face of the structure to provide appropriate transition to those low-rise dwellings to the north. Similar to the westerly lot line interface, the 3-storey townhouse units which directly abut the low-rise dwellings to the north maintain a 7-metre setback to the lot property line. The building also implements a 3-storey street wall podium to reduce the impact of the façade.

- e) the development's contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;

Planning Comment: The purpose of the Mixed Use Medium Density designation is implemented through the proposed development. This designation is intended to consist of a range of commercial, entertainment and residential uses to serve the surrounding community and shall also act as a focus for the community, creating a sense of place. The designation is to be applied to traditional 'main street' commercial areas such as Mohawk Road East and Upper Sherman Avenue to promote pedestrian oriented mixed use areas, ensuring the continued vibrancy of the public realm. The proposal fulfills the intent of this designation as it will establish a multiple dwelling development which contributes to a sense of place for the community, provides a range of dwelling forms and is located in close proximity to existing public transit routes.

f) infrastructure and transportation capacity; and

Planning Comment: Infrastructure and transportation impacts have been reviewed and assessed via the Transportation Impact Study, Transportation Demand Management & Functional Servicing Report submitted in support of these applications.

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

Planning Comment: The proposed Official Plan and Zoning By-law amendments are consistent with the Provincial Policy Statement and conform to the Growth Plan as the development proposal represents an appropriate form of intensification in an existing built-up area. The proposed site-specific Zoning By-law supports the intent, goals and objectives of the Mixed Use Medium Density designation of the UHOP. Finally, the proposed amending Zoning By-law includes appropriate regulations and implements the general intent of the UHOP and City of Hamilton Zoning By-law No. 05-200.

Section B.3.2.4 of the UHOP provides general policies for urban housing. This proposal implements Policy B.3.2.4.2 which promotes the development of housing with a full range of support services throughout the City and encourages the City to give priority to development applications that meet documented unmet needs for housing tenure, affordability levels or support services. As discussed in Section 2 of this Report, this proposal will yield a form of housing representing higher residential densities. The proposed

dwelling units will assist in the provision of a diverse range of housing, which in turn will support the creation of a diverse and healthy community.

The site is further evaluated against Section B.3.3 - Urban Design Policies of the UHOP to ensure compatible integration with the surrounding land uses. The following specific policies related to Urban Design are applicable to the subject proposal:

“B.3.3.2.5 Places that are safe, accessible, connected and easy to navigate shall be created by using the following design applications, where appropriate:

- a) Connecting buildings and spaces through an efficient, intuitive, and safe network of streets, roads, alleys, lanes, sidewalks and pathways;
- b) providing connections and access to all buildings and places for all users, regardless of age and physical ability;
- ...
- c) Ensuring building entrances are visible from the street and promoting shelter at entrance ways;
- d) integrating conveniently located public transit and cycling infrastructure with existing and new development;
- ...
- g) designing streets and promoting development that provides real and perceived safety for all users of the road network.

B.3.3.2.6 Where it has been determined through the policies of this Plan that compatibility with the surrounding area is desirable, new development and redevelopment should enhance the character of the existing environment by:

- a) complementing and animating existing surroundings through building design and placement as well as through placement of pedestrian amenities;
- b) Respecting the existing cultural and natural heritage features of the existing environment by re-using, adapting, and incorporating existing characteristics;
- ...

- d) Complementing the existing massing patterns, rhythm, character, colour and surrounding context;
- e) Encouraging a harmonious and compatible approach to infilling by minimizing the impacts of shadowing and maximizing light to adjacent properties and the public realm

B.3.3.3.2 New development shall be designed to minimize impact on neighbourhood buildings and public spaces by:

- a) creating transitions in scale to neighbouring buildings;
- b) ensuring adequate privacy and sunlight to neighbouring properties;

...

B.3.3.3.5 Built form shall create comfortable pedestrian environments by:

- a) Locating principal facades and primary building entrances parallel to and as close to the street as possible;
- ...
- c) Including a quality landscape edge along frontages where buildings are set back from the street;

- d) locating surface parking to the sides or rear of sites or buildings, where appropriate;
- ..."

