



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	October 15, 2019
SUBJECT/REPORT NO:	Applications for an Official Plan Amendment and Zoning By-law Amendment for the lands located at 1190 Main Street West, 43, 47, 51 and 55 Forsyth Avenue North, 75, 77, 81, 83, 99, 103, 107, 111 and 115 Traymore Avenue, and 50 Dalewood Avenue, Hamilton (PED19186) (Ward 1)
WARD(S) AFFECTED:	Ward 1
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 the **Amended Urban Hamilton Official Plan Amendment application UHOPA-17-028 by Diamond Schmitt Architects on behalf of McMaster University, Owner,** to change the land use designation on Schedule E-1 - Urban Land Use Designations, from “Mixed Use – Medium Density” to “Institutional” and to change the Ainslie Wood Westdale Secondary Plan from “Mixed Use – Medium Density, Special Policy Area E” to “Institutional” with a Site Specific Policy Area “XX” on Map B.6.2-1 – Land Use Plan to permit a student residence consisting of two storey grade related units along Traymore Avenue, a step back to eight storeys and a further step back to 10 storeys for the majority of the proposed buildings. A 15 storey tower is proposed at the corner of Main Street West and Forsyth (see Concept Plan and Elevation attached as Appendix “C” to Report PED19186), for the lands located at 1190 Main Street West, 43, 47, 51 and 55 Forsyth Avenue North, 75, 77, 81, 83, 99, 103, 107, 111 and 115 Traymore Avenue, and 50 Dalewood Avenue, as shown on Appendix “A” to Report PED19186, be **APPROVED** on the following basis:

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.

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- (i) That the draft Official Plan Amendment attached as Appendix “B” to Report PED19186, be adopted 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 Council direct the Planning staff to proceed with settlement discussions at the Local Planning Appeal Tribunal (LPAT) regarding the appeal of **Zoning By-law Amendment application ZAC-17-065 by Diamond Schmitt Architects on Behalf of McMaster University, Owner**, seeking to create a site specific zone in order to permit the height and other site specific performance standards for the lands located at 1190 Main Street West, 43, 47, 51 and 55 Forsyth Avenue North, 75, 77, 81, 83, 99, 103, 107, 111 and 115 Traymore Avenue, and 50 Dalewood Avenue, Hamilton, as shown on Appendix “A” to Report PED19186.

EXECUTIVE SUMMARY

The applicant, Diamond Schmitt Architects on behalf of McMaster University, applied for an Urban Hamilton Official Plan Amendment (UHOPA-17-028) and Zoning By-law Amendment (ZAC-17-065) in August of 2017. The applications were to allow for the future development of two 12 storey student residences associated with McMaster University.

On March 29, 2018 the applicant appealed the Zoning By-law Amendment to the Local Planning Appeal Tribunal (LPAT) for non-decision. The applicant subsequently appealed the Urban Hamilton Official Plan Amendment to the LPAT on May 28, 2018 for non-decision.

On December 14, 2018 the LPAT determined that the appeal submitted for the Urban Hamilton Official Plan Amendment did not meet the required tests and the appeal was withdrawn by the applicants. The appeal for the Zoning By-law Amendment remains before the LPAT for decision.

As a result of the withdrawn appeal, the Urban Hamilton Official Plan Amendment is subject to Council approval and has been revised to address concerns identified through public consultation and raised by staff.

The proposed Urban Hamilton Official Plan Amendment is for a change in designation from the Mixed Use – Medium Density designation to the Institutional designation on Schedule E-1 – Urban Land Use Designations and from the Mixed Use – Medium Density,

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Special Policy Area E designation to the Institutional designation with a Site Specific Policy Area. The amendment will allow for the development of a 1,415 bed student residence consisting of two storey grade related units along Traymore Avenue, a step back to eight storeys and a further step back to 10 storeys for the majority of the proposed buildings. A 15 storey tower is proposed at the corner of Main Street West and Forsyth (see Concept Plan and Elevations attached as Appendix “C” to Report PED19186) with accessory educational and retail uses, for the lands located at 1190 Main Street West, 43, 47, 51 and 55 Forsyth Avenue North, 75, 77, 81, 83, 99, 103, 107, 111 and 115 Traymore Avenue, and 50 Dalewood Avenue.

Alternatives for Consideration – See Page 28

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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

HISTORICAL BACKGROUND

Proposal

The subject property is located on the north side of Main Street West, west of Dalewood Avenue, east of Forsyth Avenue South and south of Traymore Avenue, adjacent to McMaster University, within the Westdale neighbourhood. The property is comprised of vacant land (Main Street West frontage) and 14 single detached dwellings fronting onto Forsyth Avenue South and Traymore Avenue. The site is generally rectangular in shape with a total area of 0.79 ha (7,976 sq.m.).

The original application proposed to demolish 14 single detached dwellings in order to develop the lands with two student residence buildings, with associated educational and retail on the ground floor, ranging in height from two storeys along parts of the Traymore Avenue frontage, stepping back to eight storeys and again to 12 storeys along the southern portion of the lands.

