



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	September 03, 2019
SUBJECT/REPORT NO:	Applications for Official Plan Amendment and Zoning By-law Amendment for lands located at 2782 Barton Street East, Hamilton (PED19170) (Ward 5)
WARD(S) AFFECTED:	Ward 5
PREPARED BY:	Andrea Dear (905) 546-2424 Ext. 7856
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION(S)

- (a) That **Official Plan Amendment application UHOPA-19-01 by A.J. Clarke and Associates on behalf of LJM Developments Inc., Owner**, to further modify Site Specific Policy UHN-23 to permit a residential density of 441 units per hectare, for lands located at 2782 Barton Street East, as shown on Appendix "A" to Report PED19170, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment attached as Appendix "B" to Report PED170, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2014) and conforms to A Place to Grow Plan (2019);
- (b) That **Zoning By-law Amendment application ZAC-19-001 by A.J. Clarke and Associates on Behalf of LJM Developments Inc., Owner**, for a further modification to the "E-3/S-306b" (High Density Multiple Dwelling) District, Modified to permit a 244 unit mixed use building with a maximum height of 13 storeys on lands located at 2782 Barton Street East, Hamilton, as shown on Appendix "A" to Report PED19170, be **APPROVED** on the following basis:

- (i) That the draft By-law attached as Appendix “C” to Report PED19170, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law, attached as Appendix “C” to Report PED19170, be added to District Map E123 of Zoning By-law No. 6593 as “E-3/S-306b”; and,
- (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms with A Place to Grow Plan (2019) and will comply with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No.XX.

EXECUTIVE SUMMARY

The applicant, A.J. Clarke and Associates on behalf of LJM Developments Inc., has applied for an Official Plan Amendment to further modify Site Specific Policy UHN-23 (By-law 18-048) to allow for an increased density of 441 units per hectare and a Zoning By-law Amendment to further modify the “E-3/S-306b” (High Density Multiple Dwelling) District, Modified (By-law 18-049) to permit a 244 unit, 13 storey multiple dwelling with commercial uses at grade, a further reduction in parking, an increase in building height, as well as other yard requirement modifications, on lands located at 2782 Barton Street East, Hamilton.

Alternatives for Consideration – See Page 16

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 amendment to the Official Plan and Zoning By-law.

HISTORICAL BACKGROUND

Proposal

The subject property is located at the southwest corner of the intersection of Barton Street East and Bell Manor Street. The property is rectangular in shape, has a lot area of approximately 0.56 ha (5,663.3 m²) and is municipally known as 2782 Barton Street

East. The property is currently vacant, with employment lands containing commercial / industrial uses to the north, townhouses to the east and south, and a 16 storey multiple dwelling to the west.

The previous applications (UHOPA-17-021 and ZAC-17-050) for the lands proposed to construct a 13 storey, 41.0 m high, multiple dwelling with 211 dwelling units and 233 vehicle parking spaces for residents provided on the ground level and within two levels of underground parking. Of the 233 vehicle parking spaces proposed, 65 spaces were required to be dedicated for visitor parking. Two additional barrier free parking spaces were included in the proposal. Additionally, the previous proposal included 168 long term indoor bicycle parking spaces, as well as 18 at grade short term bicycle parking spaces at grade for visitors. The previous applications were approved by Council and City of Hamilton By-law Nos. 18-048 and 18-049 were adopted on February 14, 2018.

To accommodate the current development proposal, the applicant has applied to further amend Site Specific Policy UHN-23 within the UHOP to permit a density of 441 units per hectare (previous permission was for 379 units per hectare). The increase in density is the result of the revised proposal to permit 244 units, where the previous approved density was intended to accommodate 211 units. The unit sizes have changed; the additional 33 units are intended to be accommodated within the previously approved built form.

The applicant has also applied to further modify the “E-3/S-306b” (High Density Multiple Dwelling) District, Modified (By-law 18-049) to permit a 13 storey, 244 unit multiple dwelling, with some minor yard requirement modifications and a height increase of 0.5 m to accommodate an appropriate commercial ceiling height. A detailed evaluation of the following proposed modifications is included in Appendix “D” to Report PED19170. The modifications are:

- To permit commercial uses on the ground floor;
- To increase building height from 41.0 m to 41.5 m;
- To decrease front yard from 4.7 m to 4.0 m;
- To decrease easterly side yard setback to the hypotenuse of a daylight triangle from 3.7 m to 1.5 m;
- To decrease westerly side yard from 4.4 m to 2.6 m;
- To decrease rear yard from 41.0 m to 39.0 m;
- To decrease landscape area from 23% to 18%;
- To reduce the size of a loading space from 18.0 m by 6.0 m to 13.0 m by 6.0 m;
- To reduce the number of required parking spaces from a ratio of 1.25 spaces per dwelling which includes 0.23 spaces per unit for visitor, to a ratio of 1.0 parking spaces per unit greater than 50 square metres, 0.3 parking spaces for a unit less than or equal to 50 square metres and 0.22 per unit to be dedicated to commercial and residential visitor parking; and,

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OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

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SUBJECT: Applications for an Official Plan Amendment and a Zoning By-law Amendment for lands located at 2782 Barton Street East, Hamilton (PED19170) (Ward 5) - Page 4 of 17

- To require that shared visitor and commercial parking to be maintained as shared, appropriately signed and to remain free of obstruction.

Chronology

<u>December 4, 2018:</u>	Submission of Official Plan Amendment and Zoning By-law Amendment Applications UHOPA-19-001 and ZAC-19-001.
<u>December 13, 2018:</u>	Applications UHOPA-19-001 and ZAC-19-001 deemed complete.
<u>December 14, 2018:</u>	Notice of Complete Application and Preliminary Circulation was sent to 322 property owners within 120 m of the subject property.
<u>January 9, 2019:</u>	Public Notice Sign installed on site.
<u>August 7, 2019:</u>	Public Notice Sign updated with Public Meeting Date.
<u>August 16, 2019:</u>	Circulation of the Notice of Public Meeting sent to 344 property owners within 120 m of the subject property.

Details of Submitted Application:

Applicant / Owner:	LJM Developments Inc. (c/o Liaquat Mian)
Agent:	A.J. Clarke and Associates Ltd. (c/o Franz Kloibhofer)
Location:	2782 Barton Street East, Hamilton (Ward 5) (see Appendix "A" to Report PED19170)
Property Description:	Lot Frontage: 78.95 m (Barton Street East) 73.79 m (Bell Manor Street) Lot Area: 5,655 m ² Servicing: Existing full municipal services

Existing Land Use and Zoning:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Property:</u>	Vacant	“E-3/S-306b” (High Density Multiple Dwellings) District, Modified.

Surrounding Lands:

North	Industrial / commercial uses	Prestige Business Park (M3) Zone.
East	Hydro-corridor and two storey townhouses	“L-PN” (Public and Institutional Uses) District and “DE/S-205” (Low Density Multiple Dwellings) Zone.
South	Two storey townhouse dwellings	“DE/S-306” (Low Density Multiple Dwellings) District, Modified.
West	16 storey multiple dwelling	“E/S-306” (Multiple Dwellings, Lodges, Clubs, etc) District, Modified.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2014)

The Provincial Planning Policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS.

The following policies, amongst others, apply to the proposed development.

“1.1.1 Healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term; and,
- b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including

SUBJECT: Applications for an Official Plan Amendment and a Zoning By-law Amendment for lands located at 2782 Barton Street East, Hamilton (PED19170) (Ward 5) - Page 6 of 17

industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs.”

The subject property is located within a settlement area and is within an existing built-up area as defined by the PPS. The proposed increase in units from the previously approved 211 to the currently proposed 244 units and the addition of commercial / retail uses at grade will further contribute to the mix of land uses in the area. The proposal is transit supportive by providing additional intensification on a Hamilton Street Railway (HSR) route, seeking a reduced parking requirement, and providing 166 long term and 18 short term bicycle parking spaces. The proposal minimizes negative impacts to air quality and climate change by encouraging the use of alternative modes of transportation.

Cultural Heritage and Archaeology

Staff note that the Cultural Heritage policies have not been updated within the UHOP in accordance with the PPS. The following policy of the PPS also applies:

“2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.”

The subject property meets the following two of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential:

- 1) In an area of sandy soil in areas of clay or stone; and.
- 2) Along historic transportation routes.

As part of the previous application, a Stage 1 and 2 Archaeological Report (P255-0006-2017) was submitted to the City of Hamilton and Ministry of Tourism, Culture and Sport in 2017 by the Fossil Hill Group. The Ministry of Tourism, Culture and Sport have reviewed the reports and have provided a letter acknowledging compliance with licensing requirements on January 17, 2019. Staff have also reviewed the Stage 1 and 2 archaeological report and concur that there is no longer a municipal interest in the subject property with respect to archaeology.

