



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	October 6, 2020
SUBJECT/REPORT NO:	Application for a Zoning By-law Amendment for lands located at 117 Forest Avenue and 175 Catharine Street South, Hamilton (PED20153) (Ward 2)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Mark Kehler (905) 546-2424 Ext. 4148
SUBMITTED BY:	Stephen Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Amended Zoning By-law Amendment Application ZAC-17-008, by Urban Solutions (c/o Sergio Manchia), agent, for Representative Holdings Inc. (Owner)**, for a further modification to the “E-3/S-601” (High Density Multiple Dwellings) District, Modified to recognize the existing 11 storey multiple dwelling and permit a 78 unit multiple dwelling, and a seven unit multiple dwelling in the form of three storey townhouse dwellings, with both buildings connected by an underground parking garage on lands located at 117 Forest Avenue and 175 Catharine Street South, Hamilton as shown on Appendix “A” to Report PED20153 be **APPROVED** on the following basis:
- (i) That the draft By-law attached as Appendix “B” to Report PED20153 which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the amending By-law, attached as Appendix “B” to Report PED20153 be added to District Map E5 of Zoning By-law No. 6593 as “E-3/S-601a”; and,

- (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow Plan (2019), as amended and complies with the Urban Hamilton Official Plan.

EXECUTIVE SUMMARY

The subject property is municipally known as 117 Forest Avenue and 175 Catharine Street South, Hamilton. The Owner has applied for a Zoning By-law Amendment for the following:

- To recognize the existing 11 storey, 93 unit multiple dwelling at 175 Catharine Street South on a reduced lot. The existing access driveway from Forest Avenue to the rear parking area for the existing multiple dwelling will be maintained;
- An 85 unit multiple dwelling consisting of a ten storey (38.0 m) 78 unit multiple dwelling and a seven unit multiple dwelling in the form of three storey townhouse units with separate entrances at grade;
- An underground parking garage containing a total of 49 parking spaces together with seven above grade parking spaces for the townhouse units; and,
- Amenity areas, include balconies, second storey rear terraces for the “townhouse” units and a shared amenity area above the existing access driveway to the rear parking area for the multiple dwelling at 175 Catharine Street South.

The application has merit and can be supported for the following reasons:

- It is consistent with the PPS (2020) and conforms to A Place to Grow Plan (2019), as amended;
- It complies with the Urban Hamilton Official Plan (UHOP), in particular the function, scale and design of the High Density Residential policies of the Neighbourhoods designation; and,
- It provides appropriately designed and scaled residential intensification at an appropriate location within the neighbourhood and will diversify the types of housing available in the area, contributing to a more complete community and supporting redevelopment of an underutilized site.

Alternatives for Consideration – See Page 22

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider an application for an amendment to the Zoning By-law.

HISTORICAL BACKGROUND

Report Fact Sheet

Application Details	
Applicant/Owner:	Urban Solutions Planning and Land Development (c/o Sergio Manchia) on behalf of Representative Holdings Inc. (Owner)
File Number:	ZAC-17-008
Type of Application:	Zoning By-law Amendment
Proposal:	<ul style="list-style-type: none">• To recognize the existing 11 storey, 93 unit multiple dwelling at 175 Catharine Street South. The existing access driveway from Forest Avenue to the rear parking area for the existing multiple dwelling will be maintained;• An 85 unit multiple dwelling consisting of a ten storey (38.0 m) 78 unit multiple dwelling and a seven unit multiple dwelling in the form of three storey (13.5 m) townhouse units with separate entrances at grade;• An underground parking garage containing a total of 49 parking spaces together with seven above grade parking spaces for the “townhouse units”; and,• Amenity areas, include balconies, second storey rear terraces for the “townhouse” units and a shared amenity area above the existing access driveway to the rear parking area for the multiple dwelling at 175 Catharine Street South.
Property Details	
Municipal Address:	117 Forest Avenue and 175 Catharine Street South, Hamilton
Lot Area:	117 Forest Avenue – 1,164 sq m (0.1164 ha) 175 Catharine Street South – 3,375 sq m (0.3375 ha)