A revised submission was made on March 29, 2019. The proposed development has been amended to address staff and resident concerns. The current proposal is to permit

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two storey grade related units along Traymore Avenue, a step back to eight storeys and a further step back to 10 storeys for the majority of the proposed buildings. A 15 storey tower is proposed at the corner of Main Street West and Forsyth Avenue (see Concept Plan and Elevations attached as Appendix “C” to Report PED19186), with accessory retail and educational uses on the ground floor. Additional changes include but are not limited to: the introduction of an outdoor green space which breaks up the westerly building along the Traymore Avenue frontage; the removal of one grade related unit which increases the width of the vehicular access; and additional step backs at the corner of Traymore Avenue and Dalewood Avenue to reduce shadow impact on the neighbouring Dalewood School, and additional parking spaces.

To facilitate the proposed development an amendment to the Urban Hamilton Official Plan (UHOP) and Ainslie Wood Westdale Secondary Plan is required to change the designation to Institutional to recognize the connection between the proposed student residence and McMaster University and to allow for the proposed height whereas a maximum height of six storeys is permitted. The proposed Official Plan Amendment will be implemented through a site specific zoning by-law ((Application ZAC-17-065 that is currently before the LPAT).

Chronology

- August 15, 2017: Submission of Urban Hamilton Official Plan Amendment application UHOPA-17-028 and Zoning By-law Amendment application ZAC-17-065.
- August 21, 2017: Applications UHOPA-17-028 and ZAC-17-065 deemed incomplete.
- October 10, 2017: Applications UHOPA-17-028 and ZAC-17-065 deemed complete.
- November 21, 2017: Notice of Complete Applications and Preliminary Circulation was sent to 189 residents within 120 metres of the subject property.
- November 29, 2017: Public Notice Sign was installed.
- February 7, 2018: Public Meeting held by the applicant.
- February 18, 2018: Design Review Panel meeting.

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March 29, 2018: Application ZAC-17-065 appealed to the LPAT.

May 28, 2018: Application UHOPA-17-028 appealed to the LPAT.

December 14, 2018: UHOPA-17-028 appeal was rejected.

March 29, 2019: Applicant submitted second revision.

September 6, 2019: Public Notice Sign updated with Public Meeting date.

September 13, 2019: Circulation of the Notice of Public Meeting sent to 189 property owners within 120 metres of the subject property.

Details of Submitted Application:

Location: 1190 Main Street West, 43, 47, 51 and 55 Forsyth Avenue South, 75, 77 81, 83, 99, 103, 107, 111 and 115 Traymore Avenue, and 50 Dalewood Avenue

Owner: McMaster University

Applicant: Diamond Schmitt Architects (c/o Aleksandra Janus)

Agent: Bousfields Inc. (c/o David Falletta)

Property Size: Lot Frontage: 150.71 m (Main Street West);
170.818 m (Traymore Avenue);
59.13 m (Dalewood Avenue); and,
47.49 m (Forsyth Avenue).

Lot Depth: 53 m (approx.)

Lot Area: 0.79 ha

Services: Existing full municipal services.

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Existing Land Use and Zoning:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Property:</u>	Main Street West frontage – Vacant	Transit Oriented Corridor – Mixed Use – Medium Density (TOC1, H63) Zone
	Traymore Avenue and Forsyth Avenue frontage – Single detached dwellings	Transit Oriented Corridor - Mixed Use – Medium Density (TOC1, 296, H63) and (TOC1, H63) Zone

Surrounding Land Uses:

North	Single detached dwellings	“C/S-1361” (Urban Protected Residential, etc) District, Modified
East	Dalewood Recreational Centre / Dalewood School	Neighbourhood Institutional (I1, 292) Zone
South	Single detached dwellings three storey apartments small scale commercial	Transit Oriented Corridor – Mixed Use – Medium Density (TOC1) Zone
West	McMaster Children’s Hospital and McMaster University	Major Institutional (I3) Zone

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.

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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;
- e) promoting cost-effective development patterns and standards to minimize land consumption and servicing costs.”

The PPS encourages intensification of land within urban areas, promotes efficient use of existing infrastructure and the support of public transit. The provision of an appropriate range and mix of housing types and densities required to meet projected requirements of current and future residents is also an important target. The proposal to provide 1,415 beds for students, attending the neighbouring McMaster University, is an efficient use of land and services.

Further, the PPS states that:

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

1.1.3.2 Land use patterns within settlement areas shall be based on:

- a) densities and a mix of land uses which:
 - 1. efficiently use land and resources;
 - 2. are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
 - 3. minimize negative impacts to air quality and climate change, and promote energy efficiency;
 - 4. support active transportation; and,
 - 5. are transit-supportive, where transit is planned, exists or may be developed.”

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The subject lands are partially vacant and the remaining lands were used for low density residential uses. The proposed student residence is an appropriate redevelopment due to the proximity to McMaster University and the deficiency of student housing on the campus. The lands are serviced by existing municipal infrastructure. The proposed development represents a compact built form as it uses increased height to prevent outward sprawl which reduces the strain on land and resources. Based on the proximity to McMaster University and the Light Rail Transit (LRT) Corridor, this development will encourage active transportation and transit usage, which will work towards the reducing negative impacts on air quality and climate change.

Cultural Heritage and Archaeology

Staff note that the Cultural Heritage policies have not been updated within the UHOP in accordance with the PPS, and therefore the following policy of the PPS 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 met two of the 10 criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential:

- a) In areas of pioneer EuroCanadian settlement; and,
- b) Along historic transportation routes.

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the Provincial Policy Statement apply to the subject application.