Planning Comment - The proposed development includes pedestrian connections from dwellings to the municipal sidewalks along Mohawk Road East and Upper Sherman Avenue. Two existing Route 41 & 42 and Route 24 HSR transit stops are located at the southeast corner and northeast corner of the subject lands on Mohawk Road East and Upper Sherman Avenue respectively. Thereby residents are well connected to existing transit opportunities and are encouraged in using forms of active transportation to access this mode of transportation. This proposal includes the provision of 1043 bicycle parking spaces which will provide the residents with active transportation options to and from the development.

The above noted pedestrian amenities along with details such as landscaping, lighting, signage, a linear park and street furniture (to be addressed via the Site Plan Control process), will yield increased animation

of the streetscape along Mohawk Road East and Upper Sherman Avenue. The proposed building materials, height and setbacks will result in compatible massing and character for this development within the context of the surrounding community. Moreover, the parking area will be located internal to the site in an underground parking garage with direct access to all dwelling units ensuring convenient access. This location will maintain the streetscape and provide a comfortable pedestrian environment as it will be appropriately screened from view along both Mohawk Road East and Upper Sherman Avenue.

The scale and form of the proposal are regulated by the amending by-law to ensure that an appropriate relationship is established between the proposed development and the existing neighbouring dwellings and natural features.

The parking for the concept of the proposed development is sheltered from the street - located internal to the site and minimized through the inclusion of extensive underground parking to ensure the built form maintains an aesthetically pleasing and comfortable pedestrian environment throughout the site. Additionally, the low-rise dwellings to the west of the subject lands are buffered by an approximate 7.0 metre setback from the property line. Similarly, the low-rise dwellings to the north of the site are buffered by an approximate 7.0 metre setback from the property, ensuring there are no adverse impacts on the units in terms of overlook or privacy and maintains a compatible relationship between the neighbouring existing low-rise built forms.

The subject lands comprise of a property with frontage along two roadways. As per Schedule C – Functional Road Classification, Mohawk Road East is identified as a Major Arterial road, while Upper Sherman Avenue is identified as a Minor Arterial road.

As indicated in Section 4.3 of the Planning Justification Report, the UHOP applies a District Commercial designation to the subject lands. The proposed Official Plan Amendment seeks to redesignate the lands as Mixed Use Medium Density in the Urban Hamilton Official Plan. The City of Hamilton strives to manage urban growth and development that is sustainable and recognizes a balance between the economy, the environment, and a community's social needs. Section E.4.6 notes that the Mixed Use Medium Density designations represent areas which provide retail and service commercial uses to the surrounding community and serve as a focus for the community, creating a sense of place (4.6.1). The Mixed Use Medium Density designation also serves as vibrant places through the introduction of

residential development which enhances the function of these areas as transit supportive nodes and corridors (4.6.4).

Section E.4.6 of the UHOP provides general policies for the scale and design of areas designated as Mixed Use – Medium Density:

- “E.4.6.16 New development shall be designed and oriented to create comfortable, vibrant and stimulating pedestrian oriented streets within each area designated Mixed Use - Medium Density.
- E.4.6.17 Areas designated Mixed Use - Medium Density are intended to develop in a compact urban form with a streetscape design and building arrangement that supports pedestrian use and circulation and create vibrant people places.
- ...
- E.4.6.22 Development applications shall be encouraged to provide a mix of uses on the site.
- ...
- E.4.6.24 New development shall respect the existing built form of adjacent neighbourhoods by providing a gradation in building height and densities, and by locating and designing new development to minimize the effects of shadowing and overview on properties in adjacent neighbourhoods.”

Section E.4.6 of the UHOP provides policies on Mixed Used - Medium Density areas noting that they are characterized by a range of commercial and residential uses, with an emphasis on multiple storey mixed use buildings that accommodate retail and service commercial uses at grade. Furthermore, the specific permitted heights and maximum net residential density shall be established through relevant Secondary Plans, where on exists, and the Zoning By-law. Section E.4.6.2 encourages development in Mixed Use – Medium Density areas to promote the continuation of pedestrian oriented mixed use uses to ensure the continued vibrancy of the pedestrian realm.

