



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	January 14, 2020
<b>SUBJECT/REPORT NO:</b>	Applications for Official Plan Amendment and Zoning By-law Amendment for lands located at 125 and 129 Robert Street, Hamilton (PED20015) (Ward 2)
<b>WARD(S) AFFECTED:</b>	Ward 2
<b>PREPARED BY:</b>	Andrea Dear (905) 546-2424 Ext. 7856
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION(S)**

- (a) That **Official Plan Amendment Application UHOPA-17-033 by Vision Hamilton Inc., Owner**, for a change in designation on Schedule “M-2” of the West Harbour (Setting Sail) Secondary Plan in the former City of Hamilton Official Plan to add a Site Specific Policy Area to permit the development of a six unit, three storey multiple dwelling with a maximum residential density of 143.0 units per gross hectare, for lands located at 125 and 129 Robert Street, as shown on Appendix “A” to Report PED20015, be **DENIED** on the following basis:
- (i) That the proposed amendment does not meet the general intent of the City of Hamilton Official Plan and the West Harbour (Setting Sail) Secondary Plan with respect to lot area, coverage, mass, and compatibility with the character of the existing neighbourhood, and is not considered to be good planning.
- (b) That **Zoning By-law Amendment Application ZAC-17-073 by Vision Hamilton Inc., Owner**, for a change in zoning from the “D/S-378” (Urban Protected Residential – One and Two Family Dwellings) District, Modified to a site specific “DE-2” (Low Density Multiple Dwellings) District, Modified to permit a six unit, three storey multiple dwelling with no on-site parking on lands located

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at 125 and 129 Robert Street, Hamilton, as shown on Appendix “A” to Report PED20015, be **DENIED** on the following basis:

- (i) That the proposed change in zoning does not meet the general intent of the City of Hamilton Official Plan and the West Harbour (Setting Sail) Secondary Plan with respect to setbacks, privacy, overview and parking, and is not considered to be good planning.

## **EXECUTIVE SUMMARY**

The subject property is municipally known as 125 and 129 Robert Street. The owner has applied for amendments to the West Harbour (Setting Sail) Secondary Plan and the City of Hamilton Zoning By-law No. 6593 to permit the development of a six unit, three storey multiple dwelling with no on-site parking. To facilitate the application the following amendments have been requested by the applicant:

- An Official Plan Amendment to create a Site Specific Policy Area to permit a six unit multiple dwelling with a maximum residential density of 143.0 units per gross hectare in the Low Density Residential designation; and,
- A Zoning By-law Amendment to rezone the lands from the “D/S-378” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District, Modified to a site specific “DE-2” (Low Density Multiple Dwellings) District, to permit a multiple dwelling with no on-site parking, a reduced lot area, reduced yard requirements, increased encroachment and reduced parking space size requirements, for the lands located at 125 and 129 Robert Street, Hamilton.

The applications are consistent with the Provincial Policy Statement (2014)(PPS) and conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (Growth Plan).

The proposal cannot be supported as the proposed amendments do not comply with the policies and intent of the City of Hamilton Official Plan and West Harbour (Setting Sail) Secondary Plan with respect to lot area, coverage, mass, setbacks, privacy, overview, and compatibility with the character of the surrounding low density neighbourhood and do not represent good planning.

## **Alternatives for Consideration – See Page 19**

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**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**

**Report Fact Sheet**

<b>Application Details</b>	Applicant/Owner:	Vision Hamilton Inc.
	Agent:	IBI Group (c/o John Ariens)
	File Number:	UHOPA-17-033 and ZAC-17-073
	Type of Application:	Urban Hamilton Official Plan Amendment and a Zoning By-law Amendment
	Proposal:	To permit the development of a six unit, three storey, multiple dwelling with no on-site parking spaces.
<b>Property Details</b>	Municipal Address:	125 and 129 Robert Street
	Lot Area:	0.042 hectares (420 square metres)
	Servicing:	Existing full municipal services.
	Existing Use	Two single detached dwellings.
<b>Documents</b>	Provincial Policy Statement (PPS)	The proposal is consistent with the PPS.
	A Place to Grow:	The proposal conforms to the Growth Plan.
	Official Plan Existing:	Urban Area (Hamilton Wentworth Official Plan) and Low Density Residential in the West Harbour (Setting Sail) Secondary Plan.