A Stage 1 archaeological assessment (P396-0001-2017) for the subject property has been submitted to the Ministry of Tourism, Culture and Sport and the City of Hamilton. The report recommended that further archaeological work be conducted on a portion of the property to address the archaeological potential of the subject property. A Stage 2 archaeological assessment (P449-0265-2018) was completed in 2018 and the site was cleared from any future requirements. The findings were submitted to the Ministry of Tourism, Culture and Sport and the City of Hamilton and there are no longer any concerns with regard to archaeological potential.

In the opinion of staff, the proposed amendment is consistent with the policies of the PPS (2014).

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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:

“2.2.1.2 Forecasted growth to the horizon of this Plan will be allocated based on the following:

- a) the vast majority of growth will be directed to settlement areas that:
 - ii. have existing or planned municipal water and waste water systems; and
 - iii. can support the achievement of complete communities
- c) within settlement area, growth will be focused in:
 - i. delineated built-up areas;
 - iii. locations with existing or planned transit, with a priority on higher transit where it exists or is planned

2.2.1.4 Applying the policies of this Plan will support the achievement of complete communities that:

- a) 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;
- d) expand convenient access to:
 - i. a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;
- e) provide for a more compact built form and a vibrant public realm, including public open spaces;

The subject lands are located within the Hamilton Urban Boundary and are fully serviced by municipal water and wastewater infrastructure (Policies 2.2.1.2 a) and c)). The

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proposal will contribute to achieving a complete community by expanding high quality and compact housing options for students within the Ainslie Wood Westdale neighbourhood and adding to a diverse mix of local land uses that includes low-rise and mid-rise residential, local commercial uses, employment uses and public institutions such as McMaster University (Policy 2.2.1.4 a)). The proposed student residence will also provide an attractive and active streetscape on Main Street West through desirable site design, which activates the pedestrian realm (Policy 2.2.1.4 e)). The proposed student residence is located on a Primary Corridor with existing bus transit and a proposed LRT route (Policy 2.2.1.4 d)).

This proposal represents an appropriate redevelopment of lands within the built up area, and in the opinion of staff, the proposed Urban Hamilton Official Plan Amendment conforms with A Place to Grow Plan (2019).

Urban Hamilton Official Plan

The subject property is designated “Primary Corridor” on Schedule “E” – Urban Structure and designated “Mixed-Use Medium Density” on Schedule “E-1” – Urban Land Use Designations of the UHOP.

The applicant is proposing to change the land use designation from “Mixed Use - Medium Density” to “Institutional” on Schedule E-1 Urban Land Use Designations. Although the uses contemplated by this application are permitted within the Mixed Use – Medium Density designation, the proposed height is not. The proposed change to Institutional is intended to permit the additional height and to recognize the relationship between this site and the larger McMaster University.

The subject lands are identified as Primary Corridor on Schedule E – Urban Structure, in the UHOP the following policies, among others, apply:

- “E.2.4.10 The built form along the *Urban Corridors* shall generally consist of low to mid rise forms, but will vary along the length of the corridors with some areas permitted to accommodate high density and high rise built form. The Primary Corridors shall have a greater proportion of the corridor length in retail and mixed use forms, while the Secondary Corridors shall generally accommodate retail and mixed use forms in small clusters along the corridors with medium density housing located between the clusters.
- E.2.4.11 *Urban Corridors* shall be a focus for *intensification* through the Neighbourhoods which they traverse. However, it is anticipated that

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intensification will also occur within the surrounding Neighbourhoods, particularly on sites along other arterial roads that are not designated as *Urban Corridors*.

E.2.4.14 *Urban Corridors* shall provide a comfortable and attractive pedestrian experience.

E.2.4.16 New *development* shall respect the existing built form of adjacent neighbourhoods where appropriate by providing a gradation in building height. *New development* shall locate and be designed to minimize the effects of shadowing and overview on properties in adjacent neighbourhoods. (OPA 98)”

As a Primary Corridor, Main Street West offers convenient access to existing transit routes as well as the planned LRT Corridor (Policies E.2.4.10 and E.2.4.17). The proposed student residence is similar in massing to a high density residential development and is located adjacent to a Major Activity Centre (McMaster University), on the edge of a neighbourhood with frontage on a primary corridor and a major arterial road. With these considerations, the increased height and massing can be accommodated at this location (Policies E.2.4.10 and E.2.4.11).

The proposed student residence is located next to McMaster University and there will be many students walking between the sites. The Urban Design Brief, submitted in support of the application, demonstrates that the buildings have been designed to minimize the effects of shadow and wind and to enhance the pedestrian environment (Policies E.2.4.14 and E.2.4.16).

The following policies, among others, apply to the “Mixed Use - Medium Density” designation:

“E.4.6.7 Lands designated Mixed Use - Medium Density shall contain a range of building heights and densities to a maximum height of six storeys, which shall be set out in the implementing zoning by-law. The specific permitted heights and densities shall depend on the area and be established through secondary plans where one exists and the zoning by-law.

E.4.6.8 Additional height up to a total of eight storeys may be permitted without an amendment to this Plan, provided the applicant demonstrates:

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- a) there are no adverse shadow impacts created on existing residential uses within adjacent lands designated Neighbourhoods;
- b) buildings are progressively stepped back from adjacent areas designated Neighbourhoods. The Zoning by-law may include an angular plane requirement to set out an appropriate transition and stepping back of heights; and,
- c) buildings are stepped back from the street to minimize the height appearance from the street, where necessary.

