



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	December 1, 2015
<b>SUBJECT/REPORT NO:</b>	Application for an Urban Hamilton Official Plan Amendment for Lands Located at 71, 75 and 77 Leland Street (Hamilton) (PED15201) (Ward 1)
<b>WARD(S) AFFECTED:</b>	Ward 1
<b>PREPARED BY:</b>	Heather Travis Senior Project Manager (905) 546-2424 Ext. 4168  Steve Robichaud Director of Planning and Chief Planner
<b>SUBMITTED BY:</b>	Jason Thorne General Manager Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

That approval be given to **Urban Hamilton Official Plan Amendment Application UHOPA-15-017, by Creek Village Inc. (Owner)**, for a redesignation from “Low Density Residential 3c” to “High Density Residential 1”, and to establish a Site Specific Policy Area within the Ainslie Wood Westdale Secondary Plan Land Use Plan, to permit a maximum density of 285 units per hectare (124 units) for multiple dwellings, and a maximum height of five storeys, for lands located at 71, 75 and 77 Leland Street (Hamilton), as shown on Appendix “A” to Report PED15201, on the following basis:

- (a) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED15201, be adopted by City Council.
- (b) That the City Solicitor be directed to explore settlement options for the appeals of the related Zoning By-law Amendment and Official Plan Amendment applications (OMB File No. PL150378) and report back to Council for instruction on the appeals.

## **EXECUTIVE SUMMARY**

The purpose of the application is to amend the Urban Hamilton Official Plan (UHOP) to permit the development of a five storey, 124 unit multiple dwelling. A total of 50 parking spaces are proposed, as shown on Appendix “C”. An Official Plan Amendment is required to redesignate the subject lands from “Low Density Residential 3c” to “High Density Residential 1”, and to establish a Site Specific Policy Area within the Ainslie Wood Westdale Secondary Plan (AWWSP), to permit a maximum density of 285 units per hectare instead of a maximum density of 125 units per hectare. The Site Specific area will also restrict the maximum unit count to 124 units and the maximum height to five storeys.

In 2013, the applicant submitted an application for a Zoning By-law Amendment and an amendment to the City of Hamilton Official Plan to facilitate the same development. On April 29, 2015, these applications were appealed to the Ontario Municipal Board (OMB) for failure of Council to make a decision within the prescribed timeframe under the *Planning Act*. A decision on these applications has not been rendered by the OMB.

The proposal has merit and can be supported as it is consistent with the Provincial Policy Statement and conforms to Places to Grow. The proposal implements the intent of the AWWSP in providing variation in housing forms within the neighbourhood. Further, the proposal is appropriately located on a collector road, in proximity to McMaster University and Main Street West, and accessible to a variety of local services and facilities.

### ***Alternatives for Consideration – See Page 37***

## **FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** N/A

**Staffing:** N/A

**Legal:** As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider an application for an Official Plan Amendment.

## **HISTORICAL BACKGROUND**

### **Proposal**

The applicant is proposing the development of a five storey, 124 unit multiple dwelling. The subject lands are located at 71 – 77 Leland Street, Hamilton, in proximity to Main Street West and McMaster University. The applicant has indicated that the multiple dwelling will be marketed toward the McMaster University student population, with 109

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bachelor apartment units, ten one-bedroom units, and five two-bedroom units. A total of 50 parking spaces are to be provided on site.

The applicant has applied for an Amendment to the Urban Hamilton Official Plan (UHOP) to redesignate the subject lands from “Low Density Residential 3c” to “High Density Residential 1”, and to establish a Site Specific Policy Area within the Ainslie Wood Westdale Secondary Plan (AWWSP) to permit a maximum density of 285 units per hectare instead of a maximum density of 125 units per hectare. (See Appendix “C” for a preliminary site plan and elevation plan.) Staff are also recommending that the Site Specific Policy Area restrict the maximum number of units to 124 and the maximum height for a multiple dwelling to five storeys. The Official Plan Amendment is required to recognize the increased density only, as the use and the height are already permitted by the Zoning By-law and current Official Plan designation.

The related Zoning By-law Amendment (ZAC-13-027) required to implement the proposal has been appealed to the OMB for failure to make a decision within the timelines prescribed by the *Planning Act*. In addition, the applicant had applied initially for an amendment to the City of Hamilton Official Plan (OPA-13-005), which was the document in force and effect at the time the application was originally submitted to the City. That Official Plan Amendment application to the City of Hamilton Official Plan has also been appealed to the OMB.

### **2005 Official Plan and Zoning By-law Amendment**

As part of the development and implementation of the AWWSP in 2005, a number of remnant industrially zoned properties in the neighbourhood were identified. This included the subject lands, which contained a mix of industrial buildings. As these remnant industrially zoned properties were generally located in the interior of the neighbourhood, in areas in close proximity to residential uses, it was determined that as part of the Secondary Plan process, in addition to implementing residential land use designations, that these remnant industrial parcels would be rezoned by the City of Hamilton to appropriate residential zones. Due to the generally large size of these parcels, and their proximity to collector roads (i.e. Leland Street and Emerson Street), McMaster University, and Main Street West, it was determined that these lands would be suitable for residential intensification when they would be redeveloped in the future. In this regard, the subject lands were included in a land use designation in the Secondary Plan that permitted triplexes, multiple dwellings and townhouses.

Site specific zoning was implemented in 2005 (By-law No. 05-209) for the subject lands that rezoned the lands from the “J” (Light and Limited Heavy Industry, etc.) District to the “DE-3/S-1522” (Multiple Dwellings) District, Modified, which permits townhouses and multiple dwellings of five storeys in height. It should be noted that the implementing zoning for the subject lands did not establish any restrictions in maximum density other

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than existing zoning provisions that regulate setbacks, parking, minimum lot size, minimum landscaped area, and maximum gross floor area ratio.

**Chronology:**

- July 30, 2005 By-law No. 05-209 passed by City Council. This City-initiated By-law resulted in the subject lands being rezoned from the “J” (Light and Limited Heavy Industrial, Etc.) District to the “DE-3/S-1522” (Multiple Dwellings) District, Modified, which permits a maximum five storey multiple dwelling.
- December 12, 2012: Development Review Committee Meeting for Formal Consultation Application FC-12-141.
- July 30, 2013: Zoning Amendment Application ZAC-13-027 and Official Plan Amendment Application OPA-13-005 deemed complete.
- August 16, 2013: Urban Hamilton Official comes into force and effect.
- August 27, 2013: Public Notice sign erected on the subject lands.
- November 12, 2013: Neighbourhood Information Meeting attended by approximately 20 local residents.
- April 29, 2015: Official Plan Amendment OPA-13-005 and Zoning By-law Amendment ZAC-13-027 appealed to the Ontario Municipal Board for failure of Council to make a decision on the applications within the prescribed timeframe.
- June 12, 2015: Revised Tree Management Plan submitted to City of Hamilton for review.
- June 29, 2015: Urban Hamilton Official Plan Amendment UHOPA-15-017 deemed complete.
- July 15, 2015: Notice of Complete Application and Preliminary Circulation for Urban Hamilton Official Plan Amendment Application UHOPA-15-017 sent to all property owners and residents within 120 m of the subject lands.
- November 4, 2015: Public Notice sign updated to reflect Public Meeting date.

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November 13, 2015: Notice of Public Meeting mailed to all residents within 120 m of the subject lands.

**Details of Submitted Applications:**

**Location:** 71, 75 and 77 Leland Street (Hamilton)

**Owner/Applicant:** Creek Village Inc.

**Agent:** GSP Group (c/o Chris Pidgeon)

**Property Description:** Area: 0.436 ha.  
Frontage: 78.9 m.  
Depth: 110 m. (along southerly property line)

**Servicing:** Full Municipal Services

**EXISTING LAND USE AND ZONING:**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b><u>Subject Lands:</u></b>	Vacant Industrial Buildings and Parking	“DE-3/S-1522” (Multiple Dwellings) District, Modified
<b><u>Surrounding Lands:</u></b>		
<b>North</b>	Single Detached Dwellings	“C/S-1335” and “C/S-1335a” (Urban Protected Residential, Etc.) District, Modified
<b>South</b>	Rail Trail and Single Detached Dwellings	“C/S-1335”, “C/S-1335a”, and “C/S-720” (Urban Protected Residential, Etc.) District, Modified
<b>East</b>	Single Detached Dwellings	“C/S-654”, “C/S-1335” and “C/S-1335a” (Urban Protected Residential, Etc.) District, Modified

**West**

Single Detached Dwellings

“C” (Urban Protected Residential, Etc.) District, and “C/S-1335” and “C/S-1335a” (Urban Protected Residential, Etc.) District, Modified

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### **Provincial Policy Statement (2014)**

The application has been reviewed with respect to the Provincial Policy Statement (PPS). The application is consistent with the policies that focus growth in Settlement Areas (Policy 1.1.3.1). It also implements Policies 1.1.3.2 and 1.4.3 with respect to promotion of densities which efficiently use land and resources, and appropriate intensification and redevelopment where services are available.