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Servicing:	Existing Full Municipal Services
Existing Use	<ul style="list-style-type: none"> • Vacant land (117 Forest Avenue) • Eleven storey multiple dwelling and a gravel parking lot (175 Catharine Street South).
Documents	
Provincial Policy Statement (PPS)	The proposal is consistent with the PPS.
A Place to Grow:	The proposal conforms with A Place to Grow.
Official Plan Existing:	Neighbourhoods designation
Corktown Neighbourhood Plan Existing:	Medium Density Apartments
Zoning Existing:	"E-3/S-601" (High Density Multiple Dwellings) District, Modified
Zoning Proposed:	"E-3/S-601a" (High Density Multiple Dwelling) District, Modified
Modifications Proposed:	<p>Block 1:</p> <ul style="list-style-type: none"> • Recognize the existing 11 storey, 93 unit multiple dwelling at 175 Catharine Street South with 57 parking spaces. <p>Blocks 2, 3 and 4:</p> <ul style="list-style-type: none"> • Recognize Forest Avenue as the front lot line; • A modified definition of a multiple dwelling that includes attached townhouse dwellings; • Reduced building height; • Reduced minimum front yard depth, side yard width and rear yard depth; • Eliminated modification of area requirements; • Eliminated maximum floor area ratio requirement; • Eliminated minimum landscaped area; • Increased encroachment of a balcony into a side yard;

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	<ul style="list-style-type: none">• Permission for the encroachment of a foundation wall of an underground parking structure into required yards;• Reduced minimum parking space dimension;• Reduced overall parking rate;• Eliminated visitor parking requirement;• Eliminated loading space requirement; and,• Provision for short term and long term bicycle parking.
Processing Details	
Received:	December 23, 2016
Deemed Complete:	January 5, 2017
Notice of Complete Application:	Sent to 1,855 residents within 120 m of the subject property on January 23, 2017.
Public Notice Sign:	Posted on January 23, 2017 and updated with the public meeting date on September 10, 2020.
Notice of Public Meeting:	Sent to 597 property owners within 120 m of the subject property on September 18, 2020.
Public Consultation:	Applicant held a meeting on October 19, 2017 with the Corktown Neighbourhood Association.
Public Comments:	One letter expressing concerns with the proposal.
Processing Time:	<ul style="list-style-type: none">• 1,383 days from date of initial application.• 126 days from date of revised application / development concept (June 2, 2020).

Existing Land Use and Zoning:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Property:</u>	Vacant land (117 Forest Avenue) and an eleven storey multiple dwelling and a gravel parking lot (175 Catharine Street South)	“E-3/S-601” (High Density Multiple Dwellings) District, Modified
<u>Surrounding Land Uses:</u>		
North	Two and a half storey semi detached dwellings and two, four storey multiple dwellings	“E-3” (High Density Multiple Dwellings) District
East	A four storey multiple dwelling and a nine storey multiple dwelling	“E-3/S-711” (High Density Multiple Dwellings) District, Modified and “E-3” (High Density Multiple Dwellings) District
South	22 storey multiple dwelling	“E-3” (High Density Multiple Dwellings) District
West	One storey commercial plaza	“CR-2/S-572”, “CR-2/S-572a” and “CR-2/S-572b” (Commercial – Residential) District, Modified

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Policy Framework

The Provincial planning framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (2020) (PPS). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS and conform to A Place to Grow (2019), as amended.

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation of, adoption and subsequent Local Planning Appeal Tribunal approval of the UHOP, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As

such, matters of provincial interest (i.e. efficiency of land use and balanced growth) are reviewed and discussed in the Official Plan analysis that follows.

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

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

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

- 1) In the vicinity of distinctive or unusual landforms; and,
- 2) In areas of pioneer EuroCanadian settlement.

As the site has been disturbed as a result of the construction of the existing building at 175 Catherine Street South, a caution note will be required at the Site Plan Control stage advising of the City of Hamilton and Ontario Ministry of Heritage, Sport, Tourism and Culture Industries requirements should deeply buried archaeological materials or human remains be encountered during construction / development activities.

As the application for a change in zoning to permit a multiple dwelling and attached townhouse dwellings complies with the UHOP, and based on the review of the proposal, it is staff's opinion that the application is:

- consistent with Section 3 of the *Planning Act*,
- consistent with the PPS (2020); and,
- in conformity with A Place to Grow (2019), as amended.

Urban Hamilton Official Plan

The subject property is identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations of the UHOP. The following policies, amongst others, apply:

Neighbourhoods

“E.2.6.4 The Neighbourhoods element of the urban structure shall permit and provide for a full range of housing forms, types and tenure, including affordable housing and housing with supports.