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	Official Plan Proposed:	Low Density Residential with a Site Specific Policy Area to permit: <ul style="list-style-type: none"> <li>• Multiple dwelling; and,</li> <li>• Density – maximum 143.0 units per gross hectare.</li> </ul>
	Zoning Existing:	“D/S-378” (Urban Protected Residential – One and Two Family Dwellings) District, Modified.
	Zoning Proposed:	A site specific “DE-2” (Low Density Multiple Dwellings) District.
	Modifications Proposed:	<ul style="list-style-type: none"> <li>• Decreased front yard depth from 3.0 m to 1.0 m;</li> <li>• Decreased easterly side yard depth from 1.5 m to 0.0 m;</li> <li>• Decreased westerly side yard depth from 1.5 m to 1.22 m;</li> <li>• Reduce the minimum lot width from 21.0 m to 20.0 m and the minimum area from 630 m<sup>2</sup> to 415 m<sup>2</sup>;</li> <li>• Increase the gross floor area ratio from 0.9 to 2.0;</li> <li>• Reduce the required landscaped area from 25% to 20%;</li> <li>• Increase the permitted encroachment of open stairs into a rear yard from 1.0 m to 5.0 m;</li> <li>• Reduce the number of required parking spaces from a ratio of 1.0 spaces per dwelling unit which includes 0.20 spaces per unit for visitor, to 0; and,</li> <li>• Reduce the size of a required parking space from 2.7 m by 6.0 m to 2.6 m by 5.5 m.</li> </ul>
<b>Processing Details</b>	Received:	October 6, 2017
	Deemed Incomplete:	October 30, 2017
	Deemed Complete:	November 14, 2017

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	Notice of Complete Application:	Notice sent to 368 property owners within 120 m of the subject property on November 22, 2017.
	Public Notice Sign:	Sign Posted: December 22, 2017 Sign Updated: November 15, 2019
	Notice of Public Meeting:	Notice sent to 116 property owners within 120 m of the subject property on December 13, 2019.
	Public Consultation:	Neighbourhood meeting on February 14, 2018. Approximately 40 people were in attendance.
	Public Comments:	Three letters of concern were received from the public.
	Processing Time:	788 days

**Existing Land Use and Zoning:**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b><u>Subject Property:</u></b>	Single detached dwellings	"D/S-378" (Urban Protected Residential – One and Two Family Dwellings) District, Modified.
<b><u>Surrounding Lands:</u></b>		
<b>North</b>	Single detached dwellings	"D/S-378" (Urban Protected Residential – One and Two Family Dwellings) District, Modified.
<b>East</b>	Publicly owned / unassumed laneway and a semi-detached dwelling	"D/S-378" (Urban Protected Residential – One and Two Family Dwellings) District, Modified.
<b>South</b>	Single and semi-detached dwellings	"D/S-378" (Urban Protected Residential - One and Two Family Dwellings) District, Modified.

<b>West</b>	Single detached dwellings	"D/S-378" (Urban Protected Residential – One and Two Family Dwellings) District, Modified.
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## **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 applications.

#### **Settlement Areas**

"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;
  - 4. *support active transportation*;
  - 5. are *transit-supportive*, where transit is planned, exists or may be developed;
- b) a range of uses and opportunities for *intensification* and *redevelopment* in accordance with the criteria in policy 1.1.3.3, where this can be accommodated."

The subject property is located within a settlement area as defined by the PPS. The proposed three storey multiple dwelling would contribute to the mix of land uses in the area, would efficiently use land and existing infrastructure, and represents a form of intensification.

Therefore, 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.

