

December 22, 2023

406-21

Via Email & Delivered

Ms. Jamila Sheffield

Secretary Treasurer, Committee of Adjustment

City of Hamilton
71 Main Street West, 5th Floor
Hamilton, ON, L8P 4Y5

Dear Ms. Sheffield,

**Re: 8 SHOREVIEW PLACE, STONEY CREEK
CONSENT TO SEVER AND MINOR VARIANCE APPLICATION
FILE NO. DA-23-012**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is the authorized planning consultant acting on behalf of Seasons Retirement Communities (Stoney Creek) GP Inc., for the lands municipally known as 8 Shoreview Place in the Former Town of Stoney Creek. Please accept the enclosed Consent to Sever and Minor Variance applications to facilitate the further development of the subject lands on their behalf.

The subject lands are comprised of an irregularly-shaped, 20,379.75 square metre corner lot with 126.089 metres of frontage on Shoreview Place. The lands have frontage on all sides, fronting onto Millen Road, the South Service Road and Shoreview Place. The property is surrounded by a range of uses including townhouses, semi-detached dwellings, and residential multiple dwellings. The subject lands are designated 'Neighbourhoods' in the Urban Hamilton Official Plan Schedule E-1 – Urban Land Use, and zoned 'Mixed Use Commercial (MUC-5)' in the Former Town of Stoney Creek Zoning By-law No. 3692-92.

Application History

The subject lands were previously subdivided by the South Shore Estates subdivision registered in 1973. This comprised of 13 lots for high density apartment buildings while only two were ultimately built. In 2010, members of the UrbanSolutions team assisted LiUNA/Fengate to secure an Official Plan Amendment and Zoning By-law Amendment resulting in the current site-specific *Mixed-Use Commercial (MUC-5)* Zone. This accommodated now built 9 storey Seasons retirement and memory care facility on the east side of property while permitting high density apartment buildings on the west side of the property.

Purpose of the Application

The purpose of the application is to sever the western portion of the existing lot to facilitate the development of the conditionally approved site plan (DA-23-012) for a mixed-use multiple dwelling to be developed by LiUNA/Fengate. The retained lands will continue to accommodate the existing Seasons

retirement residence. Further, an easement will be required in order to facilitate a future joint use/servicing agreement to permit the use of ground floor parking spaces and vehicular movement on the lands to be severed for the existing retirement home on the lands to be retained. A Minor Variance application is required to bring the proposal into conformity with the applicable site-specific "MUC-5" Zone regulations.

The requested variances are as follows:

Variance No. 1 – To permit a minimum lot area of 11,600.0 square metres, except a minimum lot area of 8,600.0 square metres is permitted for a retirement residence, whereas a minimum lot area of 20,400.0 square metres is required.

Variance No. 2 – To permit a minimum gross leasable commercial floor area of 470.0 square metres whereas a minimum of 974.3 square metres of gross leasable commercial floor area is required.

Variance No. 3 – To permit a minimum amenity area of 11.0 square metres per unit for all unit types, whereas a minimum amenity area of 14.0 square metres per unit for Bachelor Units, 18.0 square metres per unit for One Bedroom Units, 53.0 square metres per unit for Two Bedroom Units, 88.0 square metres per unit for Three Bedroom Units, and 125.0 square metres per unit for Four Bedroom Units is required.

Variance No. 4 – To permit a minimum parking ratio of 1.25 spaces per dwelling unit, whereas a minimum parking ratio of 1.5 spaces per unit is required.

Variance No. 5 – To permit a minimum parking ratio of 1 space per 96.0 square metres of commercial GFA, whereas 1 space per 28.0 square metres of commercial GFA is required.

Variance No. 6 – To permit a minimum landscaped strip of 3.0 metres along Shoreview Place, whereas a minimum landscaped strip of 3.9 metres along Shoreview Place is required.

As per Section 45(1) of the *Planning Act*, R.S.O., 1990, as amended, applications to the Committee to vary from the Zoning By-law must meet 4 tests as outlined below:

- The proposal meets the general purpose and intent of the Official Plan;
- The proposal meets the general purpose and intent of the Zoning By-Law;
- The variance is minor in nature; and,
- The proposal is desirable for the appropriate development or use of the land.