Planning Comment – The proposed development is designed to support pedestrian circulation through internal sidewalks, linear parks and pedestrian connections from the mixed-use building and townhouse dwellings to municipal sidewalks. Landscaping will be secured at the Site Plan stage and will serve to provide an attractive public realm enhancing the existing landscape character of the area, ensuring visual connectivity to the

adjacent built form and natural features. Given the proximity of the site to the transit such as the Route 41 & 42 HSR transit stop on Upper Sherman Avenue and the Route 24 HSR transit stop, the proposed density for the site can be considered appropriate.

A total of 1995 parking spaces allocated to residents and visitors will be located within the underground parking structure as shown in the Concept Plan in Appendix A. Surface parking will be screened from view from Mohawk Road East, with a majority of parking contained in an underground parking garage. The proposed parking locations allow convenient access to and from the dwelling units and does not dominate the streetscape.

As demonstrated in the Urban Design Brief submitted in support of this application, the 25- to 8-storey multiple dwellings will provide a mix of dwelling unit types, deemed to be context-sensitive to the existing neighbourhood streetscape. The proposed development provides cohesiveness with the surrounding community through the implementation of transitional heights and thoughtfully integrated pedestrian corridors and connections to public roads and sidewalks. The location of the proposed buildings along the Major Arterial and Minor Arterial road ensures the density of the development is appropriate and able to be accommodated by the existing context.

The scale and form of this proposal is regulated by the amending by-law to ensure an appropriate relationship is established between the proposed development and the existing dwellings nearby. The proposal additionally provides a mix of uses on site. The scale of the proposed multiple dwellings and townhouse dwellings is compatible with the surroundings lands and existing lot fabric. The proposed development has been designed and situated in a visually compatible manner with the existing developed lands.

“E.4.6.9 The predominant built form shall be mid rise and low rise mixed use buildings that have retail and service commercial stores at grade. Single use commercial buildings and medium density ground related housing forms shall be permitted.”

Planning Comment: The proposed built form of the development consists of a high- to mid-rise mixed-use building, offering retail and service commercial stores at grade. In addition, the proposed residential component includes medium density ground related housing in the form of 3-storey stacked townhouse dwellings.

Burkholme Neighbourhood Plan

The purpose of Neighbourhood Plans is to guide the growth of areas to achieve a desirable environment in the neighbourhood. The Burkholme Neighbourhood Plan is applicable to the subject lands, the Plan identifies the subject lands as 'Commercial' on the Burkholme Neighbourhood Land Use Plan as shown in Figure 7. The Burkholme Neighbourhood Plan does not outline specific policies for lands identified as 'Commercial' within its Land Use Plan.

City-Wide Corridor Planning Principles and Design Guidelines

During the Formal Consultation process, City staff stated that it would be appropriate to evaluate the proposed development through a lens of the City-Wide Corridor Planning Principles and Design Guidelines for those portions of the property which abut existing ground related dwellings to the north and west. The proposed development ensures that building heights in relation to the adjacent existing single and semi-detached dwellings meets a 45-degree angular plane (4.3.1). A landscape strip is provided along eastern and northern property lines which abut other residential properties (4.5). Further, the proposed multiple dwellings which are greater than 60 metres in length ensure that the massing is divided above the 3rd storey in order to maintain adequate sunlight on the public right-of-way and to reduce canyon effect (4.9). As illustrated in the Tree Management Plan prepared by Whitehouse Urban Design, street trees are proposed to be planted at regular intervals - where space permits - along Mohawk Road East in order to enhance the existing streetscape (4.10). As confirmed by the Shadow Impact Study prepared by SunPostion, the proposed development has been designed to allow for public spaces and sidewalks to maintain 5 hours of sunlight and does not present any adverse shadow impacts to adjacent properties, public spaces and public sidewalks (4.12). Further, those aspects of the proposed massing that do not conform to the City-Wide Corridor Planning Principles and Design Guidelines are accommodated through the application of the Downtown Hamilton Tall Building Guidelines discussed later in this report.