E.4.6.24 New development shall respect the existing built form of adjacent neighbourhoods by providing a gradation in building height and densities, and by locating and designing new development to minimize the effects of shadowing and overview on properties in adjacent neighbourhoods.

E.4.6.25 Areas designated Mixed Use - Medium Density shall be integrated with the surrounding neighbourhoods through frequent street and pedestrian linkages.

E.4.6.26 Automobile access shall continue to be an important mode of transportation from the surrounding neighbourhoods, but it shall be balanced with the need to improve pedestrian access and opportunities for active transportation.”

To permit this development, an amendment to the UHOP with regard to height is required. According to the Sections E.4.6.7 and E.4.6.8 above, the maximum permitted height is six storeys, but may be increased to eight storeys if it can be demonstrated that there are no adverse shadow impacts, that there is an appropriate transition and stepping back of heights and that the appearance of height is minimized (Policies E.4.6.8 a), b) and c)). The proposal has been amended from the original submission to address these concerns. The current application is proposing two storey grade related units along Traymore Avenue, a step back to eight storeys and a further step back to 10 storeys for the majority of the proposed buildings. A 15 storey tower is proposed at the corner of Main Street West and Forsyth Avenue, this location to minimize the sun / shadow and wind effects that can be caused by tall buildings (Policies E.4.6.8 a), b) and c) and E.4.6.24).

As part of the applicants planning justification, it was stated the buildings will be designed to encourage sustainable travel modes rather than auto-bourne. In this regard it is anticipated that the pedestrian realm will be enhanced with wider sidewalks and direct access to the grade related units along Traymore Avenue (Policy E.4.6.25). Vehicular

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access to the buildings underground parking is limited to one access from Traymore Avenue. Having only one access, that is clearly marked, will help to create a safe environment for pedestrians (Policy E.4.6.26). The exact configuration of the sidewalks and vehicular access will be determined at the Site Plan Control stage.

The applicant is proposing to change the designation from Mixed Use - Medium Density to Institutional. The following policies, among others, apply to the Institutional designation:

- “E.6.1.3 Ensure the integration and harmonious relationship between institutional areas and adjacent land use designations, particularly from a transportation and urban design perspective.
- E.6.2.1 The Institutional designation applies to lands greater than 4 hectares in size designated Institutional on Schedule E-1 - Urban Land Use Designations. Lands used for institutional purposes less than 4 hectares shall be permitted within the Neighbourhoods and Commercial Mixed Use designations subject to the provisions of this Plan. (OPA 64).
- E.6.2.2 The following uses shall be permitted on lands designated Institutional on Schedule E-1 – Urban Land Use Designations:
- a) educational facilities, except commercial schools;
 - b) religious facilities;
 - c) cultural facilities;
 - d) health care facilities;
 - e) long term care facilities;
 - f) day care facilities;
 - g) accessory uses; and,
 - h) ancillary uses, in accordance with Policy E.6.2.3, E.6.2.4, and E.6.2.5. (OPA 64)”

The Urban Design Brief submitted as part of the application indicated that the buildings will be designed to integrate and enhance the campus from an urban design perspective, by using appropriate materials, animating the street edge and enhancing the pedestrian connections (Policy E.6.1.3). The details of the materials and design of the pedestrian realm will be evaluated at the Site Plan Control stage. This application to change the designation from Mixed Use – Medium Density to Institutional, represents the expansion of an institutional use and the following policies, amongst others, apply:

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- “E.6.3.1 When considering development proposals for new institutional uses or expansions to existing institutional uses within existing Institutional designations, the following criteria shall be evaluated:
- a) availability of sufficient off-street parking to meet projected demand, to minimize spill-over parking on adjacent local streets;
 - b) provision of adequate and appropriate landscaping and buffering to effectively screen parking, loading and service areas from adjacent residential uses;
 - c) the scale of the proposed institutional use and its compatibility with the character of established development in the surrounding area;
 - d) the capability of the site for providing convenient access to public transit with all buildings located within a reasonable walking distance; and, e) use of underground parking or parking structures.”

The proposed change in land use designation is intended to recognize the relationship with McMaster University and can be considered an expansion of the Campus. With this, all amenities that the University has to offer, including parking, will be offered to the students living in the proposed residence. This will help to control parking demand and reduce spill-over on nearby local roads (Policy E.6.3.1 a)). This site is also located along an existing bus route and the future LRT route providing students and visitors with alternative modes of transportation (Policy E.6.3.1 d)). The proposal to build 17, two storey grade related dwelling units, along the Traymore Avenue frontage, and the step backs to eight and then 10 storeys as the building moves closer to Main Street West will help to respect and maintain the low rise character on Traymore Avenue. (Policy E.6.3.1 d)). Landscaping, buffers and the screening of parking and loading will be addressed at the Site Plan Control stage (Policy E.6.3.1 b)).

This proposed student residence is institutional in nature and is intended to function as part of McMaster University. The proposal includes an educational use (McMaster Centre for Intergenerational Research) as well as a student amenities including a dining hall and study rooms. The student residence and accessory uses will be considered an ancillary use to McMaster University and the following policies will apply:

- “E.6.2.4 Residential uses ancillary to an institutional use, such as student residences, convents, and continuing care projects may be permitted provided the following conditions are met:

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- a) The site and/or building shall be designed to minimize negative impacts on institutional uses.
- b) Residential uses shall be developed in accordance with Section E.3.4 – Low Density Residential or Section E.3.5 – Medium Density Residential. The appropriate density shall be determined on a site by site basis provided it meets the applicable policies of Sections E.3.3 – Low Density Residential and E.3.5 – Medium Density Residential, inclusive.”