“2.2.1.2. 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:
  - i. have a *delineated built boundary*;
  - ii. have existing or planned *municipal water and wastewater systems*; and,
  - iii. can support the achievement of *complete communities*;
- c. within *settlement areas*, growth will be focused in:
  - iv. *delineated built-up areas*;
  - v. *strategic growth areas*;
  - vi. locations with existing or planned transit, with a priority on *higher order transit* where it exists or is planned; and
  - vii. areas with existing or planned *public service facilities*;
- d. development will be directed to *settlement areas*, except where the policies of this Plan permit otherwise;

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

- a. feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and *public service facilities*;

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- 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;
- e. provide for a more *compact built form* and a vibrant *public realm*, including public open spaces;
- f. mitigate and adapt to climate change impacts, improve resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability;”

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 West Harbour (Setting Sail) Secondary Plan area 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 has access to a range of transportation options.

This proposal represents intensification within the built up area, consistent with the growth management policies of the Growth Plan.

Based on the foregoing, the proposal conforms to the Growth Plan.

### **Urban Hamilton Official Plan**

The Urban Hamilton Official Plan (UHOP) was approved by Council on July 9, 2009 and the Ministry of Municipal Affairs on March 16, 2011.

There was no decision (Non-decision No. 113) made by the Ministry regarding the adoption of Setting Sail into the UHOP because at the time the Ministry was reviewing the UHOP, the Secondary Plan was still under appeal. The lands are currently identified as “Lands Subject to Non Decision 113 West Harbour Setting Sail” on Schedule E-1 of the UHOP, therefore the UHOP policies do not apply. As a result, when the UHOP came into effect on August 16, 2013, it did not affect Setting Sail. Should the applications be approved, staff would request that the proposed Official Plan Amendment be included in the Secondary Plan at the time when the Ministry deals with the non-decision.

### **Hamilton-Wentworth Official Plan**

The subject lands are not included within the UHOP as they are part of Non-Decision No. 113. As a result, the policies of the Hamilton-Wentworth Official Plan that are applicable to the subject lands remain in effect. In this regard, the subject lands are



within the Urban Area of the Hamilton-Wentworth Official Plan and the following policies, amongst others, apply to the proposal.

Urban Area

“C.3.1 A wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. These areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020. Accordingly, the Plan establishes a land use strategy for the Urban Area that consists of:

- Compact urban form, including mixed use areas.

C.3.1.1 A compact higher density form, with mixed use development in identified Regional and Municipal centres and along corridors, best meets the environmental, economic principles of sustainable development.

Mixed forms of development within an Urban Area is preferable to widespread, low density residential development and scattered rural development, because:

- Growth can be accommodated by building on vacant or redeveloped land, without taking up agricultural lands or natural areas;
- Higher density development can reduce per capita servicing costs and makes more efficient use of existing services;
- Efficient and affordable public transit systems can be established;
- Effective community design can ensure people are close to recreation, natural areas, shopping and their workplace; and,
- A compact community makes walking and bicycling viable options for movement.”

Redevelopment of the subject lands for a multiple dwelling would comply with the above policy direction to encourage redevelopment of the subject lands for compact development within the Urban Area. The proposed multiple dwelling would provide for efficient use of services. As such, the proposal complies with the applicable policies of the Hamilton-Wentworth Official Plan.

**City of Hamilton Official Plan**

The subject lands are not included within the UHOP as they are part of Non-Decision No. 113. As a result, the policies of the City of Hamilton Official Plan remain in effect. Schedule A of the City of Hamilton Official Plan designates the subject lands “West Harbour.” The policies of the West Harbour (Setting Sail) Secondary Plan provide more detailed designations and policy framework for this area. The following City of Hamilton Official Plan policies, amongst others, apply to the proposal.

“Subsection B.2.1 – Water Distribution

B.2.1.1 In accordance with the Regional Official Plan, Council will encourage the Region to maintain and, where necessary, improve water supply in the City. New development and / or redevelopment will only be permitted where the water supply is deemed to be adequate by the Region.

