



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	July 7, 2015
SUBJECT/REPORT NO:	Appeal to the Ontario Municipal Board (OMB) on the City of Hamilton's Refusal or Neglect to Adopt an Amendment to the Urban Hamilton Official Plan and City of Hamilton Zoning By-law No. 6593 for Lands Located at 71, 75, and 77 Leland Street (Hamilton) (PED15089) (Ward 1)
WARD(S) AFFECTED:	Ward 1
PREPARED BY:	Tami Kitay Senior Project Manager (905) 546-2424 Ext. 5134 Steve Robichaud Director of Planning and Chief Planner
SUBMITTED BY: SIGNATURE:	Jason Thorne General Manager Planning and Economic Development Department

Council Direction:

In accordance with subsections 22(7) and 34(11) of the *Planning Act*, an applicant who has applied to amend a Municipal Official Plan and Zoning By-law may appeal to the Ontario Municipal Board (OMB) if, after 180 and 120 days respectively, Council has not yet made a decision on the application(s).

A motion to direct staff to advise the Planning Committee on matters relating to appeals regarding lack of decision by Council pursuant to the *Planning Act* was passed by City Council on May 18, 2010. This Information Report was prepared in accordance with Council's policy for staff to advise the Planning Committee and City Council of appeals for non-decision to the OMB.

The following information is provided for Planning Committee's information with regards to Official Plan Amendment Application OPA-13-005 and Zoning By-law Amendment Application ZAC-13-027 for 71, 75, and 77 Leland Street (Hamilton), which have been appealed to the OMB for lack of decision.

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Information:

The subject lands are municipally known as 71, 75, and 77 Leland Street and are located on the east side of Leland Street, south of Mapes Avenue, north of the existing Hamilton-Brantford Rail Trail, at the intersection of Glenmount Avenue (see Location Map attached as Appendix "A" to this Report). The lands are located approximately 260 m south of the McMaster University campus.

The subject property is irregularly shaped with a technical lot frontage of 5.67 m on Mapes Avenue, a flankage and functional frontage of 78.88 m along Leland Street, and a lot area of 4366.34 sq m. The site is currently occupied by two vacant industrial buildings and surface parking areas.

The proposal seeks to demolish the two existing buildings and construct a five-storey residential building consisting of 129 bachelor-style apartment units with 50 on-site surface parking spaces and one loading space, and marketed towards student living accommodations (see Conceptual Site Plan attached as Appendix "B" and Conceptual Building Elevation attached as Appendix "C" to this Report).

Applications for Official Plan Amendment and Zoning By-law Amendment were filed by GSP Group on behalf of Creek Village Inc. on July 5, 2013, with the correct fee following on July 23, 2013. The applications were deemed complete on July 30, 2013.

The applications were submitted to the City prior to the OMB's approval of the Urban Hamilton Official Plan (UHOP) in August, 2013. According to Schedule A – Land Use Concept, the subject property is designated "Residential" under the former City of Hamilton Official Plan. In the Ainslie Wood Westdale Secondary Plan (AWWSP), the subject property is designated "Medium Density Residential" on Schedule 1 – Land Use Plan. On Appendix A – Road Classification Plan, Leland Street is designated as a collector road in the AWWSP.

The subject property is zoned DE-3/S-1522 District (Multiple Dwellings) in Zoning By-law No. 6593, the comprehensive zoning by-law for the former City of Hamilton, as amended. The applicants are seeking to apply a site-specific DE-3/S-1522a Zone to permit a five-storey purpose-built student apartment building consisting of 129 bachelor-style apartment units and 50 on-site surface parking spaces.

The subject lands are identified as "Neighbourhoods" on Schedule E – Urban Structure and designated as "Neighbourhoods" on Schedule E-1 – Urban Land Use, in the UHOP. According to Schedule C – Functional Road Classification of the UHOP, Leland Street is designated as a collector road.

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The application to amend the City of Hamilton's Official Plan requested a site-specific special policy area to permit a residential development with a maximum density of 295 units per hectare (uph) where the Ainslie Wood Westdale Secondary Plan permits a maximum unit yield of 49 uph in the "Medium Density Residential" designation.

In review of the application, staff were concerned that the proposal did not provide the necessary background information to fully support the request. An Urban Design Report, Comparative Density study, and General Vegetation Inventory were not provided in support of the applications despite requests through the Formal Consultation process.

The Notice of Complete Application and Pre-Circulation was circulated to the public on August 9, 2013. The application was circulated for comments by various departments and agencies on August 2, 2013. Comments were received from City Departments, outside agencies, and members of the public. Specifically, Hamilton Municipal Parking Services has concerns with regards to the proposed parking to unit ratio offered on the site.

While a statutory public meeting under the *Planning Act* has not been held, it should be noted that the applicants have held several neighbourhood meetings with area residents regarding the matter. These residents have expressed concerns with regards to parking spillover on local streets and density.

Staff met with the applicants on February 5, 2015 and reiterated the necessity of receiving a formal application for an UHOP Amendment, a General Vegetation Inventory, an Urban Design Study, a Transportation Demand Management Report (including a parking strategy), and a Density and Compatibility Justification (required by Sections 2.4 of the UHOP, and 6.4.1 of the Ainslie Wood Westdale Secondary Plan). To date, none of the supporting documentation has been received. As of the time of preparation of the Report, a formal complete application to amend the UHOP has not been received.

The appeal to the OMB was filed on April 29, 2015, 664 days after the receipt of the initial application.

APPENDICIES AND SCHEDULES ATTACHED:

- Appendix "A": Location Map
- Appendix "B": Conceptual Site Plan
- Appendix "C": Conceptual Building Elevation

TK/th