- E.2.6.7 Neighbourhoods shall generally be regarded as physically stable areas with each neighbourhood having a unique scale and character. Changes compatible with the existing character or function of the neighbourhood shall be permitted. Applications for development and residential intensification within Neighbourhoods shall be reviewed in consideration of the local context and shall be permitted in accordance with Section B.2.4 – Residential Intensification, E.3.0 – Neighbourhoods Designation, E.4.0 – Commercial and Mixed Use Designations, and E.6.0 – Institutional Designation.
- E.3.2.1 Areas designated Neighbourhoods shall function as complete communities, including the full range of residential dwelling types and densities as well as supporting uses intended to serve the local residents.
- E.3.2.3 The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations:
- a) residential dwellings, including second dwellings and housing with supports;
- E.3.2.4 The existing character of established Neighbourhoods designated areas shall be maintained. Residential intensification within these areas shall enhance and be compatible with the scale and character of the existing residential neighbourhood in accordance with Section B.2.4 – Residential Intensification and other applicable policies of this Plan.”

Policies E.2.6.4, E.3.2.1 and E.3.2.3 a) reinforce the importance of providing a range of residential dwelling types and densities within a neighbourhood. The Corktown neighbourhood features a mix of residential dwelling types, including single detached, semi detached, townhouse and multiple dwellings. The proposed multiple dwelling, including attached townhouse dwellings, will add to the range of dwelling types and densities in a form that is consistent with the neighbourhood character.

Policies E.2.6.7 and E.3.2.4 establish that new development shall be compatible with the existing character of the neighbourhood. The subject lands are located within a cluster of mid-rise and high-rise multiple dwellings, including an 11 storey multiple dwelling directly to the north, a nine storey multiple dwelling to the east and a 22 storey multiple dwelling to the south. The proposed three storey townhouse dwellings provide an appropriate transition to the two and a half storey detached dwellings to the southwest.

High Density Residential

- “E.3.6.1 High density residential areas are characterized by multiple dwelling forms on the periphery of neighbourhoods in proximity to major or minor arterial roads.
- E.3.6.4 High density residential uses shall be located within safe and convenient walking distance of existing or planned community facilities / services, including public transit, schools, and active or passive recreational facilities.
- E.3.6.5 Proximity to the Downtown Urban Growth Centre, Sub-Regional Nodes or Community Nodes, and designated Employment Areas shall be considered desirable for high density residential uses.
- E.3.6.6 In high density residential areas, the permitted net residential densities, identified on Appendix G – Boundaries Map shall be:
- a) greater than 100 units per hectare and not greater than 500 units per hectare in Central Hamilton;”

The subject lands are included in the Central Hamilton area in accordance with Appendix G – Boundaries Map of the UHOP. The applicant intends to sever a southerly portion of the property known as 175 Catharine Street South and add it to the lands known as 117 Forest Avenue. The proposed lot containing the proposed 85 unit multiple dwelling with attached townhouse development would have a net residential density of 405 units per hectare. The existing 11 storey, 93 unit multiple dwelling is proposed to be maintained on a reduced lot with an area of 0.244 ha for a net residential density of 381 units per hectare. In total, the development would have a net residential density of 392 units per hectare. Therefore, as per Policy E.3.6.6 a), the proposed densities fall within the High Density Residential policies of the Neighbourhoods designation.

Consistent with Policy E.3.6.1, the subject lands are located towards the southern periphery of the Corktown neighbourhood, one block east of John Street South, a minor arterial road.

With regards to Policies E.3.6.4 and E.3.6.5, the subject lands are located two blocks south of the Downtown Urban Growth Centre as shown on Schedule E – Urban Structure of the UHOP and are within walking distance of HSR transit on John Street South, Hunter Street East, and the Hunter Street Bus Terminal. Inter-city transit is available at the nearby Hunter Street GO Centre. The site is within safe, convenient

walking distance of Downtown Hamilton, Queen Victoria Elementary School, St. Joseph's Hospital, Corktown Park, Woolverton Park and Shamrock Park.

In accordance with the High Density Residential policies of the UHOP, the subject lands are located at an appropriate location within the neighbourhood to accommodate a high density residential use having convenient access to services, commercial uses and employment opportunities.