In the opinion of staff, the proposal is consistent with the policies of the PPS.

A Place to Grow Plan (2019)

As of May 16, 2019, the provisions of the A Place to Grow: Growth Plan for the Greater Golden Horseshoe apply to any planning decision. The following policies, amongst others, apply to the proposal.

“1.6.6.1 Planning for sewage and water services shall: a) direct and accommodate expected growth or development in a manner that promotes the efficient use and optimization of existing:

1. Municipal sewage services and municipal water services”

This policy is intended to direct the majority of growth to settlement areas that have access to municipal water and wastewater systems. The subject lands are serviced by municipal water and wastewater and as such the proposed development in this location conforms to this policy in the Plan.

“2.2.1.4 a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;

c) provide a diverse range and mix of housing options, including second units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes; and,

e) provide for more compact built form and vibrant public realm, including public open spaces.”

The subject property is located within the Built Boundary and is fully serviced by municipal water and wastewater infrastructure. The proposal will contribute to achieving a complete community by expanding housing options within the Riverdale East neighbourhood and adding to a diverse mix of local land uses that includes low-rise and high-rise residential, local commercial uses, employment uses and public institutions. The proposed multiple dwelling with ground floor commercial uses will also provide an attractive and active streetscape on Barton Street East through desirable site design, which activates the open spaces provided. The proposed multiple dwelling has access to a range of transportation options as well.

This proposal represents an appropriate level of intensification within the built up area, consistent with the growth management policies of the Growth Plan. In the opinion of staff, the proposal conforms to A Place to Grow Plan (2019).

Urban Hamilton Official Plan

The subject property is identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations of the UHOP and UHN-23. UHN-23 established a Site Specific Policy to permit a 13 storey multiple dwelling with a maximum net residential density of 379 units per hectare. The current application is seeking to increase the density to 441 units per hectare, as a result of the additional 33 units.

Neighbourhoods, High Density Residential and Local Commercial

- “E.3.2.1 Areas designated Neighbourhoods shall function as complete communities, including the full range of residential dwelling types and densities as well as supporting uses intended to serve the local residents.
- E.3.6.3 Local commercial uses may also be permitted on the ground floor of buildings containing multiple dwellings, provided the provisions of Section E.3.8 – Local Commercial are satisfied.
- E.3.8.2 The following uses shall be permitted:
- a) retail and service uses such as a craftsperson shop, day nursery, commercial school, financial establishment, office, motor vehicle service station, personal service, place of worship, repair service, restaurant, studio, art gallery, tradesperson shop, and veterinary service; (OPA 64)
 - b) medical offices or clinic, provided it has direct access to an arterial road and is adjacent to other local commercial uses; and,
 - c) residential uses, in accordance with Policy E.3.8.10”

The subject site is designated Neighbourhoods in the UHOP. This application is proposing to permit commercial uses on the ground floor of a 13 storey multiple dwelling. The commercial uses proposed are intended to serve the local residents and are permitted in the local commercial policies (E.3.2.1, E.3.6.3, and E.3.8.2).

In accordance with the policies above, staff are supportive of the commercial uses proposed at grade.

High Density Residential – Site Specific Policy

“UHN-23 – 2782 Barton Street East, City of Hamilton

- 1.0 Notwithstanding Policy E.3.6.6 b) of Volume 1, for the lands designated “Neighbourhoods” located at 2782 Barton Street East, the maximum net residential density shall be 379 units per hectare.”

The Site Specific Policy permits a maximum density of 379 units per hectare within the “Neighbourhoods” designation outside of the Downtown. The applicant has proposed a density of 441 per hectare. As such, this proposal will require a further modification to Site Specific Policy UNH-23 to allow for a density of 441 units per hectare. The proposed number of units has increased from 211 to 244. The additional units are the result of a reduction in some unit sizes and as such the additional units will be accommodated within the previously approved built form of 13 storeys. Staff have reviewed the proposal once again, against the High Density Residential policies of the “Neighbourhoods” designation and are satisfied that the proposed increase in density is appropriate at this location. The proposed multiple dwelling will be located on the periphery of the neighbourhood along a minor arterial road and will be massed to address the immediate context that includes an adjacent 16 storey multiple dwelling and low rise townhouse dwellings.

The proposed changes to the previously approved built form are minimal and the building will be very similar in massing as the previously approved concept. The increased density is a result of changes to the unit sizes and configuration and as such, the additional density is not anticipated to create any significant impacts.