The proposed student residence is intended to serve and enhance McMaster University (Policy E.6.2.4 a)). Policy E.6.2.4 b) states that a student residence shall be developed in accordance with the policies of the Medium Density Residential Policies (Policy E.6.2.4 b)).

With regard to Section E.6.2.4 b), Section E.3.5.8 Medium Density Residential states that:

“E.3.5.8 For medium density residential uses, the maximum height shall be six storeys.”

An amendment to Policy E.3.5.8 is required to recognize the proposed development including two storey grade related units along Traymore Avenue, a step back to eight storeys and a further step back to 10 storeys and a 15 storey tower at the corner of Main Street West and Forsyth Avenue. This location minimizes the sun / shadow and the stepping back of the facades work to mitigate wind effects that can be caused by tall buildings (Policy E.3.5.8). Additional measures such as windscreens, canopies, trellises and / or dense landscaping could be employed to extend the use of the outdoor green space into the spring and fall and will be further assessed at the Site Plan Control stage.

Ainslie Wood Westdale Secondary Plan

The subject lands are designated Mixed Use – Medium Density, and Site Specific Policy Area E. Within both the current and proposed designation, a maximum height of three storeys (which can be increased to four – six storeys if a number of conditions can be met) is allowed. This application is seeking to change the designation to Institutional and to allow a maximum height of 15 storeys in order to facilitate the development of a student residence comprised of two storey grade related units along Traymore Avenue, a step back to eight storeys and a further step back to 10 storeys for the majority of the proposed buildings. A 15 storey tower is proposed at the corner of Main Street West and Forsyth

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(see Concept Plan and Elevations attached as Appendix “C” to Report PED19186) with some accessory retail and educational facilities on the ground floor. Staff have amended the application to restrict the height through a Site Specific Policy Area.

Site Specific Policy – Area E states that:

“B.6.2.17.6 In addition to Policy B.6.2.17.6, the following policies shall apply to the lands located on Main Street between Hollywood Avenue and Highway 403, designated Mixed Use – Medium Density, and identified as Area Specific Policy – Area E on Map B.6.2-1 – Ainslie Wood Westdale – Land Use Plan:

- a) In addition to Section E.4.0 – Commercial and Mixed Use Designations of Volume 1, and notwithstanding B.6.2.7.2 of Volume 2, the following policies shall apply:
 - i) building forms shall be in keeping with the predominant character of the surrounding area with respect to materials, roofline and setbacks;

Area Specific Policy – Area E is intended to supplement the applicable policies in Section E.4.0 of the UHOP. Sections E.4.6.7 and E.4.6.8 as discussed above, state that the maximum permitted height is six storeys, but may be increased to eight storeys if it can be demonstrated that there are no adverse shadow impacts, that there is an appropriate transition and stepping back of heights and that the appearance of height is minimized (Policies E.4.6.8 a), b) and c)).

The subject lands are located on the edge of an existing low rise residential neighbourhood, beside McMaster University and along a major arterial road. The proposed development will be in keeping with McMaster University and will provide appropriate transition to the low rise neighbourhood to the north by stepping the building back from the homes and toward Main Street West. Building materials and a more detailed design will be evaluated at the Site Plan Control stage (Policy B.6.2.17.6 a) i)).

This application proposes to change the land use designation from Mixed Use Medium Density to Institutional in the Ainslie Wood Secondary Plan, and as such, the following policies apply:

6.2.11.2 In addition to Sections E.3.10 – Community Facilities and Services Policies and E.6.0 – Institutional Designation of Volume 1, the following policies shall

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apply to lands designated Institutional on Map B.6.2-1 – Ainslie Wood Westdale – Land Use Plan

- a) existing Institutional uses within the Ainslie Wood Westdale area include McMaster University, McMaster University Medical Centre (Hamilton Health Sciences Corporation), other schools providing for various age groups, and several places of worship.
- b) McMaster University is located immediately adjacent to, and surrounded by, the Secondary Plan area. The University and adjacent hospital shall be recognized for their key role in defining the identity of the Ainslie Wood Westdale community.

Further to the E.6.0 – Institutional Policies, McMaster is recognized as an important institutional use within the secondary plan area (Policy 6.2.11.2 a)) and is recognized as playing a key role in defining the identity of the Ainslie Wood Westdale community (Policy 6.2.11.2 b)). The proposed student residences are intended to function as an extension to the McMaster University Campus and will be designed in a way that enhances the character of the University.

A Site Specific Policy Area (attached as Appendix “B” to Report PED19186) is proposed in order to accommodate the height while recognizing the proposed step backs. The Site Specific Policy Area will ensure that the appropriate transitions are achieved.

Further to the above, the lands are identified as “Cultural Heritage Landscape” on Map B.6.2-2 – Ainslie Wood Westdale – Cultural Heritage Landscapes and as such the following policies, amongst others apply:

- 6.2.14.1 The objectives for cultural heritage in the Ainslie Wood Westdale community are to:
- a) recognize the existing heritage and design features of the area, and take advantage of opportunities to further enhance these features;
 - b) conserve the historic and architecturally significant buildings and areas, and reflect this heritage character in adjacent lands; and,
 - c) ensure the appropriate management, conservation, mitigation or preservation of archaeological resources.