1. Is the proposed variance in keeping with the general purpose and intent of the Urban Hamilton Official Plan?

The subject lands are designated as *Neighbourhoods* in the Urban Hamilton Official Plan which permits the proposed use of the lands. As outlined in Chapter E, Section 3.3.2 of the Official Plan, development and redevelopment shall ensure the height, massing and arrangement of buildings and structures are

compatible with existing and future uses of the surrounding area. The *Neighbourhoods* Designation encourages compatible intensification, which is reflected within the development concept for the subject lands. The requested variances appropriately implement the Official Plan's policies surrounding intensification by creating compatible and compact urban forms which respect the surrounding urban fabric.

In addition to supporting residential intensification within the City's built-up area and contributing to the creation of complete communities, the variances will ensure that the transportation and open space goals of the UHOP are achieved. This is accomplished through the provision of adequate parking for the existing and proposed use while limiting excess parking to promote increased usage of alternative transportation methods. Further, the proposal provides an enhanced interface between the subject lands and existing outdoor amenity space along the shoreline to the north with a large outdoor amenity space and promotes a vibrant public realm through the placement of onsite commercial uses. As such, the proposal meets the intent and purpose of the Urban Hamilton Official Plan.

2. Is the proposed variance in keeping with the general purpose and intent of the Zoning By-law?

Variance 1 is required as the established minimum lot area in the site-specific MUC-5 zone applicable to the subject lands were set to match the existing total lot area of the subject lands. This was done through the previous Zoning By-law Amendment approved for the lands in order to facilitate the development of the existing building on site. The Mixed Use – High Density zone within the City of Hamilton Zoning By-law No. 05-200 which the proposed development would be categorized as does not typically set out requirements for a minimum lot area. Instead, the parent Mixed Use - High Density zone exclusively establishes regulations surrounding height, setbacks, and GFA to govern building size. As such, the variance is in keeping with the standards for mixed use zones in Zoning By-law No. 05-200 and general purpose and intent of the Stoney Creek Zoning By-law No. 3692-92.

Variance 2 is required to permit a minimum gross leasable commercial floor area of 470 square metres on the subject lands. The purpose of the site-specific MUC-5 zone is to provide small-scale retail opportunities which support the on-site residential units. The proposed minimum gross leasable commercial floor area will permit six ground-related commercial units within the podium of the eastern tower. Similar to the minimum lot area, the minimum gross leasable commercial floor area in the existing site-specific zoning by-law reflects a previous concept for the western portion of the site which is no longer being contemplated. The Mixed Use – High Density zone in Zoning By-law No. 05-200 does not prescribe a minimum gross leasable commercial floor area, but simply provides retail as a permitted use. As the proposed development seeks to create a mixed-use built form with numerous commercial units that will serve the existing and future residents of the community north of the Queen Elizabeth Way, the variance is in keeping with the general purpose and intent of the Stoney Creek Zoning By-law No. 3692-92.

Variance 3 requests variation to the prescribed amenity area ratios applicable to the site. The proposed development provides 8,138.5 square metres of amenity space in total. This total provides an amenity rate of 11 square metres per unit for all unit types and exceeds the minimum amenity rates within Zoning By-law No. 05-200 which reflects the City's current and best practices. Specifically, the Mixed Use – High Density zone requires 4.0 m² of amenity area for units less than or equal to 50 m², and 6.0 m² of amenity area for units greater than 50 m². Additionally, the rate of 11 square metres per unit does not include

balcony areas as Zoning By-law No. 3692-92 does not include balcony area in the definition of amenity area. However, if this development was evaluated under Zoning By-law No. 05-200, the additional 4,381.5 square metres of amenity area across the private balconies would bring the average amenity rate to 17 square metres per unit. As variance 3 would not be required to conform to zoning regulations established in Zoning By-law No. 05-200, the variance is in keeping with the general purpose and intent of the Stoney Creek Zoning By-law No. 3692-92.