The subject lands previously contained industrial uses, and therefore the redevelopment of the site is consistent with Policy 1.1.3.3 which encourages redevelopment, including brownfield sites. The application is consistent with Policy 1.1.1(c) pertaining to site contamination as the applicant has filed a Record of Site Condition with the MOE.

Policy 1.2.6.1 requires that sensitive land uses be buffered from potential noise sources. In this regard, the applicant submitted a noise study which has been reviewed by staff, and identifies noise mitigation measures that will be implemented at the Site Plan Control stage of development.

Finally, Policy 2.1.1 requires the protection of natural features. In this regard, the application has submitted a Tree Protection Plan (TPP) which has been reviewed and accepted by staff. Several trees will be removed from the site which are undesirable or in poor health. Compensation plantings will be provided elsewhere on site. Therefore, based on the foregoing, the proposal is consistent with the Provincial Policy Statement (PPS).

### **Places to Grow: Growth Plan for the Greater Golden Horseshoe**

The subject lands are located within a built-up area, as defined by Places to Grow. Policy 2.2.3.1 states that by the year 2015, and for each year thereafter, a minimum of 40 percent of all residential development occurring annually within each upper and single tier municipality, will be within the built-up area. The proposal also implements Policy 2.2.2.1 with respect to directing new growth to the built-up areas through intensification, and by contributing to complete communities with a diverse mix of land uses, including providing for a mix of housing types.

Based on the foregoing, the proposal conforms to the policies of the Growth Plan for the Greater Golden Horseshoe (Places to Grow).

### **Urban Hamilton Official Plan**

The Urban Hamilton Official Plan (UHOP) identifies the subject lands as “Neighbourhoods” on Schedule “E” – Urban Structure and designates the subject lands as “Neighbourhoods” on Schedule “E-1” - Urban Land Use Designations. In addition, the subject lands are designated “Low Density Residential 3c” within the Ainslie Wood Westdale Secondary Plan (Volume 2), to be discussed in the following section.

The following UHOP policies, amongst others, are applicable to the subject lands:

#### **Neighbourhoods Designation**

- “E.3.2.3 The following uses shall be permitted on lands designated “Neighbourhoods” on Schedule E-1 - Urban Land Use Designations:
- a) Residential dwellings, including second dwelling units and housing with supports;
- E.3.2.4 The existing character of established Neighbourhoods designated areas shall be maintained. *Residential intensification* within these areas shall enhance and be *compatible* with the scale and character of the existing residential neighbourhood in accordance with Section B.2.4 – Residential Intensification and other applicable policies of this Plan.
- E.3.2.7 The City shall require quality urban and architectural design. *Development* of lands within the Neighbourhoods designation shall be designed to be safe, efficient, pedestrian oriented, and attractive, and shall comply with the following criteria:
- a) New *development* on large sites shall support a grid system of streets of pedestrian scale, short blocks, street oriented structures, and a safe and attractive public realm.
  - b) Garages, parking areas, and driveways along the public street shall not be dominant. Surface parking between a building and a public street (excluding a public alley) shall be minimized.
  - c) Adequate and direct pedestrian access and linkages to *community facilities/services* and local commercial uses shall be provided.

- d) *Development* shall improve existing landscape features and overall landscape character of the surrounding area.
- e) *Development* shall comply with Section B.3.3 – Urban Design Policies and all other applicable policies.”

Within the Neighbourhoods designation, all types of residential uses are permitted, including multiple dwellings. However, the plan recognizes that there are many established communities in the Neighbourhoods designation, and that proposals for intensification within these areas must be carefully evaluated. The criteria for evaluating residential intensification proposals is identified in Section B.2.4 of the Plan, to be discussed in the following section.

Further, the Plan also promotes quality urban design and community connectivity within the Neighbourhoods designation. Design considerations related to the proposal will be discussed in greater detail in the Urban Design Section below. However, in consideration of Policy E.3.2.7 above, it is noted that the proposed development is street oriented, with the building mass located at the streetline and Rail Trail, and further, that the parking area is located toward the interior of the site (as per Appendix “C”). The development is well situated in terms of connections to community facilities and services, most notably McMaster University approximately 260 m to the north. The site also benefits from close proximity to the local commercial uses of West Hamilton, with easy pedestrian and cycling access along the adjacent Rail Trail. Finally, in terms of impacts on the landscape, it is recognized that some tree removal will occur as a result of this development. However, the applicant has submitted a revised Tree Protection Plan (TPP) which has been reviewed and accepted by staff. The TPP indicates that the majority of the trees being removed are of poor quality or undesirable species, and adequate compensation plantings can be provided on-site.

#### “E.3.3 Residential Uses - General Policies

Three categories of residential land use are described in this section, but are not designated on Schedule E-1 - Urban Land Use Designations. These residential categories provide general location, scale, and design directions for the purposes of secondary planning and zoning. These categories may also be applied in the redevelopment of larger sites.

- E.3.3.1 Lower density residential uses and building forms shall generally be located in the interiors of neighbourhood areas with higher density dwelling forms and supporting uses located on the periphery of neighbourhoods on or in close proximity to major or minor arterial roads.



E.3.3.2 Development or redevelopment adjacent to areas of lower density shall ensure the height, massing, and arrangement of buildings and structures are compatible with existing and future uses in the surrounding area.

### 3.6 High Density Residential

#### Function

E.3.6.1 High density residential areas are characterized by *multiple dwelling forms* on the periphery of neighbourhoods in proximity to major or minor arterial roads.

E.3.6.2 Uses permitted in high density residential areas include *multiple dwellings*, except street townhouses.

E.3.6.4 High density residential uses shall be located within safe and convenient walking distance of existing or planned *community facilities/services*, including public transit, schools, and active or passive recreational facilities.

E.3.6.5 Proximity to the Downtown Urban Growth Centre, Sub-Regional Nodes or Community Nodes, and designated Employment Areas shall be considered desirable for high density residential uses.

#### Scale

E.3.6.6 In high density residential areas, the permitted *net residential densities*, identified on Appendix G – Boundaries Map shall be:

- a) greater than 100 units per hectare and not greater than 500 units per hectare in Central Hamilton; and,
- b) greater than 100 units per hectare and not greater than 200 units per hectare in all other Neighbourhoods designation areas.
- c) Notwithstanding Policy E.3.6.6 b), for smaller sites fronting on arterial roads, an increase in density may be considered, without an amendment to this Plan, provided the policies of this Plan are met.”

The proposed development, being a five storey multiple dwelling with a density of 285 units per hectare, is considered high density by the policies of the UHOP (and also within the AWWSP, to be discussed below). The UHOP encourages high density residential uses to be located on the periphery of a neighbourhood, in proximity to major or minor arterial roads. The Plan also encourages high density uses to be located

within easy access of community facilities and services, as well as in proximity to Downtown Hamilton or other identified Nodes. In considering the location of the subject lands and the suitability for high density use, it is acknowledged that the subject lands are not located on the periphery of the Ainslie Wood Westdale East neighbourhood or located with direct access to an arterial road, as encouraged by the Plan. However, the subject lands do have direct access to a collector road, and are located within 185 m of a major arterial road, being Main Street West. Further, the subject lands are ideally located in terms of pedestrian, cycling and public transit access to an array of community facilities and commercial services, with direct access to the adjacent Rail Trail and easy pedestrian access to Main Street West. Given the applicant has stated an intention to market the proposed units to university students, the subject lands meet the requirements identified by the Plan for locating high density uses in locations which are well connected to services and facilities which will be required by the residents. Therefore, it is staff's opinion that the subject lands meet the intent of the policies above in identifying preferred locations for high density uses, in terms of access and connectivity. However, one cannot determine if the location is appropriate for high density development without considering the critical issue of compatibility.