Subsection B.2.2 – Sewage Disposal

B.2.2.1 Council will encourage the Region to ensure that all new development in the City be effectively serviced by the SEWAGE DISPOSAL System. In this regard, Council will encourage the appropriate agencies to ensure that necessary improvements to, or extension of, the SEWAGE DISPOSAL System, expansions to the capacity of the Woodward Avenue Sewage Treatment Plant, and the monitoring of effluents discharged are undertaken.

Subsection B.2.3 – Storm Drainage

B.2.3.1 Council will require that all new development and / or redevelopment be connected to, and serviced by, a STORM DRAINAGE System or other appropriate system such as ditches, ‘zero run-off’, and any other technique acceptable to Council and the Conservation Authorities. Council will ensure that the extension of the STORM sewer System is at sufficient capacity to support future anticipated growth in the City. In this regard, Council will co-operate with the appropriate Conservation Authorities in any flood management studies or engineering works that may be undertaken from time to time to improve or maintain the DRAINAGE capacity of natural watercourses flowing through the City.”

There are existing services adjacent to the subject property including sanitary, storm and watermain sewers. Should the applications be approved, stormwater management, geotechnical and hydrogeological studies would be required at the Site Plan Control stage.

“Subsection 2.4.5- Solid Waste Disposal

- B.2.4.5 All uses in the City will be served by a regularly-scheduled SOLID WASTE collection through the municipal DISPOSAL service, or in the case of certain uses, through individually-contracted collection service.”

The proposed mixed use development is eligible for curbside waste collection by City Services subject to the requirements of the City’s Solid Waste Management By-law. Should the applications be approved, waste collection would be examined in greater detail at the Site Plan Control stage.

“Subsection C.7 – Residential Environmental and Housing Policy

- C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.
- C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:
- iii) Support RESIDENTIAL development such as infilling, redevelopment and the conversion of non-residential structures that makes more efficient use of the existing building stock and / or physical infrastructure that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;
  - v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;
  - ix) Support the concept of a RESIDENTIAL community that provides a diversity of dwelling forms and housing options accessible to all Hamilton residents;
  - xii) Encourage development at densities conducive to efficient operation of Public Transit and which utilizes design or construction techniques that are energy efficient;”

Although the proposed multiple dwelling complies with Policies C.7.3 ix) and xii) by increasing the availability of multiple dwelling units in the neighbourhood, staff are concerned that the proposed six unit, three storey multiple dwelling fails to address the intent of Policies C.7.2 and C.7.3 iii) and v) as it does not enhance the scale and character of the existing residential area in terms of coverage, massing, setbacks, privacy and overlook (see Appendix “B” of Report PED20015). These policies reinforce the need for new development to recognize and enhance the scale and character of the existing residential area. In this instance the existing residential area is comprised predominantly of single detached and semi detached dwellings on lots with landscaped areas and yard space. This proposed building requires reductions to the front, sides and rear yards, which creates a lot coverage that is greater than that of the surrounding neighbourhood. The increased building coverage results in a built form that will reduce privacy and allow overlook onto the adjacent properties.

For reasons to be discussed later in the Secondary Plan and Analysis and Rationale for Recommendation sections of this Report, it is the opinion of staff that the proposed massing of this building on the site is not appropriate given the low density character of the existing residential area. The proposed development represents an overbuild of undersized lots and the proposed scale, landscaping, lot area, coverage and massing does not enhance the low density residential character of the surrounding neighbourhood. Based on the foregoing, the proposed development does not comply with the policies of the City of Hamilton Official Plan.

### **West Harbour (Setting Sail) Secondary Plan (OPA No. 198)**

The West Harbour (Setting Sail) Secondary Plan was approved by Council in 2005. Due to appeals to the LPAT, the Secondary Plan was not deemed to be in effect until the LPAT issued its final decision in 2012. This decision added the Secondary Plan to the former City of Hamilton Official Plan as that was the Official Plan in effect for the former City of Hamilton at that time.