- "E.3.6.7 Development within the high density residential category shall be evaluated on the basis of the following criteria:
- a) Development should have direct access to a collector or major or minor arterial road. If direct access to such a road is not possible, the development may be permitted direct access to a collector or major or minor arterial road via a local road upon which abut only a small number of low density residential category dwellings.
 - b) High profile multiple dwellings shall not generally be permitted immediately adjacent to low profile residential uses. A separation distance shall generally be required and may be in the form of a suitable intervening land use, such as a medium density residential use. Where such separations cannot be achieved, transitional features such as effective screening and / or design features shall be incorporated into the design of the high density development to mitigate adverse impact on adjacent low profile residential uses.
 - d) Development shall:
 - i) provide adequate landscaping, amenity features, on-site parking, and buffering where required;
 - ii) be compatible with existing and future uses in the surrounding area in terms of heights, massing, and an arrangement of buildings and structures; and,
 - iii) provide adequate access to the property, designed to minimize conflicts between traffic and pedestrians both on-site and on surrounding streets.
 - e) In accordance with the policies of Section B.3.3 – Urban Design Policies, development shall contribute to an attractive public realm

by minimizing the view of the following elements from the abutting public streets (excluding public alleys):

- i) surface parking areas;
- iii) utility and service structures such as garbage enclosures; and,
- iv) expanses of blank walls.”

In accordance with Policy E.3.6.7 a), the development includes separate vehicle entrances to the underground garage and rear parking area for the townhouse units that would provide direct access to John Street South, a minor arterial road, via Catharine Street South and Forest Avenue, both local roads. All existing access driveways to the multiple dwelling at 175 Catharine Street South will be maintained, including an access from Forest Avenue located between the proposed townhouse units and the proposed ten storey multiple dwelling. The north side of Forest Avenue between the subject lands and John Street South is occupied by a one storey commercial plaza and surface parking lot. Two low density dwellings and a medical office occupy the south side of Forest Avenue.

The proposed ten storey (38.0 m) multiple dwelling is a mid-rise building and therefore is not considered high profile as per Policy E.3.6.7 b). The proposal is not immediately adjacent to any low profile residential uses. The existing “E-3/S-601” District, Modified zoning applicable to the subject lands permits a high profile multiple dwelling with a maximum height of 19 storeys. Therefore, in the opinion of staff, a separation distance or intervening land use is not required.

As per Policy E.3.6.7 d), the proposal includes second storey rear terraces for the attached townhouse units and an outdoor amenity area above the access driveway located between the townhouse units and the ten storey (38.0 m) multiple dwelling. Private balconies are proposed for the units within the multiple dwelling. Landscaping is also proposed adjacent to the Catharine Street South and Forest Avenue right of ways and along portions of the side and rear property lines.

The applicant has proposed to provide a total of 56 parking spaces, including 49 underground parking spaces and seven rear parking spaces for the “townhouse” units, for an overall parking rate of 0.65 parking spaces per unit. The proposal does not include visitor parking spaces. The subject lands are located within Area “A” of Schedule “H” of City of Hamilton Zoning By-law No. 6593 that requires a residential parking rate of 0.8 spaces per unit for a multiple dwelling, including 0.16 parking spaces designated for visitors.

In support of the proposed parking reduction, the applicant submitted a Parking Study Analysis prepared by nexTrans Consulting dated December 21, 2016 and an addendum dated December 20, 2017. The Parking Study Analysis (Analysis) references the 2011 Transportation Tomorrow Survey that identified that 61% of households in Ward 2 own at least one car. In addition, the Analysis identifies the resident parking utilization rate for three multiple dwellings in close proximity to the site as recorded in December, 2016. The average utilization rate for the three nearby sites was found to be 0.54 spaces per unit and the utilization rate for the existing multiple dwelling at 175 Catharine Street South was found to be 0.58 spaces per unit. Staff are satisfied that the proposed 0.65 residential parking rate is appropriate for the site based on parking utilization of nearby sites and the location of the site in proximity to transit and Downtown Hamilton. A minimum of four short term and 42 long term bicycle parking spaces are required in the site specific Zoning By-law, providing for an alternative means of transportation. Temporary visitor parking is available on nearby streets subject to time limit restrictions. Residents of the multiple dwelling will not be eligible for on street permit parking or time limit exemptions.

The proposed ten storey (38.0 m) multiple dwelling, and the seven unit multiple dwelling in the form of attached three storey townhouse dwellings, is compatible with surrounding uses including an eleven storey multiple dwelling directly to the north, a nine storey multiple dwelling to the east and a 22 storey multiple dwelling to the south. The proposed three storey townhouse dwellings provide a transition in height to the existing lower profile residential uses to the southwest.