The rationale for encouraging high density development to be located on the periphery of neighbourhoods is to allow for buffering and transition of land uses and densities. Given that the subject lands are surrounded by low density development (single detached dwellings), the issue of compatibility is critical, as identified by Policy E.3.3.2 above, which indicates that development adjacent to low density areas must ensure that height, massing and arrangement of buildings are compatible with existing and planned development. The policies below provide insight when considering the question of compatibility.

“Design

E.3.6.7 *Development* within the high density residential category shall be evaluated on the basis of the following criteria:

- a) *Development* should have direct access to a collector or major or minor arterial road. If direct access to such a road is not possible, the development may be permitted direct access to a collector or major or minor arterial roads via a local road upon which abut only a small number of low density residential category dwellings.
- b) High profile *multiple dwellings* shall not generally be permitted immediately adjacent to low profile residential uses. A separation distance shall generally be required and may be in the form of a suitable intervening land use, such as a medium density residential use. Where such separations cannot be achieved, transitional features such as effective screening and/or design features shall be

incorporated into the design of the high density development to mitigate adverse impact on adjacent low profile residential uses.

- c) High profile *development* may be considered appropriate, subject to the other policies of this Plan, where it would result in the preservation of natural heritage system features or public view corridors which may otherwise be compromised by more dispersed, lower profile *development*.
- d) *Development* shall:
  - i) provide adequate landscaping, amenity features, on-site parking, and buffering where required;
  - ii) be *compatible* with existing and future uses in the surrounding area in terms of heights, massing, and an arrangement of buildings and structures; and,
  - iii) provide adequate access to the property, designed to minimize conflicts between traffic and pedestrians both on-site and on surrounding streets.
- e) In accordance with the policies of Section B.3.3 – Urban Design Policies, *development* shall contribute to an attractive public realm by minimizing the view of the following elements from the abutting public streets (excluding public alleys):
  - i) surface parking areas;
  - ii) parking structures;
  - iii) utility and service structures such as garbage enclosures; and,
  - iv) expanses of blank walls.
- f) The City may require studies, in accordance with Chapter F - Implementation Policies, completed to the satisfaction of the City, to demonstrate that the height, orientation, design and massing of a building or structure shall not unduly overshadow, block light, or result in the loss of privacy of adjacent residential uses.”

The policies above speak to important considerations in the location and design of high density residential uses. With regards to (a) above, the subject lands have frontage on a collector road. Leland Street is identified as a collector road on Schedule C, and is an

important artery in the Ainslie Wood Westdale East neighbourhood as it leads directly to Cootes Drive, a primary entrance for McMaster University. Leland Street contains a mix of land uses, including primarily single detached dwellings, as well as retail and office uses.

Subsection (b) above speaks to the important consideration of separation of land uses and transition between densities. The subject lands are bounded by existing single detached residential dwellings immediately to the north and east. To the south, the Rail Trail provides a buffer between the subject lands and the dwellings to the south of the trail. And to the west, Leland Street provides a buffer from the dwellings which have flankage on Leland Street but front onto Glenmount Avenue. As such, the primary areas of concern are to the north and east, as these dwellings do not benefit from any intervening land uses from the proposed multiple dwelling. The Policy above states that where such separations cannot be achieved, transitional features such as effective screening and/or design features can be incorporated into the design of the high density development to mitigate adverse impact on adjacent low profile residential uses. As such, the proposed development must provide some amount of screening to the existing uses, given that transitional land uses cannot be provided. While it is acknowledged that the current zoning on the subject lands does allow for a five storey building as-of-right, this does not negate the requirement for the inclusion of design features and/or screening features within the development. In considering the design and placement of the building, it is noted that the building has been appropriately located at the southwest corner of the property, closest to the Rail Trail, thereby maximizing the distance between the building and the closest dwelling. Further, the applicant has agreed to provide a landscape area between the parking area and the north and east lot lines. At the Site Plan Control stage, a Landscape Plan will be required which will ensure that mature vegetation for screening is provided.

Subsection (d) above speaks to the importance of providing landscaping and buffering on site. As noted above, significant landscaping is being provided to the north and east, in addition to street tree planting along Leland Street. This includes compensatory plantings for some tree removal. Trees adjacent to the site are being preserved, providing additional buffering for the houses to the north and east, as identified on the TPP.

The policy also speaks to the provision of adequate parking on site. The issue of adequate on-site parking is critical to the consideration of increased density, as a deficiency in parking could lead to spillover problems in the established neighbourhood. The applicant is proposing to provide 50 spaces for 124 units. This does not meet the Zoning By-law requirement of 155 spaces (1.25 spaces per dwelling unit). However, after reviewing the Parking Study submitted by the applicant and prepared by Paradigm, and based on: the location of the subject lands, which are well connected for pedestrian, cycling and public transit access; the availability of parking in the neighbourhood; and, the inclusion of a Transportation Demand Management strategy,

staff are satisfied that sufficient parking is provided on site. This issue will be fully examined in the Analysis and Rationale for Recommendation Section below.

Subsection (d) also speaks once again to the important issue of compatibility with adjacent uses in terms of height, massing and arrangement of buildings. While the height of the proposed building is permitted as-of-right, massing and arrangement of the building on the site has been designed in a manner to reduce impacts on adjacent uses, by bringing the building close to the street edge and the Rail Trail, and maximizing distance to adjacent dwellings.

Subsection (e) above speaks to design, which will be fully explored below. The policy speaks to the importance of enhancing the public realm through screening of parking areas and garbage enclosures, and reducing expanses of blank facade. These issues will be fully reviewed at the Site Plan Control stage. Staff note that the proposed building is consistent with this policy, as the parking area is well screened by the proposed building and landscaping. Renderings provided by the applicant illustrate active facades, though staff will be suggesting improvements to the facades to create a better 'fit' for the building with the neighbourhood.

The final subsection above identifies studies that could be required to illustrate that adjacent properties will not be impacted by the high density use, such as a sun / shadow study. Because the site is pre-zoned for a five storey building, such a study was not required. The applicant did however provide other studies, including a Parking Study, Noise Study and Urban Design Brief, to identify and reduce potential impacts on the surrounding neighbourhood.

Based on the above considerations, the proposed multiple dwelling is well located for a high density use in terms of connectivity and access. Further, the building has been located to reduce impacts on adjacent uses through the proposed location on the property, and through the provision of landscaping, buffering and on-site parking. However, a full consideration of the compatibility issue must include a review of the Residential Intensification policies of Section B.2.4, as will now follow.

### Residential Intensification

"B.2.4.1.1 *Residential intensification* shall be encouraged throughout the entire *built-up area* in accordance with the policies of Chapter E – Urban Systems and Designations and Chapter F – Implementation.

B.2.4.1.3 The residential intensification target specified in Policy A.2.3.3.4 shall generally be distributed through the *built-up area* as follows:

- c) 40% of the residential intensification target is anticipated to occur within the Neighbourhoods Designation as illustrated on Schedule E – Urban Structure.

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;
- 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;
- c) the development's contribution to maintaining and achieving a range of dwelling types and tenures;
- 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;
- e) the development's contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;
- f) infrastructure and transportation capacity; and,
- g) the ability of the development to comply with all applicable policies.”

Policy B.2.4.1.4 provides a list of criteria to be considered when evaluating intensification proposals. In reviewing intensification proposals, staff will consider a balanced evaluation of all of the above criteria. Subsection (b) requires that the proposal shall maintain, and possibly enhance, existing neighbourhood character, including a consideration of established built form. Ainslie Wood Westdale East is an established neighbourhood, which is dominated by single detached dwellings, some of which are used as student housing for McMaster students. Multiple dwellings are not common in the neighbourhood, though several properties along the Rail Trail (including the subject lands) were pre-zoned in 2005 to permit multiple dwellings, up to a maximum of five storeys. The neighbourhood does contain some small scale commercial and industrial uses, as well as varying institutional uses. The subject lands are currently occupied by two vacant industrial/office buildings and surface parking. The smaller of the two buildings is two storeys in height with frontage on Leland Street, and appears to be primarily used for office purposes. The second building is a large one storey structure at the southwest corner of the property, with frontage on Leland

Street and which extends along the length of the Rail Trail to the rear of the property. The remainder of the property is currently used for parking.