Downtown Hamilton Tall Building Guidelines

During the Formal Consultation process, City staff stated that it would be appropriate to evaluate the proposed development through a lens of the Downtown Hamilton Tall Building Guidelines for those portions of the

property which front the intersection of the Major Arterial Mohawk Road East and Minor Arterial Upper Sherman Avenue. The scale, massing, and height of the proposed development is designed to provide appropriate transition to adjacent existing residential dwellings with specific attention given to compatibility (3.2). The proposed podiums of the multiple dwellings are parallel to the property lines to effectively frame the street and align with the facades of the existing streetwall (4.2.1). The multiple dwellings which front Mohawk Road East and Upper Sherman Avenue implement a 11.5 metre podium height to mitigate potential for canyon effect and to frame the existing streetscape (4.2.2). Each multiple dwelling proposed on site is distinct in its design, implementing articulated facades which provide for an active and engaging interface along the street (4.2.4). The proposed landscape design of the site prepared by Whitehouse Urban Design maintains accessibility and establishes seating, permeable paving materials, sufficient soil depths in open space and planting strip areas, and a multitude of proposed vegetation and tree plantings (5.1).

5.2 Regulations

The proposed development requires an amendment to the City of Hamilton By-law No. 05-200. The subject lands will be removed from the City of Hamilton Zoning By-law No. 05-200 District Commercial (C6) Zone and placed in a site specific Mixed Use Medium Density (C5,__) Zone in the City of Hamilton Zoning By-law No. 05-200. A variety of site-specific regulations have been included in the draft amending by-law to permit the proposed development. The following provides an analysis of the proposed zoning regulations.

Height

The City of Hamilton Zoning By-law No. 05-200 permits a maximum building height of 22.0 metres for the C5 Zone. The proposed Zoning By-law seeks to increase the permitted height for the proposed built form to a maximum height of 83.0 metres, or 25-storeys, for a multiple dwelling in the C5 Zone, Modified. These modifications maintain the intent of the UHOP and give consideration to the compatibility in built form with the surrounding neighbourhood context. The height is mitigated by prescribed step backs at various different storeys for each proposed multiple dwelling, as well as corresponding prescribed setbacks.

Density

The proposed development contains 1995 dwelling units, establishing a maximum density on site of 505 units per hectare. There is no maximum permitted density limit on lands designated as Mixed Use – Medium Density, as such the proposed density limit on the property is in keeping with the Urban Hamilton Official Plan and implements broader policy objectives without adverse impacts.

Setbacks

The minimum setbacks proposed in the amending by-law have been set up to have regard for the surrounding context of the site and the proposed step backs in the building façades. As such, the amending by-law establishes minimum westerly lot line setbacks of 7.0 metres, 13.0 metres, 28.0 metres, 45.5 metres, 48.0 metres and 110.0 metres to structures 3-storeys, 4-storeys, 6-storeys, 8-storeys, 15-storeys and 25-storeys in height respectively. Similarly, minimum northerly lot line setbacks of 7.0 metres, 16.0 metres, 22.5 metres, 28.5 metres, 35.5 metres, 41.5 metres and 93.5 metres to structures 3-storeys, 5-storeys, 7-storeys, 9-storeys, 11-storeys, 13-storeys and 20-storeys in height respectively have been established in the amending by-law. Further, a minimum easterly lot line setback of 2.5 metres to a 3-storey structure and 5.5 metre minimum front yard setback to a 25-storey structure has been established in the amending by-law. These setbacks are required to facilitate the layout and design of the proposed development whilst maintaining appropriate transition to the low-rise land uses which abut the property.

Parking

The proposed development conforms to the parking requirements established in the existing Zoning By-law. As the proposal is offering a total of 1995 units, accommodated by 1995 parking spaces, the proposed parking ratio is 1.0 space/unit, inclusive of visitor parking. This parking ratio falls between the 0.3 space/unit minimum and 1.25 space/unit maximum established for the C5 Zone. The site is located directly on a HSR transit line with Route 41, 42 and 24 HSR transit stops located along the frontage of the property on Mohawk Road East and Upper Sherman Street. As such, the proposed quantity of parking stalls can be considered appropriate to accommodate the proposal.