Two new vehicle accesses are proposed, including an access to the underground parking garage from Forest Avenue and an access to the parking spaces at the rear of the townhouse units from Catharine Street South. The existing access from Forest Avenue to the rear parking area for the existing 11 storey multiple dwelling will be maintained with an amenity area constructed above. Recommendations for mitigating traffic and pedestrian impacts related to the three vehicle accesses are provided in a letter from nexTrans Consulting Engineers dated June 1, 2020 and include additional signage, pavement markings and convex mirrors. Transportation Planning staff have reviewed and are supportive of the proposed traffic measures and will require them to be implemented through an external works agreement at Site Plan Control stage. Pedestrian entrances to the multiple dwelling and the individual townhouse dwellings are proposed facing Forest Avenue, providing direct access without crossing a driveway or other barrier. Therefore, the proposed development meets the requirements of Policy E.3.6.7 d).

With respect to Policy E.3.6.7 e), the proposed multiple dwelling, including attached townhouse dwellings, contributes to the public realm by locating parking below grade and behind the proposed townhouse units. The front façade features glazing and

pedestrian entrances, and there are no expanses of blank walls facing the public realm. Staff will review the landscape plan required at the Site Plan Control stage to ensure any utility structures or outdoor garbage facilities are adequately screened.

Residential Intensification

“B.2.4.1.4 Residential intensification developments shall be evaluated based on the following criteria:

- a) a balanced evaluation of the criteria in b) through g) as follows;
- b) the relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;
- c) the development’s contribution to maintaining and achieving a range of dwelling types and tenures;
- d) the compatible integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;
- e) the development’s contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;
- f) infrastructure and transportation capacity; and,
- g) the ability of the development to comply with all applicable policies.

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

- a) the matters listed in Policy B.2.4.1.4;
- b) compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
- c) the relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;

- d) the consideration of transitions in height and density to adjacent residential buildings;
- e) the relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;
- f) the provision of amenity space and the relationship to existing patterns of private and public amenity space;
- g) the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;
- h) the ability to complement the existing functions of the neighbourhood;
- i) the conservation of cultural heritage resources; and,
- j) infrastructure and transportation capacity and impacts.”

The proposed infill redevelopment contributes to the range of dwelling types and tenures by developing an underutilized site with an appropriately scaled residential building, as per Policy B.2.4.1.4 c). The proposal complements the existing function of the neighbourhood as per Policy B.2.4.2.2 h) as the proposed high density development is located at the periphery of the neighbourhood with direct access to a minor arterial road, and has convenient access to public transit, services and the Downtown Hamilton Urban Growth Centre. As per Policy B.2.4.1.4 e), the Neighbourhoods policies of the Urban Structure encourage a range of dwelling types and tenures and development that complements the form and function of the neighbourhood as described above.

The proposed development respects and enhances the existing neighbourhood character as required by Policy B.2.4.1.4 b) by providing an appropriately designed building on an underutilized lot within a cluster of mid-rise to high-rise multiple dwellings. In accordance with Policies B.2.4.1.4 d) and B.2.4.2.2 b), c) and d), the proposal is compatible with the surrounding area, including with regards to nuisance effects such as shadowing, noise, lighting, traffic and overlook, and provides appropriate setbacks to adjacent residential buildings. The 10 storey building does not directly abut private outdoor amenity areas or public open space, limiting issues of overlook. The proposed 10 storey building height is lower than the 19 storey building height permitted in the existing “E-3/S-601” District, Modified zoning applicable to the site, reducing issues of shadow on the adjacent neighbourhood. Parking is proposed below grade and at the rear of the “townhouse” units, limiting traffic, noise and light impacts on adjacent residential uses.

Proposed amenity areas include rear second floor terraces for the “townhouse” dwellings, individual balconies for the units within the ten storey (38.0 m) multiple dwelling and a shared amenity area above the access driveway between the ten storey (38.0 m) multiple dwelling and “townhouse” dwellings. As per Policy B.2.4.2.2 f), the proposed amenity areas will complement the existing public parks within walking distance of the subject site, including the nearby Shamrock Park, Woolverton Park, and Corktown Park.

The lot pattern in proximity to the site features large lots with irregular dimensions to accommodate multiple dwellings and associated parking and open space. The proposed lot, setbacks and building separation are consistent with the existing streetscape pattern. The proposed interior side yard and rear yard setbacks provide for appropriate transition to adjacent multiple dwellings and the proposed encroachment of the foundation wall for the underground parking into required setbacks is consistent with the adjacent multiple dwellings to the north and east. The proposed front yard and side yard abutting a street provide space for landscaping that is consistent with the existing streetscape and activates portions of the Catharine Street South and Forest Avenue frontages that are currently occupied by vacant land. Based on the foregoing, the proposal complies with Policies B.2.4.2.2 e) and g).