In considering whether or not the proposed building maintains this character, staff acknowledge that the neighbourhood is dominated by single detached dwellings. However, the subject lands are currently occupied by two vacant industrial buildings which, in staff's opinion, do not enhance or maintain the residential character of the neighbourhood. As such, the proposal to redevelop the brownfield site for residential purposes is in keeping with the predominantly residential nature of the neighbourhood. With regards to height and massing, staff recognize that the height and massing of the proposed building is significantly greater than that of the existing surrounding single detached dwellings. However, it must be acknowledged that the proposed building is in conformity with existing zoning regulations in terms of both height and required setbacks, and further, that the proposed five storey height and multiple dwelling use are also permitted as-of-right by the current Official Plan designation. As such, the application currently being considered is reviewing the proposal only for an increase in density (increased number of units), but not a change to the permitted built form. This must be recognized when considering compatibility with surrounding land uses, in regards to height and massing.

In further considering the built form in relation to existing character, staff find that the building, as proposed (see Appendix "C"), although greater in height, will build upon established built form. The building is proposed at the southwest corner of the property, in the same location as the existing buildings on the site, thereby continuing the existing built form presence along both the Leland Street frontage and the Rail Trail. The building has been designed to include a variety of materials, including those common throughout the neighbourhood. In addition, staff have identified several improvements that can be incorporated into the proposed design of the building that will improve compatibility with existing character, including breaking the elevations into smaller components with proportions reflecting those of the residential buildings located in the neighborhood. This will be further detailed in the design discussion below. Based on all of the above, staff find the proposal satisfies subsection (b) above and will maintain the neighbourhood character.

With regards to subsection (c) above, the proposal will contribute to the provision of a range of dwelling types in the neighbourhood. As previously noted, multiple dwelling forms are not common in Ainslie Wood Westdale East. Rather, the neighbourhood is dominated by single detached dwellings, many of which are converted to provide housing for students. The proposed multiple dwelling will provide an alternative housing option within the neighbourhood.

Subsection (d) above speaks once again to compatibility with neighbourhood character in terms of compatible integration of use, scale, form and character, and encourages innovative design techniques. This has been discussed above in regards to the

relationship of the proposed development to neighbourhood character. In terms of how the proposed building will integrate with the surrounding development, staff note that the building will be appropriately placed on the subject lands at the southwest corner, thereby maximizing the separation distance between the multiple dwelling and surrounding low density uses. The mass of the building is oriented toward Leland Street and the Rail Trail. Adequate space is available on site to buffer the parking area from surrounding uses. The building has been designed to incorporate material elements from the surrounding neighbourhood, and further improvements to the facades can be incorporated at the Site Plan Control stage to improve the fit of the building with its surroundings. As such, staff find that the proposal will compatibly integrate with the neighbourhood.

Subsection (e) above speaks to the development's contribution to planned urban structure. As previously noted, the subject lands are identified as Neighbourhoods on Schedule 'E' – Urban Structure. Further, the subject lands are located approximately 185 m from Main Street West, which is identified as a Primary Corridor on Schedule 'E'. McMaster University is identified as a Major Activity Centre. Primary Corridors are intended to be the focal point for higher order transit, as well as higher density and mixed uses along the Corridor. As such, the development is well located in relation to the corridor in that the dwelling occupants will be in close proximity to transit and services. Further, the location of the building, which is being marketed toward students as per the information of the applicant, is ideally situated in relation to McMaster, the Major Activity Centre.

Finally, subsection (f) above speaks to the availability of sufficient infrastructure and transportation capacity. In terms of infrastructure, the site is serviced by an existing watermain and combined sewer on Leland Street. Detailed servicing studies will be required at the Site Plan Control stage. However, Public Works staff have identified that fire flows may be inadequate for the type of used proposed, and that additional hydrant testing should be completed by the applicant to confirm availability. Staff note that, at a future planning stage, the applicant will be required to provide a report detailing residential water demands and available fire flows, and to address any deficiencies through appropriate building construction and/or infrastructure upgrades.

With regards to transportation impacts, Traffic staff note that the subject site is approximately 260 m south of McMaster University. Using trip generation rates from a nearby comparable development, the proposed multiple dwelling can be expected to generate eight morning peak hour and 11 afternoon peak hour vehicle trips. These estimated volumes will not negatively impact the adjacent transportation network.

Based on all of the above, staff find that the proposal satisfactorily addresses the criteria for evaluating residential intensification proposals, as outlined in the policy above. Further specific guidance on evaluating intensification proposals in the Neighbourhoods designation is provided in the next policies.



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“B.2.4.2.1 Residential intensification within lands designated Neighbourhoods identified on Schedule E-1 - Urban Land Use Designations shall comply with Section E.3.0 – Neighbourhoods Designation.

B.2.4.2.2 When considering an application for a residential intensification development within the Neighbourhoods designation, the following matters shall be evaluated:

- a) the matters listed in Policy B.2.4.1.4;
- b) compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
- c) the relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;
- d) the consideration of transitions in height and density to adjacent residential buildings;
- e) the relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;
- f) the provision of amenity space and the relationship to existing patterns of private and public amenity space;
- g) the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;
- h) the ability to complement the existing functions of the neighbourhood;
- i) the conservation of cultural heritage resources; and,
- j) infrastructure and transportation capacity and impacts.”

Policy B.2.4.2.2 further addresses intensification proposals within the Neighbourhoods designation. Some of the matters listed above are similar to the matters identified in B.2.4.1.4, and therefore discussion of those matters will be limited. However, B.2.4.2.2 provides greater direction regarding other matters, as follows. Subsection (b) above addresses compatibility with adjacent land uses in terms of shadowing, noise, lighting and other nuisance impacts. Staff note that the applicant was not required to provide a sun / shadow study, as the zoning on the property already permits the height of five storeys. However, staff note that the placement of the building at the southwest corner

provides maximum distance from abutting low density uses. In terms of noise, a noise study was submitted which did not identify any potential noise impacts on adjacent properties. Lighting and landscape buffering will be addressed at the future Site Plan Control stage to ensure that there will be no impact on adjacent properties from spillover lighting, and to ensure that sufficient landscaping is provided.

Subsections (c) and (d) above address the relationship of the proposed building to adjacent low density uses with regard to height, massing and scale, and transitions in height and density to adjacent uses. As discussed previously, staff note that the height of the proposed building exceeds that of surrounding uses, which are predominately two storey dwellings. However, as the existing zoning on the property permits the proposed height, staff find that the discussion must focus on massing and scale of the building, and the design considerations that can be employed to provide for greater integration in the community. While staff are satisfied with the materiality of the building, staff have reviewed the proposed building elevations and can offer improvements to increase fit and compatibility, which can be incorporated at the Site Plan Control stage. These suggestions will be discussed in greater detail in the next section, but include stepping back the top floor and adding a terrace to reduce the appearance of height, removing vertical elements from the facade, and breaking the facades into smaller sections to reflect proportionality of the neighbourhood. Through these improvements, staff are satisfied that the proposed building, though greater in height, will maintain the neighbourhood character.

Subsection (f) above speaks to the provision of amenity space. The site plan submitted by the applicant does not identify an outdoor amenity area for the use of residents, although the rendered elevation drawings indicate the inclusion of balconies. While staff acknowledge the proximity to McMaster University which includes a range of both indoor and outdoor amenity areas, staff suggest that the inclusion of an on-site amenity area should be considered, to be fully examined at the Site Plan Control stage.

Subsection (g) speaks to maintaining streetscape patterns including setbacks and building separations. Staff note that the proposed building is to be located at the property line, with a minimal setback to Leland Street and the Rail Trail. This is consistent with the existing buildings on the property which are built to the property line, and which also maintain a built form presence at Leland Street and the Rail Trail, and therefore, staff find that the proposal complies with subsection (g) above.

Subsection (h) speaks to the ability to complement existing functions of the neighbourhood.. As previously noted, the existing neighbourhood is primarily residential in nature. The neighbourhood, located in proximity to McMaster University, serves the student population of McMaster through the provision of housing and local commercial uses. The proposed building, which is being marketed toward students as per information from the applicant, will maintain this function.

With regard to (i) above, staff note that the subject lands have been identified as an area of archaeological potential. An archaeological assessment is not required, but an acknowledgement of the archaeological potential will be included on the future Site Plan Control application. With regard to (j), transportation and infrastructure impacts have already been discussed above in relation to Policy B.2.4.1.4(f).

Based on all of the above, staff find that the proposal satisfactorily addresses the criteria for evaluating residential intensification proposals within the Neighbourhoods designation.

### Urban Design

“B.3.3.2.6 Where it has been determined through the policies of this Plan that *compatibility* with the surrounding areas 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;
- c) allowing built form to evolve over time through additions and alterations that are in harmony with existing architectural massing and style;
- d) complementing the existing massing patterns, rhythm, character, colour, and surrounding context; and,
- 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.3.3.3.1 New *development* shall be located and organized to fit within the existing or planned context of an area as described in Chapter E – Urban Systems and Designations.