When the UHOP was brought into effect by the LPAT in 2013, all of the lands within the Setting Sail area were noted as being subject to Non-Decision No. 113. Therefore, the operable Secondary Plan policies in effect to review against the proposed development are those policies in Setting Sail OPA No. 198 instead of the UHOP (Volume 2).

The lands are identified as “Stable Area” on Schedule M-1: Planning Areas and Sub-Areas and designated “Low Density Residential” on Schedule M-2: General Land Use within the West Harbour (Setting Sail) Secondary Plan. The following policies, amongst others apply to the applications.

**“A.6.3.7 Stable Areas**

The Stable Areas are identified on Schedule “M-1”. They comprise the generally low density neighbourhoods that define the residential character of West Harbour. Significant physical change is not anticipated in Stable Areas. The intent of the policies in this section is to maintain and reinforce the character of existing neighbourhoods and to encourage the replacement of inappropriate industrial and commercial uses with sensitively-designed residential development.

- A.6.3.7.1.1 The predominant land use in Stable Areas shall be Low Density Residential, with detached, semi-detached and street townhouses being the predominant types of housing.”

The proposed development is seeking permission for a reduced lot area, decreased front and side yards, reduced landscaped area, and a density that is in keeping with the Medium Density Residential designation and as such is not in keeping with the intent of the Stable Area policies (A.6.3.7.1.1). The predominant land use in the area is single and semi detached dwelling units, and the policy also allows street townhouses. The proposed multiple dwelling is not contemplated in Policy A.6.3.7.1.1.

**Low Density Residential**

- “A.6.3.3.1.2 The City will ensure development and redevelopment in neighbourhoods and lands surrounding West Harbour respect the type, scale and character of development identified in this plan.

- A.6.3.3.1.4 All new development in West Harbour shall be subject to the height limits shown on Schedule “M-4”, Building Heights, and prescribed in the specific policies of this plan.

- A.6.3.3.1.9 To encourage a broad mix of household types at varying income levels, West Harbour shall accommodate a diversity of housing types, including detached and semi-detached dwellings, and multiple dwellings.

- A.6.3.3.1.12 In Low Density Residential areas:

- i) the scale, type and character of new development shall generally reflect existing low density development in the neighbourhood;
- ii) single detached, semi-detached and street townhouses are permitted;

- iii) the density of development shall range from 25 to 60 units per gross hectare;
- iv) existing grid patterns of streets, blocks, and open space, and/or those proposed by this plan, shall be respected;
- v) lot dimensions and building setbacks shall be generally consistent with other Low Density Residential properties in the neighbourhood;
- vi) for streets where a road allowance widening is required, the setback under the zoning by-law must be taken from the widened road allowance; and
- vii) garages shall be located generally at the rear of properties and accessed from rear laneways where feasible.”

The proposed six unit, three storey multiple building is not contemplated in the “Low Density Residential” designation as only single detached, semi detached and street townhouses are permitted (Policy A.6.3.3.1.12 ii)). The proposed density of 142.8 units per gross hectare exceeds the permitted range of 25 - 60 units per gross residential hectare (Policy A.6.3.3.1.12 iii)). The proposed development will require a number of modifications to the proposed zone category with regard to yards, setbacks and parking and is not in keeping with Policy 6.3.3.1.12 v).

This type of residential intensification is to be directed to areas designated “Medium Density Residential” in the West Harbour (Setting Sail) Secondary Plan where both the use and the proposed density is contemplated. The areas surrounding the subject lands are designated “Low Density Residential” whereas the “Medium Density Residential” designation is applied in areas with direct access to arterial roads (e.g. Barton Street and James Street North). The subject lands are located in the middle of a stable low density residential neighbourhood. The subject lands lack the necessary lot area required to accommodate the size of the building and number of units, required yards, and parking requirements, which represents an overdevelopment of this site.