With respect to Policies B.2.4.1.4 f) and B.2.4.2.2 j), the subject site is serviced by municipal water, sewer and stormwater infrastructure. Staff did not request a Transportation Impact Study for the proposal as the size of the development does not raise concerns from a transportation capacity perspective.

As per Policy B.2.4.2.2 i), the subject lands do not contain and are not adjacent to built heritage resources. Staff have no concerns with the proposal from a cultural heritage perspective.

The following urban design policies, amongst others, also apply:

Urban Design

“B.3.3.2.3 Urban design should foster a sense of community pride and identity by:

- a) respecting existing character, development patterns, built form, and landscape;
- b) promoting quality design consistent with the locale and surrounding environment;

- f) demonstrating sensitivity toward community identity through an understanding of the character of a place, context and setting in both the public and private realm;
- g) contributing to the character and ambiance of the community through appropriate design of streetscapes and amenity areas;

B.3.3.3.5 Built form shall create comfortable pedestrian environments by:

- a) locating principal façades and primary building entrances parallel to and as close to the street as possible;
- b) including ample glazing on ground floors to create visibility to and from the public sidewalk;
- c) including a quality landscape edge along frontages where buildings are set back from the street.”

As per Policy B.3.3.2.3 a), the proposed multiple dwelling with attached “townhouse” dwellings respects the character and development pattern of the area, in particular its immediate context within a cluster of mid-rise and high-rise multiple dwellings. In accordance with Policies B.3.3.2.3 g) and B.3.3.3.5 c), the proposed multiple dwelling with attached townhouse dwellings will complement the existing streetscape along Forest Avenue and Catharine Street South by redeveloping an underutilized site and providing landscaping and active front facades adjacent to the street. In addition to the positive design elements noted above, staff will continue to work with the applicant through the Site Plan Control process to ensure the final design of the development, including amenity areas, façade materials and landscaping, provides a quality design that is sensitive to the community identity in accordance with Policies B.3.3.2.3 b) and B.3.3.2.3 f).

Consistent with Policies B.3.3.5 a) and b), entrances to the proposed multiple dwellings would be located close to the street and glazing is proposed along the Forest Avenue frontage (see Appendix “D” to Report PED20153).

Corktown Neighbourhood Plan

The following policy related to Neighbourhood Plans, amongst others, applies:

“F.1.2.7 Neighbourhood plans are policies adopted by council resolution and do not form part of the Official Plan. Any proposal for development or

redevelopment must conform to the designations, and policies in the Neighbourhood Plan.”

The subject property is designated “Medium Density Apartments” within the Corktown Neighbourhood Plan and is located within a Neighbourhood Residential Area. Map 2 and Policy 8.a) of the Neighbourhood Plan limit the height of new buildings within the south and east portions of the neighbourhood, including the subject lands, to three storeys. Policy 8.d) requires new buildings to be designed to reduce heights as much as possible to make a positive contribution to the neighbourhood streetscape and be compatible with the traditional character of the neighbourhood. The proposed development includes three storey “townhouse” units at the western portion of the site that reflect the existing low rise character of Forest Avenue to the west. The “townhouse” units provide transition to the proposed ten storey (38.0 m) multiple dwelling that is surrounded on all sides by existing multiple dwellings ranging in heights from four to 22 storeys. Overall, staff are satisfied that the development is compatible with the character of the neighbourhood based on its location within a cluster of multiple dwellings and the provision of three storey “townhouse” units that transition to existing lower profile development to the west. The existing site specific zoning applicable to the site permits a multiple dwelling with a maximum building height of 19 storeys (57.0 m) and the proposed building height and density comply with the UHOP. As Per Policy 8.f) of the Neighbourhood Plan, implementation of building height through rezoning applications will balance the rights of owners with community interests. Staff are satisfied that the intent of the Neighbourhood Form and Building Heights Policies in the Neighbourhood Plan have been met.