Furthermore, staff are satisfied that the proposed increase in density will not create adverse impacts on neighbouring land uses. The Transportation Impact Study (TIS) and Travel Demand Management (TDM) Study Update submitted by the applicant in support of the applications found that the increased traffic generated by the proposal can be accommodated on existing municipal road infrastructure.

Staff are supportive of the proposed Official Plan Amendment which is further discussed in the Analysis and Rationale for Recommendation section of this report.

Noise

- “B.3.6.3.1 Development of noise sensitive land uses, in the vicinity of the 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.3.6.3.7 A noise feasibility study, or detailed noise study, or both, shall be submitted as determined by the City prior to or at the time of application submission, for development of residential or other noise sensitive land uses on lands in the following locations:

- a) 100 metres of a minor arterial road, as identified on Schedule C – Functional Road Classification;”

The proposed residential development will be located 4.0 m from Barton Street East, a minor arterial road, and is a noise sensitive use.

A Noise Impact Study was prepared by dBA Acoustical Consultants Inc. and submitted with the previous Official Plan Amendment and Zoning By-law Amendment applications (UHOPA-17-020 and ZAC-17-050) in 2017. The report analysed noise levels in the area and recommended noise control measures including warning clauses, central air conditioning and noise reducing wall and window construction. Staff are satisfied with the report for rezoning purposes, however an addendum study will be required at the Site Plan Control stage providing further detail on the commercial land uses to the north and on noise impacts to the proposed outdoor amenity area which has been relocated to an area immediately south of the proposed building. A noise warning clause will be included in all future purchase or lease agreements and noise control measures recommended in the addendum report will be implemented at the Site Plan Control stage.

Servicing

“C.5.3.11 The City shall ensure that any change in density can be accommodated within the municipal water and wastewater system.

C.5.3.15 The City shall be satisfied that adequate infrastructure services can be provided prior to any development or intensification proceeding and, where technically and economically possible, the City shall require such services to be located underground.

C.5.4.9 All land designated on Schedule E-1 – Urban Land Use Designations shall meet the following conditions:

- a) Development and / or redevelopment shall be connected to, or serviced by, a storm water drainage system or other appropriate system such as ditches, or any other techniques acceptable to the City, Conservation Authorities, or the Province and/or detailed in a Storm Water Master Plan or other relevant study;

- b) Development shall be in accordance with the system capacity for drainage and storm water management and where relevant, will conform to storm water site management plans, a Storm Water Master Plan, site plans and/to other relevant studies, guidelines or regulations; and,
- c) Storm water systems shall be designed and constructed, in accordance with the City's standards and guidelines, provincial guidelines, storm water master plans, master drainage plans and any other relevant study or legislation."

An updated Functional Servicing Report (FSR) prepared by S. Llewellyn & Associates and dated October 2018 was submitted with the applications. Based on the applicants revised proposal to increase the number of dwelling units to 244 and to allow commercial uses on the ground floor, Engineering Approvals staff are satisfied with the report from a rezoning perspective. However, during the Site Plan Control process, the applicant will be required to demonstrate that appropriate sewer servicing, water servicing, stormwater management, grading, and erosion and sediment control requirements have been fully satisfied.

Based on the foregoing, the proposal complies with the UHOP subject to the required Official Plan Amendment to increase the density.

Riverdale East Neighbourhood Plan

The subject site is designated "Commercial and Apartments" in the Riverdale East Neighbourhood Plan. The proposed multiple dwelling conforms to the existing designation.

City of Hamilton Zoning By-law No. 6593

The subject property is currently zoned "E-3/S-306b" (High Density Multiple Dwellings) District, Modified (By-law 18-049) which permits a range of residential uses including multiple dwellings, but limits gross floor area to not greater than the area of the lot multiplied by a floor area ratio of 3.15 and a maximum building height to 41.0 m (13 storeys). To implement the revised 244 unit, 13 storey multiple dwelling proposal, further modifications to the "E-3/S-306b" (High Density Multiple Dwelling) District, Modified (By-law 18-049) are required as listed below. A detailed evaluation of the following proposed modifications is included in Appendix "D" to Report PED19170. The modifications are:

- To permit commercial uses on the ground floor;

SUBJECT: Applications for an Official Plan Amendment and a Zoning By-law Amendment for lands located at 2782 Barton Street East, Hamilton (PED19170) (Ward 5) - Page 12 of 17