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6.2.14.2 In addition to Section B.3.4 - Cultural Heritage Resources Policies of Volume 1, the following policies shall apply to the Ainslie Wood Westdale Secondary Plan area:

- a) Additional properties or heritage conservation districts may be designated or listed under the Ontario Heritage Act without amendment to this Plan. These areas may include areas identified on Map B.6.2-2 – Ainslie Wood Westdale - Cultural Heritage Landscapes as Cultural Heritage Landscapes.
- b) Cultural heritage landscapes shall be conserved and protected with the intent of retaining major characteristics through the review of planning applications. The following Cultural Heritage Landscapes are identified on Map B.6.2-2 – Ainslie Wood Westdale - Cultural Heritage Landscapes:
 - i) The McMaster University Historic Core;
 - ii) The Westdale Original Subdivision;

A Cultural Heritage Impact Assessment (CHIA), prepared by ERA Architects Inc., dated revised dated July 31, 2017, was submitted in support of this application. The CHIA concluded that the proposed development will rehabilitate the block by removing all existing buildings and constructing a new student residence with associated educational and retail uses intended for use by McMaster University.

Although the proposal represents a significant change to the site, the proposed development is in keeping with the anticipated growth of the area and will provide much needed student residences. It also continues the historic relationship between the Westdale neighbourhood and McMaster University, which has already led to significant changes to this block in the 1960s.

The impact on the Westdale cultural heritage landscape will be mitigated through design decisions that respond to the character of Westdale’s residential streetscape on Traymore Avenue in their scale, landscaping and materiality. These will help the transition from the new development to the historic neighbourhood. Staff have reviewed the CHIA and agree with the findings.

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

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RELEVANT CONSULTATION

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

- Alectra Utilities;
- 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:

Forestry and Horticulture Section, Public Works Department has advised that there are trees on site and as such 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 at the Site Plan Control stage.

Health Protection Division, Healthy and Safe Communities Department has identified the need 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 Department has reviewed McMaster Residences Transportation Impact Study (TIS) (Update) have no objection to the application for an Official Plan Amendment. Revisions to the TIS will be required at the Site Plan Control stage. Revisions requested are generally for updated peak time information, signal timing information and the provision of additional datasets used to support the findings. The TIS will be required to be updated and re-evaluated at the Site Plan Control stage.

Light Rapid Transit has reviewed the application and advised that the development is adjacent to the Main/King/Queenston B-Line LRT corridor. Main Street in its current configuration between Forsyth Avenue and Dalewood Avenue will be converted to two westbound lanes on the north side of the road with a left turn lane onto Bowman Street and three eastbound lanes on the south side of the street. In this section, the LRT guideway is side running along the northerly side of the street. Driveway access or other

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crossings of the LRT guideway from the subject lands would not be permitted in this section of Main Street West.

The concept plan submitted with the application indicates a road widening in order to establish the property line 22.86 metres from the centre of Main Street West. While this appears to be sufficient, the LRT office advised that the detail design is not complete and this could change once the final designs are developed. Once the final site design and final corridor lands needed are determined, the LRT Office will work with the application the proposed street scape design. This will ensure that pedestrian features can be introduced along Main Street West to both animate the street and provide building access and connections to the LRT corridor (the McMaster termini is located at Main Street West and Cootes Drive).

The design of the LRT system limits accesses onto the LRT corridor and prohibits stopping and deliveries along the corridor where it would negatively impact the flow of traffic. All parking, stopping and loading activity for this site will not be permitted on Main Street West.

The applicant should be aware that to avoid disruptions to the LRT corridor all servicing connections, where possible, should be from alternative connection locations than Main Street West. The application currently contemplates sewer connection to the Main Street West storm sewer as it is a municipal objective to outlet storm flows to a dedicated storm sewer, as opposed to a combined sewer. City staff will work with the applicant to coordinate this connection.

Construction timing and staging should also be coordinated with LRT construction so as to eliminate potential conflicts should the two schedules overlap.

Metrolinx provided separate comments that speak to the need for a coordinated approach. City Staff and Metrolinx are prepared to work with the applicant in order to coordinate works related to land dedications, service connections, construction and streetscaping.

Design Review Panel (DRP) The application was presented to DRP on February 18, 2018 to address the following questions:

1. Does the proposal provide for an appropriate scale of development and transition of built form to the adjacent lower density development?

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2. Does the proposed development provide for compatible integration with the surrounding built environment?
3. Does the proposal minimize the impacts of shadowing and maximizing light to adjacent properties and the public realm?
4. Is the proposed development contextually appropriate given the characteristics of the adjacent cultural heritage landscape (Westdale Original Subdivision)?

DRP recognized that student housing is needed but agreed that the building mass is too large. The building mass needs to be sculpted to significantly reduce the negative impacts to existing residential neighbourhood to the north and Main Street to the south. Some additional comments were made including:

- Building heights should be varied to break up the mass;
- The façade abutting Main Street West façade should be designed to enliven the street and add to the pedestrian experience;
- Building materials used on the north side should relate more to the neighbourhood;
- Additional outdoor amenity/green space should be provided; and,
- Some of the proposed bicycle parking should be moved indoors.