Infill residential development of vacant sites is encouraged in the Neighbourhood Residential Area, predominantly through street townhousing, or detached and semi-detached dwellings consistent with existing lot patterns. The proposed three storey “townhouse” units are consistent with the infill direction for the Neighbourhood Residential Area, and staff are satisfied that the proposed 10 storey multiple dwelling is an appropriate infill development based on the rationale provided above. The proposed ten storey (38.0 m) multiple dwelling with attached townhouse dwellings is consistent with the “Medium Density Apartments” designation. Therefore, an amendment to the Corktown Neighbourhood Plan is not required.

Based on the foregoing, the proposal complies with the UHOP.

City of Hamilton Zoning By-law No. 6593

The subject lands are currently zoned “E-3/S-601” (High Density Multiple Dwellings) District, Modified, which permits an apartment development for the site subject to a

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maximum building height of 19 storeys, a maximum of 175 dwelling units and a minimum landscape area of 25% of the lot area.

In order to permit the proposed townhouse dwellings attached to a multiple dwelling, the applicant has applied to change the zoning to a site specific “E-3/S-601a” (High Density Multiple Dwellings) District. Site specific modifications to the “E-3” District have been requested to implement the subject proposal and are listed in the table above and discussed in greater detail in Appendix “C” to Report PED20153.

RELEVANT CONSULTATION

Departments and Agencies		
<ul style="list-style-type: none">• Asset Management, Strategic Planning, Public Works Department; and,• Recreation Division, Healthy and Safe Communities Department.		No Comment
	Comment	Staff Response
Transportation Planning Division, Planning and Economic Development Department	<ul style="list-style-type: none">• Transportation Planning supports the proposed Zoning By-law Amendment with future revisions required at Site Plan Control stage.• A minimum 0.05 short term and 0.5 long term bicycle parking spaces per unit are required for the development.• Enhanced pedestrian amenities, including benches, landscaping and lighting, are recommended.• It is recommended that a dedicated carshare vehicle space be provided.• Without setting precedent, Transportation Planning can support the proposed	<ul style="list-style-type: none">• A minimum 0.05 short term and 0.5 long term bicycle parking spaces have been added as requirements of the site specific by-law.• Pedestrian amenities, carshare, internal roadway width, ramp slope, curbing and layby design will be further reviewed at Site Plan Control stage.• An external works agreement will be required as a condition of Site Plan approval to ensure additional signage, pavement markings and mirrors are provided to address the daylight triangle deficiencies.

	<p>reduced visibility triangles and 6.0 m driveway widths for the three proposed driveway locations.</p> <ul style="list-style-type: none"> • A 6.0 m internal roadway width is required throughout the site. • 6.0 m transition slopes with 6% grades are required leading up to and down the proposed 12% grade ramp to the underground parking. • The driveway access to Forest Avenue shall be revised so that driveway curbing ends behind the municipal sidewalk. • To address deficiencies in the visibility triangles provided, an external works agreement will be required at Site Plan Control stage ensuring additional signage, pavement markings and mirrors are provided to address traffic safety. • Transportation Planning can support the proposed layby area on Forest Avenue. Minor revisions to the design of the layby may be required at Site Plan Control stage. 	
Recycling & Waste Disposal, Environmental Services Division, Public Works Department	Advised that the development is eligible for municipal waste collection, however the current concept does not meet the City's design criteria and is therefore deemed unserviceable.	Waste collection will be reviewed in further detail at the Site Plan Control stage.

SUBJECT: Application for a Zoning By-law Amendment for lands located at 117 Forest Avenue and 175 Catharine Street South, Hamilton (PED20153) (Ward 2) - Page 20 of 24

Healthy Environments Division, Public Health Services	Indicated that a Pest Control Plan and a Dust Management Plan will be required at the Site Plan Control stage.	A Pest Control Plan and a Dust Management Plan will be required as conditions of site plan approval.
Forestry and Horticulture Section, Public Works Department	Advised that revisions to the submitted Tree Management Plan and Landscape Plan are required to include the removal of municipal trees that are in poor condition. Street tree plantings will be required on the Catharine Street South frontage.	Revisions to the Tree Management Plan and Landscape Plan will be required at the Site Plan Control stage.
Public Consultation		
	Comment	Staff Response
Height and density	There is a concern that the proposed ten storey (38.0 m) multiple dwelling is too large for the Corktown Neighbourhood that features single detached and townhouse dwellings.	Staff recognize that there is a mix of dwelling types in the Corktown Neighbourhood. A 19 storey multiple dwelling is a permitted use in the existing "E-3/S-601" (High Density Multiple Dwellings) District, Modified zoning applicable to the site. The proposed multiple dwelling is located within a cluster of mid-rise to high-rise multiple dwellings and transitions appropriately to adjacent residential uses. The proposal will reduce the maximum building height and add to the mix of dwelling types available in the neighbourhood.
Parking	There is a concern that the proposal does not provide adequate parking and that additional vehicles cannot be accommodated through on-street parking due to the proximity of the site to St. Joseph's Hospital.	Staff are satisfied that the proposed 0.65 residential parking rate is appropriate for the site based on parking utilization of nearby sites and the location of the site in proximity to transit and Downtown Hamilton. Temporary visitor parking is available on nearby streets