- To increase building height from 41.0 m to 41.5 m;
- To decrease front yard from 4.7 m to 4.0 m;
- To decrease easterly side yard setback to the hypotenuse of a daylight triangle from 3.7 m to 1.5 m;
- To decrease westerly side yard from 4.4 m to 2.6 m;
- To decrease rear yard from 41.0 m to 39.0 m;
- To decrease landscape area from 23% to 18%;
- To reduce the size of a loading space from 18.0 m by 6.0 m to 13.0 m by 6.0 m;
- To reduce the number of required parking spaces from a ratio of 1.25 spaces per dwelling which includes 0.23 spaces per unit for visitor, to a ratio of 1.0 parking spaces per unit greater than 50 square metres, 0.3 parking spaces for a unit less than or equal to 50 square metres and 0.22 per unit to be dedicated to commercial and residential visitor parking; and,
- To require that shared visitor and commercial parking to be maintained as shared, appropriately signed and to remain free of obstruction.

RELEVANT CONSULTATION

Staff have consulted with the following Departments and Agencies, which had no comments or objections to the proposal:

- Hydro One Networks Inc.;
- Landscape Architectural Services, Public Works Department;
- Parks and Cemeteries, Public Works Department;
- Hamilton Fire Department;
- Recreation, Healthy and Safe Communities Department; and,
- Budgets and Finance, Corporate Services Department.

The following Departments and Agencies have provided comments with respect to the proposed applications:

Waste Management Section, Public Works Department have identified that the subject development is eligible for municipal waste collection services subject to meeting the City's requirements. Staff note that the applicant intends to provide an interior garbage room adjacent to the loading space located in the centre of the site. The owner may choose to pursue the services of a private waste contractor and this will be further reviewed at the Site Plan Control stage.

Forestry and Horticulture Section, Public Works Department has advised that there are municipal tree assets on site and therefore a Tree Management Plan prepared by a Registered Landscape Architect will be required. A Landscape Plan prepared by a Registered Landscape Architect is required, showing the placement of trees on City and

private property. These requirements will be reviewed and addressed at the Site Plan Control stage.

Health Protection Division, Healthy and Safe Communities Department identified a requirement for a pest control plan focusing on rats and mice. This will be required at the Site Plan Control stage.

Transportation Planning, Planning and Economic Development Department staff have reviewed the Transportation Demand Management (TDM) report submitted by the applicant and concluded that the TDM report should be revised in order to meet the objectives of the City, as outlined in the 'TDM for Development' document. Staff have no concern with the Official Plan and Zoning By-law Amendments going forward. The proposed TDM measures will be further reviewed at the Site Plan Control stage.

The access has been relocated and commercial uses have been added, and as such, a revised Traffic Impact Study (TIS) was submitted with this application. Staff have reviewed the TIS and have expressed concerns regarding the proximity of the proposed driveway to the intersection of Bell Manor Street and Barton Street East, queuing, traffic infiltration and inconsistencies in the TIS. In that regard, Transportation staff have no objection to the proposed Official Plan Amendment and Zoning By-law Amendment proposed with these applications but will require an amended TIS and Neighbourhood Traffic Calming Study to be submitted at the Site Plan Control stage.

Transit Division, Public Works Department staff have reviewed the proposed development and based on the proximity to the transit loop on Bell Manor Street, staff have raised concerns regarding bus route interruption during construction. A Construction Management Plan will be required at the Site Plan Control stage to address this issue and ensure minimal disruption to Transit service.

PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 344 property owners within 120 m of the subject property on December 20, 2018. A Public Notice sign was posted on the property on January 9, 2019 and updated with the Public Meeting Date on August 7, 2019. Finally, notice of the Public Meeting was given in accordance with the requirements of the *Planning Act*.

Public Consultation Strategy

In accordance with their submitted Public Consultation Strategy, the applicant provided mail correspondence to all 344 land owners within 120 m of the subject lands on March 1, 2019.

To date, one public submission has been received in support (see Appendix “F” to Report PED19170), outlining the positive impacts of further residential development within the Riverdale East Neighbourhood.

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 (2014) and conforms to A Place to Grow Plan (2019);
- (ii) It complies with the general intent and purpose of the UHOP, in particular the function, scale and design of the High Density Residential use category of the Neighbourhoods designation upon approval of the Official Plan Amendment; and,
- (iii) It provides appropriately designed and scaled residential intensification at an appropriate location within the neighbourhood and will diversify the types of housing available in the area, contributing to a more complete community and supporting redevelopment of a vacant site.