Landscaping

The amending by-law seeks to reduce the required 40% landscaped open space of the total lot area of the site to 35% in order to accommodate the proposed development. Despite the minor reduction in the landscaped open space requirement on site, the proposed development is still greatly increasing the area of landscaped open space and permeable surfaces from the existing surface parking lot which occupies a majority of the property. Additionally, given the 6.96 hectare Macassa Park is also located approximately 50 metres north of the subject property, future residents will be well connected to an array of landscaped open space and a reduction in on site landscape open space is justified.

Amenity Space

The amending by-law seeks to establish a minimum amenity space provision of 4.0 square metres per dwelling unit, whereas the minimum amenity area currently prescribed is 4.0 square metres and 6.0 square metres per unit for dwellings under 50 square metres and over 50 square metres in gross floor area respectively. The modest reduction in amenity area provided is offset by a site design which provides a variety of amenity spaces for active and passive resident use, including outdoor and indoor amenity areas, a central linear park running through the balance of the site, a dog park open space, patios and terraces. Additionally, given the 6.96 hectare Macassa Park is also located approximately 50 metres north of the subject property, future residents will be well connected to an array of amenity options and a reduction in on site amenity area is justified.

6. Conclusion

499 Mohawk Inc. is the owner of 499 Mohawk Road East in Hamilton, Ontario. It is proposed that the subject lands be permitted to be developed with the residential development as described. This proposal has been reviewed against the applicable provincial and municipal policies, as well as the surrounding land use context. To permit the proposed development an Official Plan and Zoning By-law Amendment is required in addition to a future Site Plan Control application.

This Report provides the planning analysis and justification in support of the proposed amendment, concluding that it is consistent with and conforms to the applicable policy framework noted below:


- The proposed Official Plan Amendment & Zoning By-law Amendment is consistent with the Provincial Policy Statement 2020;
- The proposed Official Plan Amendment & Zoning By-law Amendment conforms to the Growth Plan as this development proposal represents an appropriate form of development in a built up area;
- The proposed site-specific Zoning By-law supports the intent, goals and objectives of the Mixed Use – Medium Density designation in the Urban Hamilton Official Plan; and
- The proposed amending Official Plan and Zoning By-law includes appropriate regulations and implements the general intent of the Urban Hamilton Official Plan.


Based on a review of the subject lands, surrounding uses, supporting studies, and applicable planning and policy framework, this application facilitates an appropriate form of development and represents good planning.

Respectfully submitted this 12th day of September, 2022.

Regards,

UrbanSolutions Planning & Land Development Consultants Inc.


Matt Johnston, M.C.P., R.P.P.
Principal




Scott Beedie, BURPI
Planner

I hereby certify that this Planning Justification Report was prepared by a Registered Professional Planner, within the meaning of the Ontario Professional Planners Institute Act, 1994.

This report has been prepared based on a review of the subject application and cannot be used for any other purpose.

Appendix A

Concept Plan

Appendix B

Draft Official Plan Amendment

Urban Hamilton Official Plan Amendment No. ____

The following text, together with Appendix “A” – Volume 3 – Map 2 – Urban Site Specific Policies Key Map, constitutes Official Plan Amendment No. ____ to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose of the Official Plan Amendment (OPA) is to redesignate the subject lands from the District Commercial to Mixed Use Medium Density. Additionally, the purpose of the Official Plan Amendment is to add a Site Specific Area to the subject lands. Specifically, the OPA is necessary to permit a maximum building height of 25-storeys for the permitted uses contained in Section E.4.6.5, whereas the maximum permitted height for lands outside of Central Hamilton designated Mixed Use – Medium Density in Section E.4.6.7 is 6-storeys.

2.0 Location:

The portion of lands affected by this Amendment are Part of Block A, Registered Plan M-15 and Part of Lot 9, Concession 5, Geographic Township of Barton, in the City of Hamilton, municipally known as 499 Mohawk Road East.

3.0 Basis:

The basis for permitting this Amendment is as follows:

- The proposed development supports the residential intensification policies of the Urban Hamilton Official Plan through the creation of residential areas consisting of a range of housing types and densities to satisfy a range of housing needs;
- The proposed development is compatible with the planned and existing development in the immediate area;
- The proposed Amendment is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe.

4.0 Actual Changes:

4.1 Map

4.1.1 That Volume 3 – Map 2 – Urban Site Specific Policies Key Map is amended by identifying the lands located at 499 Mohawk Road East as UHC-____, as shown on Appendix “A”, attached.