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

- a) creating transitions in scale to neighbouring buildings;

- b) ensuring adequate privacy and sunlight to neighbouring properties; and,
  - c) minimizing the impacts of shadows and wind conditions.
- B.3.3.3.3 New *development* shall be massed to respect existing and planned street proportions.
- B.3.3.3.4 New *development* shall define the street through consistent setbacks and building elevations. Design directions for setbacks and heights are found in Chapter E – Urban Systems and Designations and in the Zoning By-law.
- B.3.3.3.5 Built form shall create comfortable pedestrian environments by:
- a) locating principal façades and primary building entrances parallel to and as close to the street as possible;
  - b) including ample glazing on ground floors to create visibility to and from the public sidewalk;
  - 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; and,
  - e) using design techniques, such as building step-backs, to maximize sunlight to pedestrian areas.”

As outlined previously, staff find that the proposed development meets the intent of the above noted policies, though improvements to further enhance fit with the neighbourhood are warranted. The proposed building is to be appropriately placed at the southwest corner of the property, which has the dual benefit of maximizing distance to adjacent properties, while also placing the building close to the street edge and maintaining the built form presence of the existing buildings on the site. The parking area is located to the rear of the building and benefits from landscaping to provide a buffer to adjacent residential uses. Further, it is recognized that the proposed design utilizes a variety of materials and textures to provide visual interest, and reflects the materiality of the buildings in surrounding neighbourhood.

However, to provide further enhancement to the proposed building and improve compatibility with neighbourhood character, staff recommends revising the elevations by using design techniques that will make the building appear more residential in nature,

and breaking the elevations into smaller components with proportions reflecting proportions of the residential buildings located in the neighborhood. Further discussion on the proposed improvements will be provided in the Analysis and Rationale for Recommendation Section.

#### Natural Heritage

“C.2.11.1 The City recognizes the importance of trees and woodlands to the health and quality of life in our community. The City shall encourage sustainable forestry practices and the protection and restoration of trees and forests.”

Staff note that trees have been identified on and adjacent to the subject property, which will be impacted as a result of this development. The City recognizes the importance of trees and woodlands to the health and quality of life in the community and encourages sustainable forestry practices and the protection and restoration of trees and forests. The City also recognizes that not all trees can or should be preserved (i.e. trees may be structurally unstable, in poor health or an undesirable species). In this regard, the applicant has submitted a Tree Protection Plan (TPP) which has been reviewed and accepted by staff. The TPP indicates that the majority of the trees being removed are of poor quality or undesirable species, and adequate compensation plantings can be provided on-site.

#### Noise

“B.3.6.3.1 *Development of noise sensitive land uses*, in the vicinity of provincial highways, parkways, minor or major arterial roads, collector roads, truck routes, railway lines, railway yards, airports, or other uses considered to be noise generators shall comply with all applicable provincial and municipal guidelines and standards.

B.3.6.3.2 Any required noise or vibration study shall be prepared by a qualified professional, preferably a professional engineer with experience in environmental acoustics, in accordance with recognized noise and vibration measurement and prediction techniques, to the satisfaction of the City, and in accordance with all applicable guidelines and standards.”

With regard to the above, staff note that the subject lands are intended to be developed for residential purposes and are located approximately 180 m from Main Street West. The proximity of the proposed sensitive land use to road noise sources triggers the requirement for a noise study. Staff further note that a noise study prepared by IBI Group was submitted with the subject application. Staff have reviewed the noise study and are satisfied with the recommendations. The study recommends that the units on the north and west facades will require the provision of forced air heating to accommodate the future installation of air conditioning at a later date by the owner, as

well as warning clauses which will be registered on title to warn future property owners of potential noise excesses. These recommendations will be implemented through the future required Site Plan Control application.

### Contamination

“B.3.6.1 Contaminated sites are a legacy from the past with impacts on environmental and human health that are becoming increasingly apparent as lands are proposed for *redevelopment*; however, remediation of contaminated sites can provide *redevelopment* opportunities which can further the goals of *intensification* and rejuvenation. Prior to permitting *development* on contaminated or potentially contaminated properties, it is important to identify these sites and ensure they are suitable or have been made suitable for the proposed land use(s) in accordance with provincial legislation, regulations, and standards.

B.3.6.1.2 Where there is potential for site contamination due to previous uses of a property and a more *sensitive land use* is proposed, a mandatory filing of a Record of Site Condition is triggered as outlined in provincial guidelines. The Record of Site Condition shall be submitted by the proponent to the City and the Province. The Record of Site Condition shall be to the satisfaction of the City.”

Due to the previous industrial use of the property, and the proposed change to a more sensitive land use, a mandatory filing of a Record of Site Condition is required, in accordance with provincial guidelines. Staff note that a Record of Site Condition has been filed with the Ministry of Environment on the Environmental Site Registry, and therefore staff have no further concerns in this regard.

### Cultural Heritage

“B.3.4.4 The City shall require the protection, conservation, or mitigation of sites of archaeological value and areas of archaeological potential as provided for under the Planning Act, the Environmental Assessment Act, the Ontario Heritage Act, the Municipal Act, the Cemeteries Act, or any other applicable legislation.”

With regards to the above, staff note that the subject lands have been identified as an area of archaeological potential, as they meet three out of ten criteria. An archaeological assessment is not required, but the applicant will be required to include an archaeological acknowledgement on the future required Site Plan.

Based on all of the above, staff find the proposal meets the intent of the policies of Volume 1 of the UHOP.

### **Ainslie Wood Westdale Secondary Plan**

The Ainslie Wood Westdale Secondary Plan (AWWSP) was approved by Council in 2005. At that time, the Secondary Plan formed part of the former City of Hamilton Official Plan. However, in August 2013 when the UHOP was final approved by the OMB, the version of the Ainslie Wood Westdale Secondary Plan that is contained in Volume 2 of the UHOP came into effect. Within this Secondary Plan, the subject lands are designated “Low Density Residential 3c” which permits multiple dwellings to a maximum height of five storeys and a maximum density of 49 units per gross hectare, whereas the subject application is proposing a density of approximately 285 uph. As such, an amendment to the AWWSP is required to redesignate the lands to High Density Residential 1, with a Site Specific Policy to permit a maximum density of 285 uph and a maximum height of five storeys. The following policies from Volume 2 of the UHOP, amongst others, would apply to the proposed development:

#### **“B.6.2.5.3 General Residential Policies**

In addition to Section E.3.0 – Neighbourhood Designation of Volume 1, the following general policies apply to all residential land use designations identified on Map B.6.2-1 – Ainslie Wood Westdale - Land Use Plan:

- a) A range of residential designations is provided to encourage a variety of housing types, forms and sizes. Rental housing is important in providing a range of housing types.
- b) Higher residential densities are directed to major roads, namely arterial and collector roads, to new or redeveloped residential or mixed commercial/residential *developments*. Population densities should be reflective of average densities for similar higher density residential uses across the City.
- e) Additional locations suitable for new higher density housing units, including units suitable for student housing, are identified at various locations and densities, to reduce the over-intensification of such housing in some residential areas. Housing forms which shall be encouraged for new rental housing and student units include mixed use commercial/residential on major roads, low rise apartments, medium rise apartments, and rental rooms in owner-occupied houses.”

The policies of the AWWSP recognize and encourage a range of housing types within the Neighbourhood. The plan requires higher density uses to be directed to major roads (arterial or collector). In this regard, it is noted that Leland Street is identified as a Collector on Schedule C of Volume 1. Subsection (e) above identifies a need for

additional higher density housing within the neighbourhood, particularly units suitable for student housing, thereby alleviating strains on the existing neighbourhoods resulting from conversions of single detached dwellings into student housing. The policy notes that such higher density development may take the form of low or medium rise apartments, consistent with the subject proposal.

**“B.6.2.5.4 Low Density Residential Designation**

- b) The following policies shall apply to the lands designated Low Density Residential 3c on Map B.6.2-1 – Ainslie Wood Westdale - Land Use Plan:
  - i) Notwithstanding Policy E.3.4.3 of Volume 1, within the Low Density Residential 3c areas triplexes and multiple dwellings with four units or more, and townhouse developments up to five storeys in height shall be permitted. Additional height over five storeys may be considered, but shall not produce any adverse shadow or wind impacts on adjacent low density residential areas. New low density uses shall not be permitted in these areas.
  - ii) Notwithstanding Policy E.3.4.4 of Volume 1, the residential densities of the Low Density Residential 3c designation shall generally be 30 – 49 units per gross hectare.
  - iii) The Low Density Residential 3c designated areas are located along major roads, specifically sections of Main Street West and King Street West. Low Density Residential 3c uses may also be considered on other *redevelopment* sites where *compatibility* with adjacent uses can be ensured, in terms of such matters as building height and massing. Such sites shall require an amendment to Map B.6.2-1 - Ainslie Wood Westdale - Land Use Plan.”