In response to these, and other staff comments the proposed development has been amended. The current proposal is to permit two storey grade related units along Traymore Avenue, a step back to eight storeys and a further step back to 10 storeys for the majority of the proposed buildings. A 15 storey tower is proposed at the corner of Main Street West and Forsyth (see Concept Plan and Elevations attached as Appendix “C” to Report PED19186). Additional changes include, but are not limited to: the introduction of an outdoor green space which breaks up the westerly building along the Traymore Avenue frontage; the removal of one grade related unit which increases the width of the vehicular access; and additional step backs at the corner of Traymore Avenue and Dalewood Avenue to reduce shadow impact on the neighbouring Dalewood School.

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

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to 189 property owners within 120 metres of the subject property on November 21, 2017. A Public Notice sign was posted on the property on November 29, 2017 and updated on September 4, 2019 with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act*.

The applicant held one Public Open House on February 18, 2018.

To date, 39 public submissions (attached as Appendix “D” to Report PED19186) have been received. While the majority expressed concerns, a number of submissions offered support.

The submissions in support is generally summarized as follows:

- McMaster University needs additional student housing; and,
- The residence may reduce the number of students renting in the neighbourhood.

The submissions with concerns are generally summarized as follows:

- The scale of development is not appropriate for the area, the increased population/density cannot be supported and the proposal does not meet the intent of the Ainslie Wood Westdale Secondary Plan;
- There is not an appropriate transition between the proposed buildings and the existing low rise residential uses, does not maintain the character of the neighbourhood, shadow impacts, loss of view to the escarpment and lack of green space on the site;
- Increased pedestrian and vehicular traffic, lack of sufficient parking and safety issues associated with the increased traffic;
- Lack of consultation/information and transparency, commenting period too short; process does not seem democratic;
- Construction nuisance, added litter, garbage, trespass and other crimes, and noise;
- Decreased property values, long term loss of the character of the Westdale neighbourhood, loss of single detached homes; and,
- Servicing concerns regarding water/wastewater and drainage concerns, loss of taxation due to institutional status.

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The issues identified in the correspondence are discussed in the Analysis and Rationale for Recommendations section of this Report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

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 A Place to Grow Plan (2019). Both policy documents encourage intensification within settlement areas.
- (ii) It complies with the general intent and purpose of the UHOP, in particular the function, scale and design of the Medium Density Residential policies as it relates to ancillary uses in an Institutional designation; and,
- (iii) It provides much needed student housing in a location that is appropriate for the proposed use and height as it is adjacent to McMaster University, along the LRT Corridor and provides convenient access to a number of amenities in the area.

2. Official Plan Amendment

The proposed student residence with associated educational and retail uses is permitted in the UHOP within both the Mixed Use – Medium Density and the Institutional designations. The applicant is proposing that the designation be changed to Institutional in order to recognize the relationship to McMaster University. The Institutional designation refers back to the Mixed Use Medium Density provisions with regard to height and states that a height of six storeys which may be increased to eight storeys if conditions related to sun/shadow, transition, and overlook can be mitigated. The current application is to allow a maximum of 15 storeys, and in order to achieve this, a number of studies were submitted with the application to demonstrate that these effects can be mitigated. The proposed building design has been amended, by providing a 2 storey built form along the Traymore Avenue frontage, and the subsequent stepping back of heights toward main street and away from the low rise residential on Traymore Avenue. These measures help to mitigate negative impacts related to sun/shadow and wind and to create an appropriate transition from the low rise neighbourhood to Main Street West.

A Site Specific Policy Area is proposed in order to accommodate the height and recognize the proposed step backs. The Site Specific Policy Area will ensure that the

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appropriate transitions are achieved (see the map attached as Appendix “D” to this report).

4. Development Engineering Approvals staff have reviewed the application, and the associated Functional Servicing Report (FSR) prepared by exp., revised dated June 10, 2019 which was submitted as part of the most recent submission. Development Engineering Approvals staff have no concerns with the Official Plan Amendment proceeding from a servicing perspective and the proposed development servicing concept is supportable by existing infrastructure.
5. The circulation of the Urban Hamilton Official Plan Amendment and Zoning By-law Amendment applications resulted in the submission of 39 pieces of correspondence (attached as Appendix “D” to Report PED19186).

Support for Student Residence

A number of residents offered support for the student residence use, as they understand that it is needed and that the increased supply of student accommodation may help to lessen the demand for student rentals within the neighbourhood.

Scale and Appropriateness

Many of the letters of correspondence received are concerned about the size of the proposed residence as they feel it is not appropriate for the site given the context of the site being located so closely to the low density residential neighbourhood. In particular, some residents are concerned that this proposal is not in keeping with the Ainslie Wood Westdale Secondary Plan.

The subject lands are comprised of a number of residential lots and take up an entire block. The block is located on a Primary Corridor, adjacent to a Major Activity Centre and directly abutting the proposed LRT Corridor. This block is also located in between two existing institutional campuses, the first being McMaster University and McMaster Children’s Hospital and the other being Dalewood School and Dalewood Recreational Centre. Increased heights and massing are considered appropriate along a Primary Corridor and the location of the subject lands in relation to McMaster University and the proposed LRT make this site an appropriate for increased height and density. The Student residence use is a transit supportive use that will benefit the LRT and surrounding neighbourhood by encouraging active forms of transportation.