2. Official Plan Amendment

The proposed multiple dwelling with ground floor commercial / retail is permitted in the UHOP as the subject site and proposed development meet the criteria of the High Density Residential category of the “Neighbourhoods” designation. The previously approved Site Specific Policy UNH-23 (By-law 18-048) permitted a density of 379 units per hectare which was intended to accommodate the proposed 211 units and the applicant is now proposing 244 units. The additional 33 units constitutes an increase in proposed density from 379 units per hectare to 441 units per hectare. In order to accommodate this increase, a further modification to the previously approved Site Specific policy is required.

The increase in density is a result of the revised proposal to permit 244 units, where the previous approved density was intended to accommodate 211 units. The unit sizes have changed and as such, the additional 33 units are intended to be accommodated within the previously approved built form, with some minor yard requirement modifications and a minor increase in height to accommodate an appropriate ceiling height for the proposed commercial uses on the ground floor. The proposed design of the building, its height and its massing on site incorporate elements that ensure compatibility with the adjacent low density residential neighbourhood.

The proposed requested increase in density can be supported.

3. Zoning By-law Amendment

A change in zoning from the “E-3/S-306b” (High Density Multiple Dwelling) District, Modified (By-law 18-049) to the “E-3/S-306c” (High Density Multiple Dwelling) District, Modified, is required to implement the modifications. A detailed evaluation of the following proposed modifications is included in Appendix “D” to Report PED19170. The modifications are:

- To permit commercial uses on the ground floor;
- To increase building height from 41.0 m to 41.5 m;
- To decrease front yard from 4.7 m to 4.0 m;
- To decrease easterly side yard setback to the hypotenuse of a daylight triangle from 3.7 m to 1.5 m;
- To decrease westerly side yard from 4.4 m to 2.6 m;
- To decrease rear yard from 41.0 m to 39.0 m;
- To decrease landscape area from 23% to 18%;
- To reduce the size of a loading space from 18.0 m by 6.0 m to 13.0 m by 6.0 m;
- To reduce the number of required parking spaces from a ratio of 1.25 spaces per dwelling which includes 0.23 spaces per unit for visitor, to a ratio of 1.0 parking spaces per unit greater than 50 square metres, 0.3 parking spaces for a unit less than or equal to 50 square metres and 0.22 per unit to be dedicated to commercial and residential visitor parking; and,
- To require that shared visitor and commercial parking to be maintained as shared, appropriately signed and to remain free of obstruction.

Staff have reviewed these proposed modifications and are of the opinion that they are in keeping with the intent of the Zoning By-law and are therefore supportable. The modifications and rationale for support are discussed in more detail in Appendix “D” to this report. The applicant will be encouraged to incorporate Low Impact Development (LID) measures within the hardscaped areas to further improve permeability on the site.

4. The Owner intends to develop the multiple dwelling with condominium tenure. A future Draft Plan of Condominium (Standard) application is required as per the requirements of the *Planning Act*.
5. Existing servicing for the site includes a 375 mm sanitary sewer, 450 mm storm sewer and 1200 mm, 500 mm and 300 mm watermain on Barton Street East, and a 250 mm sanitary sewer, 600 mm storm sewer and 150 mm watermain on Bell Manor Street.

Engineering Approvals staff have reviewed the FSR provided by the applicant in support of the current applications and have no concerns with the Official Plan Amendment and Zoning By-law Amendment applications proceeding from a servicing perspective. The applicant will be required to demonstrate that appropriate sewer servicing, water servicing, stormwater management, grading, and erosion and sediment control measures are undertaken to the satisfaction of City staff at the Site Plan Control stage.

6. The circulation of the UHOPA and ZAC applications has resulted in the submission of correspondence from one property owner (see Appendix “F” to Report PED19170). The correspondence expressed support for the proposed development.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Official Plan Amendment and Zoning By-law Amendment applications be denied, the property could be utilized in accordance with the “E-3/S-306b” (High Density Multiple Dwelling) District, Modified which permits a 211 unit multiple dwelling at a height of 41.0 m (13 storeys).

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Healthy and Safe Communities

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

Built Environment and Infrastructure

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” – Location Map

Appendix “B” – Draft Urban Hamilton Official Plan Amendment

Appendix “C” – Draft Amendment to Zoning By-law No. 6593

SUBJECT: Applications for an Official Plan Amendment and a Zoning By-law Amendment for lands located at 2782 Barton Street East, Hamilton (PED19170) (Ward 5) - Page 17 of 17

Appendix "D" – Zoning By-law Modification Assessment

Appendix "E" – Concept Plan

Appendix "F" – Public Correspondence

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.