Based on the foregoing, the proposed six unit, three storey multiple dwelling does not comply with the intent of the “Low Density Residential” policies.

The intent of the “Stable Area” and “Low Density Residential” policies are to maintain and reinforce the character of existing neighbourhoods. It is the opinion of staff that the proposed massing and built form do not comply with the policies and intent of the West Harbour (Setting Sail) Secondary Plan.

**City of Hamilton Zoning By-law No. 6593**

The subject property is currently zoned “D/S-378” (Urban Protected Residential – One and Two Family Dwellings) District, Modified which permits single family and two family dwellings. To permit the proposed six unit multiple dwelling a change in zoning from the “D/S-378” (Urban Protected Residential – One and Two Family Dwellings) District, Modified to a site specific “DE-2” (Multiple Dwelling) District is required. The modifications are identified in the Report Fact Sheet found on page 4 of Report PED20015.

The proposed “DE-2” District is intended to allow more intense forms of development than the “D/S-378” District that the lands, and surrounding neighbourhood, are currently zoned for. The applicant is proposing to go from a low density residential built form to a higher density development. The proposed development requires further relief from the requirements of this District and as such, the application is proposing a number of modifications as listed in the Report Fact Sheet on page 4 of Report PED20015, as they are not able to comply with requirements such as minimum lot area, minimum yards widths (setbacks), required number of parking spaces and stall sizes.

The proposed Zoning By-law Amendment does not meet the intent of the City of Hamilton Official Plan and the West Harbour (Setting Sail) Secondary Plan, is not considered good planning and cannot be supported by staff.

**RELEVANT CONSULTATION**

<b>Departments and Agencies</b>		
	<b>Comment</b>	<b>Staff Response</b>
<ul style="list-style-type: none"><li>• Office of the LRT</li><li>• Recreation Division, Healthy and Safe Communities Department</li><li>• Landscape Architectural Services, Public Works Department</li><li>• Asset Management, Public Works Department</li><li>• Construction (Capitol Budgets), Public Works</li></ul>	No Comment	

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<ul style="list-style-type: none"> <li>Recycling &amp; Waste Disposal, Environmental Services Division, Public Works Department</li> <li>Alectra Utilities</li> </ul>		
Engineering Approvals	Servicing Plan and Erosion and Sediment Control and Grading Plan required at Site Plan.	Should the applications be approved, a Servicing Plan and Erosion and Sediment Control and Grading Plan will be required at the Site Plan Control stage.
Transportation Planning	Comments regarding AODA sidewalks and other standards to be addresses at Site Plan Control stage.	Should the applications be approved, these comments will be addressed at the Site Plan Control stage.
Urban Forestry	<p>Some amendments required to the Tree Management Plan to be addressed at the Site Plan Control stage.</p> <p>If trees are to be removed, a Landscape Plan will be required.</p>	Should the applications be approved, these comments will be addressed at the Site Plan Control stage.
Growth Planning	Clarification sought on parking, vehicular access, snow storage and side yard requirements for maintenance.	Should the applications be approved, these concerns will be addressed at the Site Plan Control stage.
<b>Public Consultation</b>		
Concern	Comment	Staff Response
Parking	Residents are concerned about the lack of parking being proposed on the site which will increase	Staff do not support the proposal for no on-site parking.

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	demand for street parking which is already in short supply.	
Privacy	Concerns that the proposed building mass and resulting setbacks will lead to a reduction in privacy for the surrounding residential properties.	Appropriate setbacks are required in order to protect privacy and reduce overlook. Staff are not supportive of the proposal as it will result in privacy and overlook impacts.
Shadow	One resident raised concerns that the proposed development would block the sun.	Staff do not support the proposed massing and setbacks.

## **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 368 property owners within 120 m of the subject property on November 22, 2017. A Public Notice sign was posted on the property on December 22, 2017 and updated on November 15, 2019, 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 368 property owners within 120 m of the subject lands on January 31, 2018.