4.1.2 That Volume 1 – Schedule E-1 – Urban Land Use Designations Map is amended by redesignating the lands located 499 Mohawk Road East from District Commercial to Mixed Use – Medium Density, as shown on Appendix “B”, attached

4.2 Text

- 4.2.1 That Volume 3, Chapter C, Urban Systems and Designations is amended by adding a new Site Specific Policy – UHC-____ to read as follows:

UHC-____ Lands located at 499 Mohawk Road East, in the City of Hamilton

1.0 Notwithstanding Volume 1, Section E.4.6.5 for lands located at 499 Mohawk Road East, the maximum permitted height shall be 25-storeys.

Implementation:

An implementing Zoning By-law and Site Plan Agreement will give effect to this Amendment.

This is Schedule “1” to By-Law No. 22-____, passed on the ____ day of _____, 2022.

Mayor

Clerk

UHOPA-22-____

APPENDIX A
AMENDMENT TO THE URBAN HAMILTON OFFICIAL PLAN



Lands to be identified as UHC-___

DATE:
AUGUST , 2022

PREPARED BY:
JAMES STANLEY

REFERENCE FILE NO.:
UHOPA - ___

See Map 2a

Lake Ontario

Key Map



Note: For Rural Site Specific Areas, refer to Volume 3: Appendix A of the Rural Hamilton Official Plan.

APPEAL

The southern urban boundary that generally extends from Upper Centennial Parkway and Mud Street East in the east, following the hydro corridor and encompassing the Red Hill Business Park to Upper James Street remains under appeal – see illustration on Schedules E and E-1, Volume 1

Legend

- Site Specific Areas (SSA)
- U- Refers to Urban Site Specific Area #, Volume 3, Chapter B

Other Features

- Rural Area
- John C. Munro Hamilton International Airport
- Niagara Escarpment
- Urban Boundary
- Municipal Boundary

Council Adoption: July 9, 2009
Ministerial Approval: March 16, 2011
Effective Date: August 16, 2013