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Lack of Transition / Character / Impacts/

Residents expressed concerns that there is not an appropriate transition between the proposed buildings and the existing low rise residential uses, does not maintain the character of the neighbourhood, shadow impacts, loss of view to the Niagara Escarpment and lack of green space on the site;

To provide an appropriate transition, and to minimize shadow impacts, the proposed building design has been amended, by providing a two storey built form along Traymore Avenue, and the subsequent stepping back of heights toward Main Street West and away from the low rise residential on Traymore Avenue. These measures help to mitigate negative impacts related to shadow impacts and to create an appropriate transition from the low rise neighbourhood to Main Street West.

Traffic and Parking Impacts

A number of residence expressed concerns regarding the amount of traffic that a student residence of this scale will produce. They also feel that the number of parking spaces being proposed is insufficient. The concern is that the introduction of this number of student beds will cause a greater number of vehicles and pedestrians to be present in the area which can create a number of issues including, but not limited to congestion, street parking shortages and safety risks. Concerns regarding move-in and move-out times of the year were also raised.

A revised parking study was prepared and submitted as part of the most recent submission and is being evaluated as part of the Zoning By-law Amendment application which is currently before the LPAT.

Lack of Consultation, Information and Transparency

Concerns were raised regarding the lack of consultation done with the area residents. There were also concerns about the lack of information and transparency from both the applicant and the City of Hamilton.

On November 21, 2017, the Notice of Complete Applications and Preliminary Circulation was sent to 189 residents within 120 metres of the subject property. On November 29, 2017, a Public Notice Sign was installed on the property, and on February 7, 2018 a Public Meeting was held by the Applicant. The Planning Act dictates the length of time that a municipality has to make a decision on an application once a complete application has been submitted. In this case the City had not made

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a decision within the prescribed period and the applicant appealed the applications to the LPAT for non-decision. The applications have been reviewed, circulated and assessed in accordance with the requirements of the *Planning Act*.

Nuisance (Noise, Litter, Trespass and Construction)

A number of residents raised concerns regarding increased nuisances related to noise as the students walk to and from school as well as in the evenings and overnights when social gatherings occur. There were also concerns regarding increased litter and instances of trespass and general nuisance that are said to occur in this area already. The concern is that the instances of such events will increase as the number of students in the area increase.

A Noise Report was submitted as part of the application and staff found it to be satisfactory. Noise impact will be reevaluated as a more detailed design concept is reviewed at the at the Site Plan Control stage. Any necessary noise mitigation measurements with be required at that time.

There is no evidence that instances of littering and trespass will increase due to this development. At the Site Plan Control stage, staff can work with the applicants to encourage sufficient and convenient waste receptacles to be maintained on the site.

Property Values, Property Taxes and Neighbourhood Character

In the correspondence received identified concerns regarding impacts on property taxes, property values and the loss of the Cultural Heritage feel in the Westdale neighbourhood.

A Cultural Heritage Impact Assessment (CHIA) was submitted in support of this application. The CHIA concluded that the proposed development will rehabilitate the block by removing all existing buildings and constructing a new student residence with associated educational and retail uses intended for use by McMaster University. Staff have reviewed the CHIA and are in support of the findings. At Site Plan Control stage the applicant will be required to demonstrate that the building materials, landscaping, and scale address the transition from the historic Westdale neighbourhood to the Main Street West corridor and as an extension of the McMaster University campus.

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With regard to the concern that development will impact the property taxes and property values of the surrounding residential areas, there is no empirical evidence that a development will negatively impact neighbouring uses.

Finance staff have advised the the proposed development will be required to pay Development Charges at the time of Building Permit application. With respect to property taxes, the final determination as to whether or not the proposed development will be required to pay property taxes has yet to be made by MPAC. MPAC has indicated that this determination will be made once construction has been completed and McMaster University provides copies of the final operating agreement to MPAC.

Servicing, Drainage and Waste

There were concerns raised regarding servicing, water / wastewater and drainage and waste collection. Residents are concerned that the existing servicing (water and wastewater) may not be sufficient to accommodate the proposed development.

A Functional Servicing Report was submitted in support of this application and staff will evaluate this at the Site Plan Application stage. Additionally, Grading and Drainage Plans are required at the Site Plan Control stage and the site is eligible for municipal waste collection. Staff will work with the applicant to ensure that the design collection area will facilitate municipal waste collection.

Greenspace and Trees

Some residents are concerned about the loss of the existing open space and mature trees and they do not feel that the proposed development has enough open space. Some residents have asked what McMaster will do to compensate the losses.

The development does propose an outdoor amenity area and a landscape plan will be required at the Site Plan Control stage to replace any trees that are lost as a result of the development and enhance both hardscaping and landscaping on the site. Staff note that the subject property does not form part of the natural heritage system identified in the UHOP and further designated 'Neighbourhoods' in the UHOP wherein residential development is envisioned on the subject land.

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ALTERNATIVES FOR CONSIDERATION

Should Council deny the application and direct staff to contest the Zoning By-law Amendment at the LPAT. Development would be permitted in accordance with the Mixed Use – Medium Density, Special Policy Area E polices and the Transit Oriented Corridor – Mixed Use Medium Density (TOC1, 296) and (TOC1, 296, H63) Zone.

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
- Appendix “C” – Concept Plan and Elevations
- Appendix “D” – Height Map from Official Plan
- Appendix “D” – Public Correspondence