To date, three public submissions expressing concerns have been received (see Appendix “C” to Report PED20015) and a summary of the comments received are on page 16 and 17 of this report.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposal does not have merit and cannot be supported for the following reasons:

- (i) The proposal does not comply with the general intent and purpose of the City of Hamilton Official Plan and West Harbour (Setting Sail) Secondary Plan, with

regards to matters including but not limited to, lot area, coverage, density, privacy, overlook, and compatibility with the existing character of the surrounding neighbourhood.

2. Staff are not in support of the proposal for the following reasons:

Building Mass, Lot Coverage, Privacy and Overlook

The City of Hamilton Official Plan recognizes the benefits of permitting a variety of residential dwelling units in all residential land use categories but it also encourages development to recognize and enhance the existing residential area by having regard for natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview. The West Harbour (Setting Sail) Secondary Plan reinforces this with a number of policies intended to prevent the overdevelopment of infill and other underutilized sites within existing, stable neighbourhoods. The applicant is proposing to redevelop two single detached lots with a six unit, three storey multiple dwelling that requires permission for a number of modifications. The requested modifications include a reduction in the required lot area from 630 m<sup>2</sup> to 415 m<sup>2</sup>, a reduction in the required side yards from 1.5 m to 0.0 m for the easterly side yard. In addition to the reduced lot area and yard depths, permission to allow the stairs to encroach into the required rear yard up to 5.0 m whereas the by-law currently allows only 1.0 m. These modifications, in addition to the proposed 0.0 parking spaces on-site, results in an overdevelopment of the site.

Compatibility with the Character of the Surrounding Neighbourhood

The West Harbour (Setting Sail) Secondary Plan envisions that development and redevelopment in the Secondary Plan area respects and enhances the character of neighbourhoods (Policy A.6.3.2.2). The subject lands are located in a predominantly low density area with single detached and semi detached dwellings with yards and setbacks sufficient to accommodate parking, rear yard grade level amenity space, and to reduce privacy and overlook issues. The proposed form of development is more appropriately suited for a medium density residential area. This site lacks sufficient lot size to accommodate the proposal while maintaining appropriate setbacks and landscaped area and providing sufficient parking.

Parking

The By-law currently requires 1.0 parking space per unit (which includes 0.2 for visitors) therefore six parking spaces would be required. This development proposes to locate only a portion of one parking space on the site. To accommodate this, a modification to the by-law is required to allow 0.0 spaces per unit, with 0.0 spaces per unit for visitor parking. In order for the one parking space to be created, a

boulevard parking permit would be required. To qualify for boulevard parking, the parking space dimensions must conform to the applicable Zoning By-law which in this instance is 2.7 metres by 6.0 metres. The applicant is proposing a reduction in the required parking space dimensions to allow the space to be 2.6 metres by 5.5 metres. On street parking is available, but if the street parking were to change to a permit only system, the residents in the multiple dwelling would not qualify for a permit. New development should not negatively impact existing uses and as such, any new development should be able to provide the required parking on-site.

Based on the rationale above, staff recommend that the applications be denied.

### **ALTERNATIVES FOR CONSIDERATION**

- 1) Should the proposed applications be approved, staff be directed to prepare the Official Plan Amendment and Zoning By-law Amendment consistent with the concept plans proposed, and any other necessary agreements to implement Council's Direction.
- 2) Council could direct staff to negotiate revisions to the proposal with the applicant in response to the issues and concerns identifies in the Report and report back to Council with the results of the discussion.
- 3) Should the applications be denied, the lands could develop in accordance with the Low Density Residential designation and the "D/S-378" (Urban Protected Residential – One and Two Family Dwellings) District, Modified which permits single detached, semi-detached and street townhouse dwellings.

### **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.

**SUBJECT: Applications for an Official Plan Amendment and a Zoning By-law  
Amendment for lands located at 125 and 129 Robert Street, Hamilton  
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**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" – Concept Plan and Elevations

Appendix "C" – Public Correspondence