Variances 4 and 5 are required to facilitate a parking rate of 1.25 spaces per unit and 1 space per 96 square metres of commercial GFA. The purpose of these ratios is to ensure an adequate supply of on-site parking for the residential and commercial units provided. These proposed rates are in keeping with the City's current parking rates for mixed use developments outside of downtown zones within Section 5 of Zoning By-law No. 05-200 where a maximum rate of 1.25 spaces per dwelling unit is prescribed. Further, the Zoning By-law No. 05-200 parking regulations do not set out a parking requirement for commercial uses less than 450 square metres in gross floor area, with only 1 parking space being required for each 17.0 square metres of gross floor area between 450 square metres and 4,000 square metres. As the proposed parking rates provide for an appropriate parking supply for the development and exceed minimum parking standards in the parking regulations contained within Zoning By-law No. 05-200, the proposed variances are in keeping with the general purpose and intent of the Stoney Creek Zoning By-law No. 3692-92.

Variance 6 is required to permit a 3.0 metre landscape strip as opposed to a 3.9 metre landscape strip, as required by the applicable site-specific zoning. This landscape strip regulation is intended to provide enough space for a visual buffer between the public right-of-way and the subject lands and support on-site stormwater management. With a width of 3.0 metres, the landscape strip will provide soil volumes to ensure a visual buffer and appropriate stormwater management can be accommodated on site. As such, the variance is in keeping with the general purpose and intent of the Stoney Creek Zoning By-law No. 3692-92.

The requested variances will facilitate an intended built form within the existing site-specific MUC-5 zoning while remaining consistent with the City's current and best practices established within Zoning By-law No. 05-200. Therefore, the requested variances are in keeping with the general purpose and intent of the Stoney Creek Zoning By-law No. 3692-92.

3. Is the proposed variance minor in nature?

Variance 1 is required as the minimum lot area in the site-specific MUC-5 zone was established to match the existing total lot area of the subject lands. The proposed lot areas for the retained and severed lands remain appropriately-sized to accommodate the existing and proposed uses along with their required parking areas and as such, the requested variances are minor in nature.

Variance 2 is required to permit a minimum gross leasable commercial floor area of 470 square metres. The minimum gross leasable commercial floor area in the existing site-specific zoning by-law reflects a previous concept for the western portion of the site which is no longer being contemplated. The provision of commercial area on the subject lands will provide an appropriate amount of retail space that will meet the needs of the community. The variance will support the provision of appropriately scaled retail uses to

serve the future residents and therefore would not have a significant impact on the intended functionality of the commercial units on site. As such, the variance is minor in nature.

Variance 3 is required as a result of the outdated amenity area regulations contained within the site-specific MUC-5 zone. As previously mentioned, the proposed amenity rate of 11 square metres per unit for all unit types exceeds modern standards established in Zoning By-law No. 05-200. The provided amenity rate when inclusive of balconies provides over twice as much as what would be required in Zoning By-law No. 05-200 for the same built form. Additionally, the lands have access to natural open space along the Lake Ontario shoreline just to the north of Shoreview Place, which will provide additional offsite amenity space for residents. Therefore, the variance is deemed to be minor in nature.

Variances 4 and 5 are required to facilitate a reduced parking ratio for the proposed development. The proposed parking rates are consistent with those established in Zoning By-law No. 05-200 which represent the City's current and best practices and have regard for the proposed built form. By mitigating an excess of parking on site, the development proposal supports the use of public transit and active transportation. As such, the reduction in required parking ratio is minor in nature.

Variance 6 is required to permit a 3.0 metre landscape strip as opposed to a 3.9 metre landscape strip, as required by the applicable site-specific zoning. A reduction in the minimum landscape strip width is required to facilitate direct and intuitive pedestrian circulation on site and better serve the grade-related commercial uses within the proposed development. The intent of this landscape strip regulation is to provide a visual buffer between the public right-of-way and the subject lands while also supporting on-site stormwater management. The implementation of a 3.0 metre landscape strip will still accommodate the creation of a visual buffer between the roadway and maintain appropriate stormwater management. Further, the large outdoor amenity space on site is oriented along the street corner and offsets the minor 0.9-metre reduction in landscape strip. As the landscape strip will continue to serve its intended purpose, the requested variance is deemed to be minor in nature.