As previously noted, the subject lands are currently designated Low Density Residential 3c, which permits a multiple dwelling up to five storeys in height, to a maximum density of 49 uph. Therefore, the form and height of the proposal are permitted within the existing Plan designation. However, the proposed density of 285 uph is not permitted, and necessitates a redesignation to the High Density Residential 1 designation which is more reflective of the proposed use.



“B.6.2.5.5 High Density Residential Designation

The following policies shall apply to the lands designated High Density Residential 1 on Map B.6.2-1 - Ainslie Wood Westdale - Land Use Plan:

- a) Within High Density Residential 1 designated areas *multiple dwellings* shall be permitted to a maximum height of 10 storeys, except in the case of existing buildings which may be higher. Additional height shall be permitted for new buildings, provided the height shall not produce any adverse wind impact, or adverse shadow impacts on public space and/or private outdoor amenity spaces.
- b) Notwithstanding Policy E.3.6.6 of Volume 1, the residential densities of High Density Residential 1 uses shall generally be 50 –125 units per gross hectare.
- c) High Density Residential 1 designated areas are located along major roads, specifically sections of Main Street West. High Density Residential 1 uses may also be considered on other *redevelopment* sites where *compatibility* with adjacent uses can be ensured, in terms of such matters as building height, massing, and preservation of views. Such sites shall require an amendment to Map B.6.2-1 - Ainslie Wood Westdale Land Use Plan.”

The High Density Residential 1 designation permits multiple dwellings to a maximum height of ten storeys, and to a maximum permitted density of 125 uph. Staff are proposing a Special Policy Area be applied to the subject lands to restrict the maximum height to five storeys, and permit an increased maximum density of 285 uph, as proposed.

The policy above indicates that high density uses are located along major roads, though additional locations can be considered on redevelopment sites where compatibility can be ensured. Through the discussion above in relation to Volume 1 of the UHOP, staff are satisfied that compatibility with adjacent uses is being ensured, in relation to building height and massing. With relation to height, the building is being proposed at five storeys, which is permitted as-of-right in both the existing Low Density Residential 3c designation, as well as the existing “DE-3/S-1522” Zone. With regard to massing, the building is being appropriately located at the southwest corner of the property, with the bulk of the building oriented toward the street and Rail Trail.

“B.6.2.12 Urban Design Policies

Good urban design, both in the public and private realm, is to be encouraged in the Ainslie Wood Westdale community.

B.6.2.12.1 The objectives for urban design in the Ainslie Wood Westdale community are as follows:

- a) Built forms and landscaped areas, including residential neighbourhoods, commercial areas, arterial roads, and other areas shall be enhanced through high quality design initiatives.
- b) New *development*, including infill and additions to existing buildings, shall complement and enhance the existing character of the surrounding environment, through the use of appropriate building materials and attention to the scale, massing, colour, and special features of the existing built context.”

The AWWSP encourages high quality design that enhances the public and private realm, and complements the existing neighbourhood character. The proposed building will complement its surroundings through its street oriented presence and use of materials consistent with surrounding uses. Improvements to the building design can increase the compatibility of the building with the neighbourhood through stepping back the top storey and enhancing facades to better reflect the residential character of the neighbourhood, as is being suggested by staff for consideration at the Site Plan Control stage. Landscaping and buffering will also be reviewed at the Site Plan Control stage to ensure adequate screening is provided to adjacent uses.

“B.6.2.14.2 Transportation Policies

In addition to Section C.4.0 – Integrated Transportation Network of Volume 1, the following policies shall apply to the Ainslie Wood Westdale community:

- a) Through traffic shall be directed to appropriate streets, particularly arterial and collector roads, and shall be minimized on local streets. Some of these actions shall include traffic calming measures where appropriate on several streets located east of McMaster University, including Forsyth Avenue, Arnold Street and Traymore Avenue.
- e) The *redevelopment* opportunities of lands adjacent to the rail trail shall also be considered, and the potential for the trail to Avenue and Royal Avenue (Henkel site), which is addressed by Site Specific Policy – Area B contained in Policy B.6.2.16.3. The use of

the rail trail for an access to this site when it is redeveloped in future, rather than Ward and Royal, shall be considered.

- i) Attention shall be given to the location and design of parking areas as follows:
  - i) Any parking spaces required on-site shall be appropriately landscaped and screened to any adjacent residential areas, including mixed use.
  - ii) Required parking shall be located to the rear of buildings wherever possible.”

With regard to the transportation policies, the proposed development has direct access to a collector road and is two blocks from Main Street West, an arterial road. It also is an example of the redevelopment of a site adjacent to the rail trail which is promoted by Policy B.6.14.2(e). Parking spaces will be located away from Leland Street and as far from abutting residential development as possible with suitable screening (existing and proposed landscaping and fencing) to be implemented at the Site Plan Control stage of development.

Based on all of the above, staff find that a redesignation of the subject lands to High Density Residential 1 in the AWWSP maintains the intent of the plan to provide for high density housing options, in a manner that is compatible with the existing neighbourhood. Through further refining of the design and landscaping at the Site Plan Control stage, staff are satisfied that the intent of the policies are being fulfilled.

## **RELEVANT CONSULTATION**

The following Departments and Agencies had no comments or objections:

- Taxation Division (Corporate Services Department).
- Recreation Division (Community and Emergency Services Department).

The following Departments and Agencies submitted the following comments:

**Hamilton Municipal Parking System (HMPS)** has reviewed the parking study prepared by Paradigm. HMPS has determined that a parking lot located at the end of Ward Avenue and Royal Avenue is in close proximity to the site (within approximately 200 metres) and would be able to provide additional parking for students and teachers. A representative at McMaster University has advised that the parking lot has a vacancy rate of approximately 20% which would allow for additional parking at this location.

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One hour parking is permitted on the east side of Leland Street between Sussex Street to the Hamilton-Brantford Rail Trail from the hours of 8:00 am to 6:00 pm, Monday to Friday, and parking is unregulated up to a period of 12 hours between 6:00 pm and 8:00 am, Monday to Friday, and all day Saturday and Sunday. On the west side of Leland Street, parking/stopping is prohibited at anytime.

Site visits at approximately 10:00 am on September 24, 2015 and 3:30 pm on September 22 and 23, 2015 did not show heavy parking activity during these times on Leland Street or the vicinity area. A pedestrian / cycling trail is adjacent to this property and leads to a large grocery shopping centre and restaurants in close proximity.

HMPS can support this development with the reduced number of parking spaces with an effective Transportation Demand Management Plan, to be reviewed at the Site Plan Control stage.

**Corridor Management Section (Public Works Department)** notes that the subject site is approximately 260 m south of McMaster University. Using trip generation rates derived from the former CNIB site, the development can be expected to generate 8:00 am peak hour and 11:00 pm peak hour vehicle trips. These estimated volumes will not negatively impact the adjacent transportation network. In this regard, this Section has no concerns regarding the change in zoning. The provision of a car share program for this development to further reduce the number of on-site vehicles is encouraged. The provision of secure bike facilities on-site and an area dedicated to possible Sobi installation is also encouraged.

**Forestry and Horticulture (Public Works Department)** notes that there are potential urban forestry conflicts which can be resolved with the submission of a Tree Protection Plan (TPP). The applicant submitted a TPP which has been reviewed and accepted by Forestry and Horticulture. The Plan identifies the removal of trees 803 to 834 along with the plantings of indigenous species.

Replacement value will be required for the removals of tree number 802, 250 mm Sugar Maple, and number 887 (inaccurately depicted as Sugar Maple) 400 mm Norway Maple, deemed to be in good condition. No other trees on the road allowance require replacement value due to condition or species.

The Forestry and Horticulture Section requires that a detailed Landscape Planting Plan prepared by a Certified Landscape Architect, showing the placement of trees on internal / external City property be provided at the Site Plan Control stage.

**Operations and Waste Management Division (Public Works Department)** has advised that the property is eligible for public waste collection and that an 18 m head on approach to the collection area is preferred, but if this cannot be achieved, that waste will still be collected as long as there is space for a three-point turn on the subject lands.