		subject to time limit restrictions. Residents of the multiple dwelling will not be eligible for on street permit parking or time limit exemptions.
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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 1,855 residents within 120 m of the subject property on January 23, 2017. A Public Notice sign was posted on the property on January 23, 2017 and updated with the public meeting date on September 10, 2020. Finally, a Notice of Public Meeting was mailed to property owners within 120 m of the subject property on September 18, 2020.

To date, one letter has been submitted expressing concerns with the proposed development (Appendix “E” of Report PED20153). The concerns are summarized in the above chart.

Public Consultation Strategy

In accordance with their submitted Public Consultation Strategy, the applicant met with the Corktown Neighbourhood Association on October 19, 2017. The applicant has also maintained a microsite (<https://urbansolutions.info/forestcatharine/>) containing application materials available to be reviewed by the public.

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 PPS (2020) and conforms to A Place to Grow Plan (2019);
 - ii) It complies with the UHOP, in particular the function, scale and design of the High Density Residential policies of the Neighbourhoods designation; and,
 - iii) It provides appropriately designed and scaled residential intensification at an appropriate location within the neighbourhood and will diversify the

types of housing available in the area, contributing to a more complete community and supporting redevelopment of an underutilized site.

2. Zoning By-law Amendment

The subject lands are currently zoned “E-3/S-601” (High Density Multiple Dwellings) District, Modified.

To permit the proposed multiple dwelling and townhouses, the applicant has applied to change the zoning to a site specific “E-3/S-601a” (High Density Multiple Dwellings) District. Modifications to the development standards are required to facilitate the proposal and are summarized in the table above and discussed in detail in Appendix “D” of Report PED20153.

3. The subject lands are currently subject to site specific By-law No. 78-237 that rezoned the lands to a “E-3/S-601” (High Density Multiple Dwellings) District, Modified. The “E-3/S-601” District zoning permits additional apartment development with site specific regulations permitting a maximum of 175 units, a maximum height of 19 storeys and a minimum landscaped area of 25% of the lot. Staff recommend that By-law No. 78-237 be repealed and replaced with the proposed amending By-law that recognizes the existing 11 storey multiple dwelling, and the proposed ten storey (38.0 m) multiple dwelling with attached three storey townhouse dwellings.

4. Severance Application

An application to the Committee of Adjustment is required to permit the severance of the southerly portion of 175 Catharine Street South (Blocks 2 and 3 on Appendix “A” to Report PED20153) proposed to be added to the lands known as 117 Forest Avenue (Block 4 on Appendix “A” to Report PED20153). The existing 11 storey multiple dwelling at 175 Catharine Street South is proposed to be maintained on the remaining northerly portion of the lot. An easement will be required as a condition of severance approval providing access to the existing parking area for 175 Catharine Street South via the existing access driveway on Forest Avenue.

5. Development Engineering Approvals staff have reviewed the Functional Servicing Report provided by the applicant and have no concerns with the Zoning By-law Amendment application proceeding from a servicing perspective. During the Site Plan Control process the applicant will be required to demonstrate that appropriate sewer servicing, water servicing, stormwater management, grading,

and erosion and sediment control measures are undertaken to the satisfaction of Development Engineering Approvals staff.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Zoning By-law Amendment be denied, the lands could be developed in accordance with the existing “E-3/601” (High Density Multiple Dwellings) District, Modified which permits a maximum of 175 units, a maximum height of 19 storeys, and a minimum landscaped area of 25% of the lot for the combined properties at 175 Catharine Street South and 117 Forest Avenue.

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.

Clean and Green

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

Built Environment and Infrastructure

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

Culture and Diversity

Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" – Location Map

Appendix "B" – Amendment to Zoning By-law No. 6593

Appendix "C" – Zoning Modification Table

Appendix "D" – Concept Plan

Appendix "E" – Public Submissions