The above variances are required in order to facilitate the proposed severance and the implementation of the concept design that was conditionally approved (DA-23-012). It is the intent of the site-specific "MUC-5" zone to permit the proposed built form. As the proposed development has already obtained conditional Site Plan approval subject to the granting of variances, and for the reasons noted above, the requested variances are deemed to be minor in nature.

4. Is the proposed variance desirable for the appropriate development or use of the land, building or structure?

Variance 1 is desirable for the appropriate development as it will allow for the existing retirement residence and proposed mixed-use multiple dwelling to remain on their own separate lots in keeping with the lot fabric of the surrounding properties. The prescribed minimum lot area of the site-specific MUC-5 zone was established to permit the existing lot area of the entirety of the subject lands. Further amendment to the regulations is in keeping with the previous amendment and is desirable for the appropriate development of the lands.

Variance 2 is required to permit a minimum gross leasable floor area of 470 square metres on the subject lands. The provision of commercial area on the subject lands will provide an appropriate amount of retail space that will meet the needs of the community. The variance is desirable as it will support the predominantly residential composition of the proposed development while facilitating appropriately scaled retail uses to serve the future residents.

Variance 3 is desirable for the development as it intends to align the provision of amenity space with amenity standards for mixed use multiple dwellings as regulated by the policies of Zoning By-law No. 05-200. The proposed provision of 11 square metres of amenity per unit maintains a high amenity space rate and establishes an appropriate ratio of amenity space to residential space across the development. Recognizing that balcony area is not included in the definition of amenity area within Zoning By-law No. 3692-92, this ratio of amenity area to residential units is in actuality closer to 17 square metres per unit when using the Zoning By-law No. 05-200 zoning regulations pertaining to amenity area.

Variances 4 and 5 are desirable as it will ensure the development maintains an appropriate balance of residential units and parking spaces to minimize excess parking and site parking spillover into surrounding areas. Further, this proposed ratio is a typical maximum for high-density mixed-use development when compared to the parking regulations contained in Section 5 of Zoning By-law No. 05-200. As such, the variance is desirable for the appropriate development of the lands.

Variance 6 is desirable as it will permit direct and intuitive pedestrian circulation throughout the site and between the public right-of-way and grade-related commercial units. The implementation of a 3.0 metre landscape strip will still accommodate the creation of a visual buffer between the roadway and maintain appropriate stormwater management.

To assist in the evaluation of the application, please refer to the enclosed Consent to Sever Sketch.

As the application implements the conditionally approved Site Plan (DA-23-012), satisfies Section 53(1) of the *Planning Act*, R.S.O. 1990, as amended, as a plan of subdivision is not necessary for the proper and orderly development of the subject lands, while also satisfying the four tests of Section 45(1) of the *Planning Act*, R.S.O. 1990, the requested variances represent good land use planning.

In support of this application, please find enclosed the following:

- One (1) copy of the completed Minor Variance Application form;
- One (1) copy of the completed Consent to Sever Application form;
- One (1) copy of the Committee of Adjustment Sketch, prepared by UrbanSolutions;
- One (1) copy of the Topographic Survey, prepared by A.T. McLaren;
- One (1) copy of the Draft R-Plan, prepared by A.T. McLaren;
- One (1) cheque in the amount of **\$3,735.00** made payable to the City of Hamilton for the Minor Variance Application fee; and,
- One (1) cheque in the amount of **\$3,220.00** made payable to the City of Hamilton for the Consent to Sever Application fee.

We trust the enclosed is in order; however, please feel free to contact the undersigned with any questions.

Regards,
UrbanSolutions



Matt Johnston, MCIP, RPP
Principal



Stefano Rosatone, BES
Planner

cc: Seasons Retirement Communities (Stoney Creek) GP Inc.