Based on the preliminary site plan, it does not appear that this three-point turn area has been provided. However, there is additional landscaped area at the southeast of the site that could be utilized for this. At the Site Plan Control stage, further review of site circulation will be undertaken to determine if this turn-around could be implemented, and if not, then private waste collection would be required.

## **PUBLIC CONSULTATION**

In accordance with the provisions of the *Planning Act* and Council's Public Participation Policy, Notice of Complete Application and Preliminary Circulation was circulated to property owners and tenants within 120 m of the subject property on July 14, 2015, requesting public input on the application. A Public Notice sign was also posted on the property and updated with the date of the Public Meeting on November 4, 2015. Notice of the Public Meeting was given, in accordance with the requirements of the *Planning Act*.

A neighbourhood information meeting was held by the applicant on November 12, 2013 in relation to the related Zoning By-law Amendment application (now appealed to the OMB) which was attended by 18 local residents and the Ainslie Wood Westdale Neighbourhood Association.

To date, three letters have been received from local residents in response to the subject UHOP Amendment application, expressing concerns related to additional student housing in the neighbourhood, over-intensification in the neighbourhood, concern over height, parking, traffic congestion and impacts on infrastructure. A review of these concerns is contained in the Analysis and Rationale for Recommendation Section this Report. The public comments are contained within Appendix "D".

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposal has merit and can be supported for the following reasons:
  - (i) It is consistent with the Provincial Policy Statement and conforms to Places to Grow (Growth Plan for the Greater Golden Horseshoe);
  - (ii) It provides for an increased range of housing options within the Ainslie Wood Westdale East neighbourhood; and,
  - (iii) The proposal for higher density is appropriately located on a collector road, in proximity to existing facilities and services, including McMaster University, local commercial uses, and public transit facilities.
2. The proposed development consists of a maximum five storey, 124 unit multiple dwelling. As per information provided by the applicant, the development will be

marketed toward students. The building would contain 109 bachelor apartment units, ten one-bedroom units, and five two-bedroom units. Fifty parking spaces are proposed on-site. Each floor would have a common amenity TV lounge. Access to the property would be solely from Leland Street, the abutting collector road. The building is proposed to be located at the intersection of Leland Street and the Rail Trail, away from abutting single detached dwellings on Mapes Avenue and Aylett Street.

An earlier application for a Zoning By-law Amendment and Official Plan Amendment to the City of Hamilton Official Plan was submitted in 2013. The Zoning By-law Amendment was required to address a deficiency in required parking as well as an increase to the gross floor area ratio. The use, height, and setbacks complied with the existing "DE-3/S-1522" Zone.

The amendment to the City of Hamilton Official Plan was required to permit an increase in density within the Ainslie Wood Westdale Secondary Plan (AWWSP). Because the application was submitted prior to the adoption of the UHOP, the amendment was required to the former City of Hamilton Official Plan. The previous application proposed an amendment to the existing Low Density Residential designation in the AWWSP to establish a special policy area permitting an increase in density.

The previous applications were appealed to the OMB due to failure of Council to make a decision within the prescribed timeframes under the *Planning Act*. A hearing date has not been scheduled as of the date of writing of this report.

3. The current application is required because the UHOP came into force and effect prior to the approval of the earlier applications, and it is therefore the policy document requiring amendment, as opposed to the former City of Hamilton Official Plan. Through consultation between staff and the applicant, it was determined that it would be more appropriate to redesignate the lands to High Density Residential 1 within the AWWSP which is a better reflection of the proposed density, as opposed to retaining the lands in the Low Density Residential 3c designation with a Site Specific Policy. A Site Specific Policy will still be required to recognize the proposed density (which exceeds the maximum density permitted in the High Density designation). As such, the application being evaluated is for an amendment to redesignate the lands to High Density Residential 1, with a maximum density of 285 uph (124 units). Staff are also recommending that the Site Specific Policy limit the maximum height to five storeys, which is consistent with the existing zoning on the subject lands and the current Low Density Residential 3c designation.

In evaluating the merits of the Official Plan Amendment to permit the increased density, staff focussed on an evaluation of compatibility of the proposal with the

existing neighbourhood, including a consideration of the potential impacts arising from the density increase, as directed through the policies referenced in the Policy discussion above.

In considering compatibility, staff note the definition of compatible from the UHOP: “land uses and building forms that are mutually tolerant and capable of existing together in harmony within an area. *Compatibility* or *compatible* should not be narrowly interpreted to mean “the same as” or even as “being similar to””. As noted previously in this Report, the Ainslie Wood Westdale East neighbourhood is dominated by single detached dwellings. As such, the proposed multiple dwelling is not the same as or even similar to its surroundings. The test is whether or not the proposal, at the density proposed, can exist together in harmony with its surroundings. In this regard, it must be acknowledged that the proposed building is in conformity with existing zoning regulations in terms of both height and required setbacks. Further, that the proposed five storey height and multiple dwelling use are also permitted as-of-right by the current Official Plan designation. As such, the application currently being considered is reviewing the proposal only for an increase in density (increased number of units), but not a change to the permitted built form. This must be recognized when considering compatibility with surrounding land uses, in regards to height and massing.

Considering the built form, staff find that the building, as proposed (see Appendix “C”), although greater in height and density, will build upon established built form. The building is proposed at the southwest corner of the property, in the same location as the existing buildings on the site, thereby continuing the existing built form presence along both the Leland Street frontage and the Rail Trail. The building has been designed to include a variety of materials, including those common throughout the neighbourhood. In addition, staff have identified several improvements that can be incorporated into the proposed design of the building that will improve compatibility with existing character, including breaking the elevations into smaller components with proportions reflecting those of the residential buildings located in the neighbourhood.

Further, in locating the building at the southwest corner of the property, the separation distance between the multiple dwelling and surrounding low density uses is maximized. Buffering between the parking area and adjacent uses is being provided, and will be further reviewed at the Site Plan Control stage. Based on all of the above, staff find that the location and form of the proposed building, incorporating the design suggestions of staff, will be capable of existing in harmony with its environment, thereby meeting the test of compatibility.

4. Staff are satisfied that the building can be located and designed in a manner that is compatible with its surroundings. However, in addition to compatibility, there

are impacts that must be evaluated when considering an increase in density. While the height and location of the building as proposed are permitted as-of-right by both the current zoning and Official Plan designations, the applicant is requesting an increase in the permitted number of units. As such, potential impacts of this density increase on existing parking and traffic patterns in the neighbourhood, as well as existing infrastructure, must be evaluated.

With regards to parking, the applicant is proposing a total of 50 parking spaces on site. Through the related Zoning Amendment application which has been appealed to the OMB, the applicant requested relief in the number of parking spaces to 50 spaces, whereas 155 are required. The applicant provided a parking study, and addendum, prepared by Paradigm which has been reviewed by HMPS staff. A general summary of the conclusions of the parking studies submitted by Paradigm are:

- Based on Zoning By-law 05-200 provisions, only 48 parking spaces would be required primarily due to the provision for mostly bachelor units;
- Institute of Transportation Engineering (ITE) Parking Generation showing 149 parking spaces being required is not accurate due to the student occupancy of the proposed building and that the proposed building is predominantly bachelor units;
- Vehicle ownership data for McMaster University indicates one vehicle owned per 2.91 students which translates to demand for 44 parking spaces (with more recent University of Waterloo studies showing a trend of decreasing vehicle ownership rates for students now down to one car per 4.4 students);
- Actual parking space utilization studies of similar student apartment buildings in Waterloo showed number of parked cars per bedroom peak at 0.13 and 0.19 spaces per bedroom for the two student apartment buildings studied. This would equate to peak demand for 17-25 parking spaces for the proposed development;
- Transportation Demand Management (TDM) will occur which will incorporate secure indoor bike parking; parking fees; pedestrian oriented design; and car share programs being available close by. These contribute to decreasing demand; and
- That, based on the above, the proposed 50 parking spaces are sufficient for the proposed use.

After review of the parking study and conducting site visits to monitor street parking rates in the vicinity, Hamilton Municipal Parking staff have determined that the proposal can be supported with the reduction in parking proposed, and that the reduced parking will not result in a negative impact to the surrounding neighbourhood. The support is based on several factors, including the presence of a McMaster University parking lot in proximity to the subject lands which has a 20 percent vacancy rate, availability of on-street parking (confirmed through site



visits), and the location of the subject lands adjacent to the Rail Trail, which provides connectivity to restaurants and shopping. At the Site Plan Control stage, the applicant will be required to provide a Transportation Demand Management Strategy, which will examine further options to reduce car dependency, including the provision of Car Share on site, and secure bicycle parking. Based on the above, staff are satisfied that there will be no negative impact on the surrounding neighbourhood resulting from the increased density, as a result of the proposed parking reduction.