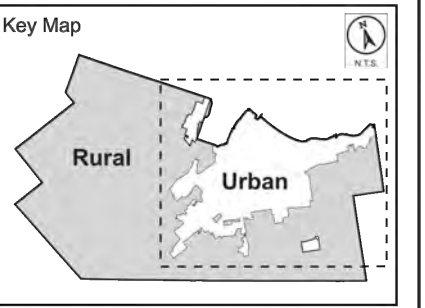
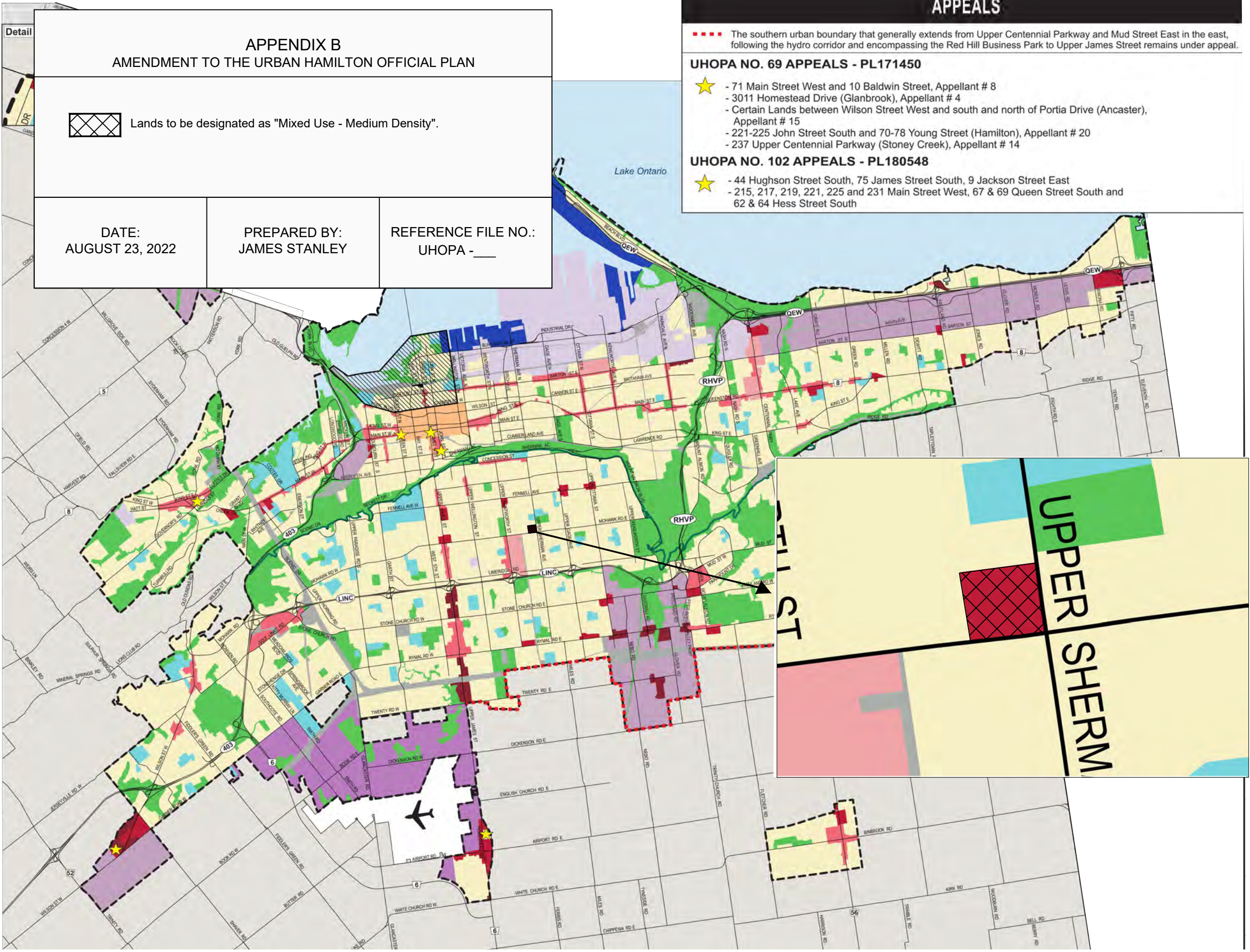
Urban Hamilton Official Plan
Volume 3: Map 2
Urban Site Specific Key Map



Not To Scale
Date: February 2021



PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT
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Note: For Rural Land Use Designations, refer to Schedule D of the Rural Hamilton Official Plan.

- Neighbourhoods
 - Open Space
 - Institutional
 - Utility
- Commercial and Mixed Use Designations**
- Downtown Mixed Use Area
 - Mixed Use - High Density
 - Mixed Use - Medium Density
 - District Commercial
 - Arterial Commercial
- Employment Area Designations**
- Industrial Land
 - Business Park
 - Airport Employment Growth District
 - Shipping & Navigation
- Other Features**
- Rural Area
 - John C. Munro Hamilton International Airport
 - Niagara Escarpment
 - Urban Boundary
 - Municipal Boundary
 - Lands Subject to Non Decision 113 West Harbour Setting Sail

Council Adoption: July 9, 2009
Ministerial Approval: March 16, 2011
Effective Date: August 16, 2013

Urban Hamilton Official Plan
Schedule E-1
Urban Land Use Designations

Appendix C

Draft Zoning By-law Amendment

CITY OF HAMILTON

BY-LAW NO. - ____

To Amend Zoning By-law No. 05-200, Respecting Lands Located at 499 Mohawk Road East, in the City of Hamilton

WHEREAS the City of Hamilton has in force several Zoning By-laws which apply to the different areas incorporated into the City by virtue of the *City of Hamilton Act*, 1999, S.O. 1999 Chap. 14;

AND WHEREAS the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law No. 05-200;

AND WHEREAS Zoning By-law No. 05-200 was enacted on the 25th day of May, 2005;

AND WHEREAS the Council of the City of Hamilton, in adopting Item ____ of Report 22- ____ of the Planning Committee at its meeting held on the ____ day of _____ 2022, which recommended that Zoning By-law No. 05-200, be amended as hereinafter provided;