With regards to traffic, staff note that the subject site is approximately 260 m south of McMaster University. Using trip generation rates derived from a similar development, the proposal can be expected to generate 8:00 am peak hour and 11:00 pm peak hour vehicle trips. These estimated volumes will not negatively impact the adjacent transportation network, and therefore there is no concern from a traffic perspective resulting from the density increase.

Finally, with regards to impact to existing services and infrastructure resulting from the increase in density, staff note that there is an existing 150 mm diameter watermain and 900 mm diameter combined sewer on Leland Street in front of the subject lands. There is an existing 150 mm diameter watermain and 300 mm diameter combined sewer on Aylett Street and an existing 150 mm diameter watermain on Mapes Avenue in front of the subject lands. A Functional Servicing Report was submitted with the application which has been reviewed by staff. In reviewing the proposal, it has been indicated that available fire flows may be inadequate for the use proposed. As such, at a future planning stage, the applicant will be required to provide a report detailing residential water demands and available fire flows, and to address any deficiencies, which may include the extension of a pipe from Emerson Avenue. Staff suggest that as part of any settlement discussions regarding the related Zoning By-law Amendment (as per Recommendation (b)), staff shall recommend the inclusion of a Holding 'H' provision as part of the amending By-law to ensure that services are available to meet fire flow demands prior to the development proceeding.

Based on the above, staff are satisfied that potential impacts resulting from the increased density in relation to parking, traffic and servicing can be appropriately addressed.

5. As discussed briefly in the Policy section above, the proposed development has been reviewed against the urban design policies and objectives of the UHOP. The applicant submitted an Urban Design Brief which has been reviewed by staff.

Staff acknowledge that the proposed design (see Appendix "C") utilizes a variety of materials and textures to provide visual interest, and reflects the materiality of

the buildings in the surrounding neighbourhood. However, the architectural elements, their scale and proportions, can be revised to improve compatibility with the existing residential character of the Ainslie Wood Westdale Neighbourhood.

In terms of improvements, staff recommends redesigning the elevations by using design techniques that will make the building appear residential, and breaking the elevations into smaller components, with proportions reflecting the residential buildings located in the neighborhood. At the first storey, the stone cladding can be broken down into smaller components, and the windows could be reduced to single storey instead of the taller two storey windows currently proposed. Further, staff recommend that the appearance of the overall height of the building could be decreased by stepping back the top floor and creating a terrace, and removing the tall vertical element in the centre of the building. These details can be discussed with the applicant through discussions on the related Zoning By-law appeal, and further review of the elevations will be completed at the Site Plan Control stage.

6. The subject lands contain existing vegetation which must be considered in the design of the proposed development. As noted previously, the UHOP encourages the retention of existing trees, where possible, but also acknowledges that, depending on the health and species of existing trees, it is not reasonable to require all trees to be preserved on site. In this regard, the applicant has provided a Tree Protection Plan (TPP) which has been reviewed and approved by staff. There are several existing trees on site which have been identified for removal, which consist primarily of Manitoba Maple and Siberian Elm, and which do not represent a concern for removal. The existing cedar hedge to the north of the property shall be retained with tree protection hoarding. In terms of trees on public property (Rail Trail), there are several Manitoba Maples, a Norway Maple and a Sugar Maple to be removed. Forestry staff have reviewed the TPP and agree with the proposal to remove these trees. Removal of the trees will not require compensation, with the exception of the Norway Maple and Sugar Maple, which will require compensation or replacement plantings.
7. The development of lands for multiple residential uses is subject to Site Plan Control, in accordance with Site Plan Control By-law No. 15-176. Final review of matters such as grading, drainage, storm water management, servicing, landscaping, final driveway locations and parking layout, fencing, and final architectural design will be addressed at the Site Plan Control stage of development.
8. The Public Consultation Section of this Report noted that three letters were received from area residents, including the Ainslie Wood Community Association,

in regards to the UHOP Amendment application. The concerns relate to an objection over additional student housing in the neighbourhood, over-intensification in the neighbourhood, concern over height, parking, traffic congestion and impacts on infrastructure. A review of the comments from the public is discussed below.

### Student Housing

Two letters raised concerns over the introduction of additional student housing in the neighbourhood. In this regard, staff note that Policy B.6.2.5.3(e) of the AWWSP:

“Additional locations suitable for new higher density housing units, including units suitable for student housing, are identified at various locations and densities, to reduce the over-intensification of such housing in some residential areas. Housing forms which shall be encouraged for new rental housing and student units include mixed use commercial/residential on major roads, low rise apartments, medium rise apartments, and rental rooms in owner-occupied houses.”

While it is understood that existing residents have a concern over an over-intensification of student housing in the neighbourhood due to the conversion of single detached dwellings to rental units, the proposed building, which has been identified by the applicant as purpose built student housing, meets the intent of the Secondary Plan to provide alternative student housing forms in appropriate locations. The proposed building is to be located on a site which is pre-zoned for the use, and is located in proximity to existing facilities, services, and the Rail Trail. As such, staff find the location to be appropriate and in keeping with the intent of the Secondary Plan.

### Over-intensification and Height

Concern was raised regarding intensification of the site and impact on neighbourhood character. As has been previously addressed in this Report, the use of a multiple dwelling, up to five storeys, is permitted as-of-right in the existing Zoning By-law and the existing Secondary Plan designation. The applicant is applying only for an increase in density. Through circulation of the application, it has been identified that there are no anticipated impacts related to servicing, traffic or parking as a result of the density increase. Further, as has been discussed above, staff are satisfied that the proposed building will not detract from existing character, and that through thoughtful building design which will be fully considered at the Site Plan Control stage, the proposed building will be a positive fit with its surroundings.

Traffic and Parking:

Comments were raised that insufficient parking is provided, and that Leland Street is too busy to handle the additional traffic. As has been previously addressed, Traffic staff have reviewed the application and note that the additional trip generation rates resulting from the development can be accommodated within existing infrastructure without causing a negative impact. With regards to parking, after review of the submitted Parking Study and several site visits, HMPS staff have concluded that the provision of 50 parking spaces on site will be sufficient to meet projected demand, and that sufficient on-street parking is available in the neighbourhood to accommodate any additional requirements. A Transportation Demand Management Plan will be required at the Site Plan Control stage, which will include the provision of car share and secure bike parking on site.

Infrastructure

Concern was raised regarding aging infrastructure in the area and the capacity of the existing sewage system to accommodate proposed demand. Staff note that a Functional Servicing Report was submitted with the application which has been reviewed by staff. In reviewing the proposal, it has been indicated that available fire flows may be inadequate for the use proposed. As such, at a future planning stage, the applicant will be required to provide a report detailing residential water demands and available fire flows, and to address any deficiencies, which may include the extension of a pipe from Emerson Avenue. Staff suggest that as part of any settlement discussions regarding the related Zoning By-law Amendment (as per Recommendation (b)), staff shall recommend the inclusion of a Holding 'H' provision as part of the amending By-law to ensure that services are available to meet fire flow demands prior to the development proceeding.

Other

One of the letters suggested that the subject lands could be developed for a parking lot for the future Light Rail Transit (LRT), or for greenspace for the neighbourhood. While staff acknowledge these suggestions, it must be noted that the site is already zoned for the proposed residential use. The applicant could develop the subject lands for a five storey multiple dwelling, with up to 21 units, as-of-right. The development currently being reviewed is for an increase to the density only. The development rights that currently exist on the property for the residential use cannot be taken away.

## **ALTERNATIVES FOR CONSIDERATION**

If the application is denied, the lands could be developed in accordance with the current “DE-3/S-1522” (Multiple Dwellings) District provisions, which permit a five storey multiple dwelling.

## **ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN**

### **Strategic Priority #1:**

A Prosperous & Healthy Community

*WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.*

### **Strategic Objective:**

1.6 Enhance Overall Sustainability (financial, economic, social and environmental).

## **APPENDICES AND SCHEDULES ATTACHED**

- Appendix “A”: Location Map
- Appendix “B”: Official Plan Amendment
- Appendix “C”: Preliminary Site Plan and Elevation Plans
- Appendix “D”: Public Comments

:HT/th