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan, upon finalization of Official Plan Amendment No. ____;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Map No. ____ of Schedule “A” – Zoning Maps, to Zoning By-law No. 05-200 is hereby further amended as follows:
 - (a) By rezoning the lands and boundaries of which are shown on Block No. 1 on Schedule “A” and zoned as District Commercial (C6) to the Mixed Use – Medium Density (C5,____) Zone, Modified.
2. That Schedule C – Special Exceptions to Zoning By-law 05-200 is hereby amended by introducing the following within the lands zoned Mixed Use – Medium Density (C5,____) identified on Map ____ of Schedule A – Zoning Maps and as described as 499 Mohawk Road East:
 - (a) ____ – That notwithstanding Sections 10.5.3(c), (d), (g)(v), (h), 3.0, 5.2(b)(ii) and 5.6(c), the following regulations shall apply:
 - i. The minimum interior side yard shall be 7.0 metres abutting a Residential or Institutional Zone or lot containing a residential use.
 - ii. The maximum permitted building height for a multiple dwelling shall be 25-storeys.
 - iii. The minimum permitted internal setback to a multiple dwelling shall be 7.5 metres.
 - iv. The minimum permitted setback from the westerly lot line to a 3-storey multiple dwelling shall be 7.0 metres.
 - v. The minimum permitted setback from the westerly lot line to a 4-storey multiple dwelling shall be 13.0 metres.
 - vi. The minimum permitted setback from the westerly lot line to a 6-storey multiple dwelling shall be 28.0 metres.

- vii. The minimum permitted setback from the westerly lot line to an 8-storey multiple dwelling shall be 45.5 metres.
- viii. The minimum permitted setback from the westerly lot line to a 15-storey multiple dwelling shall be 48.0 metres.
- ix. The minimum permitted setback from the westerly lot line to a 25-storey multiple dwelling shall be 110.0 metres.
- x. The minimum permitted setback from the easterly lot line to a 3-storey multiple dwelling shall be 2.5 metres.
- xi. The minimum permitted setback from the easterly lot line to a 25-storey multiple dwelling shall be 5.5 metres.
- xii. The minimum permitted setback from the northerly lot line to a 3-storey multiple dwelling shall be 7.0 metres.
- xiii. The minimum permitted setback from the northerly lot line to a 5-storey multiple dwelling shall be 16.0 metres.
- xiv. The minimum permitted setback from the northerly lot line to a 7-storey multiple dwelling shall be 22.5 metres.
- xv. The minimum permitted setback from the northerly lot line to a 9-storey multiple dwelling shall be 28.5 metres.
- xvi. The minimum permitted setback from the northerly lot line to a 11-storey multiple dwelling shall be 35.5 metres.
- xvii. The minimum permitted setback from the northerly lot line to a 13-storey multiple dwelling shall be 41.5 metres.
- xviii. The minimum permitted setback from the northerly lot line to a 20-storey multiple dwelling shall be 93.5 metres.
- xix. The minimum amenity area shall be an area of 4.0 square metres per dwelling unit.
- xx. Landscaped Area as defined in Section 3.0 shall include landscaped pathways.
- xxi. A minimum of 35% of the lot area shall be Landscaped Area.
- xxii. The maximum permitted parking ratio shall be 1.0 spaces/unit and shall be inclusive of visitor parking spaces.

3. The By-law No. 05-200 is amended by adding this by-law to Section ____ as Schedule ____;

4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED AND ENACTED this ____ day of _____, 2022.

Mayor

Clerk

ZAC-22- ____



This is Schedule "A" to By-law No.
22-_____

Passed the _____ day of _____, 2022

Clerk

Mayor

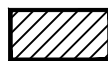
DRAFT Schedule "A"

Map Forming part of
By-law No. 05-200

to Amend By-law No. 05-200

Subject Property

570 Upper Ottawa Street in the City of Hamilton.



Block 1 - Lands to be rezoned from District Commercial (C6) to Mixed Use Medium Density (C5, _____) Zone, Modified.

Scale:
N.T.S

File Name/Number:

Date:

Planner/Technician:

PLANNING AND ECONOMIC
DEVELOPMENT DEPARTMENT