



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	January 12, 2021
SUBJECT/REPORT NO:	Appeal of Urban Hamilton Official Plan Amendment and Zoning By-law Amendment to the Local Planning Appeal Tribunal for Lack of Decision for Lands Located at 1630 Main Street West and 69 Sanders Boulevard, Hamilton (PED21012) (Ward 1)
WARD(S) AFFECTED:	Ward 1
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SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

Council Direction:

In accordance with subsections 22(7) and subsection 34(11) of the *Planning Act*, an Official Plan Amendment application and associated Zoning By-law Amendment application may be appealed to the Local Planning Appeal Tribunal (LPAT) after 120 days if Council has not made a decision on the application.

A motion to direct staff to advise the Planning Committee on matters relating to appeals regarding lack of decision by Council pursuant to the *Planning Act* was passed by City Council on May 18, 2010. This Information Report was prepared in accordance with Council's policy for staff to advise the Planning Committee and City Council of appeals for non-decision to the LPAT.

The following information is provided to Planning Committee with regards to Urban Hamilton Official Plan Amendment application UHOPA-18-014 and Zoning By-law Amendment application ZAC-18-035 for lands located at 1630 Main Street West and 69 Sanders Boulevard which have been appealed to the LPAT for lack of decision.

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Information:

The subject property is municipally known as 1630 Main Street West and 69 Sanders Boulevard (see Location Map attached as Appendix “A” to Report PED21012).

The subject property is irregular in shape with a lot area of 0.5 ha (1.24 acres) and is located along three frontages, being Main Street West, West Park Avenue and Sanders Boulevard. The northern portion of the site was previously occupied by an elementary school and the southern portion of the site is a one storey commercial building. The property is bounded by three storey multiple dwellings and single detached dwellings to the west, single detached dwellings to the north, three storey multiple dwellings and single detached dwellings to the east and commercial buildings to the south.

Applications UHOPA-18-014 and ZAC-18-035 were submitted on June 14, 2018 by Urban Solutions Planning and Land Development Consultants Inc. on behalf of Sanders Garden Inc. and deemed complete on July 13, 2018. The applications were required to permit:

- a nine storey mixed use building, with commercial uses at grade and 160 residential units above;
- one, three storey stacked townhouse block with 12 units;
- one, three and a half storey stacked townhouse block with 10 units; and,
- 127 parking spaces (11 surface and 116 underground).

The appeal to the LPAT was received by the City Clerk’s Office on October 2, 2020, 841 days after the receipt of the initial application (see Letter of Appeal for both the Official Plan Amendment and the Zoning By-law Amendment applications attached as Appendix “B” to Report PED21012).

PROPOSED DEVELOPMENT

First Submission:

The original proposed development was comprised of a nine storey mixed use building with 154 dwelling units (geared to students) with 472.7 square metres of commercial at grade and 28 maisonette dwelling units (geared to students) in two buildings, with 108 parking spaces to be provided by both surface and underground parking areas (see Concept Plan attached as Appendix “C” to Report PED21012).

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The first proposal required revisions to address issues regarding the road widenings, number of parking spaces, angular plane and shadow impacts on abutting low rise residential uses.

Second Submission:

A revised concept plan was received on August 29, 2019 which changed the proposed tenure from student rental to market condominium, shifted the proposed tower back from Main Street West to address the required road widening, revised floor plans to one and two bedroom units and reoriented the maisonette dwelling units. The maisonette dwelling units have also changed from back-to-back to stacked units, and the underground parking structure has been expanded to allow additional parking spaces, now totalling 121 spaces. This plan also added an additional vehicular access from Sanders Boulevard (see Concept Plan attached as Appendix “D” to Report PED21012).

After a review of the revised concept plan and related sun shadow study, concerns regarding the height and massing of the nine storey mixed use building and the resulting shadow impact on the three storey multiple dwelling to the north remained.

Urban Hamilton Official Plan and Zoning By-law 05-200

The subject lands are identified as “Secondary Corridor” and “Neighbourhoods” on Schedule “E” – Urban Structure and are designated “Mixed Use – Medium Density” and “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in Volume 1 of the UHOP. The subject lands are also designated “Mixed Use – Medium Density” on Map B.6.2-1 Land Use Plan of the Ainslie Wood Westdale Secondary Plan.

The subject lands are zoned as follows:

- 69 Sanders Boulevard – Neighbourhood Institutional (I2, H17, H20) Zone; and,
- 1630 Main Street West – Mixed Use – Medium Density (C5, 570) Zone.

Urban Hamilton Official Plan Amendment Application UHOPA-18-014

The purpose of the Official Plan Amendment is to add a special policy area to both the UHOP and the Ainslie Wood Westdale Secondary Plan to permit a maximum height of nine storeys for a mixed use building and a maximum gross residential density of 385 units per hectare for a multiple dwelling whereas the Mixed Use - Medium Density designation of the UHOP permits a maximum building height of six storeys with additional permissions for eight storeys where specific conditions are met (Policies E.4.6.7 and E.4.6.8). The Mixed Use – Medium Density designation in the Ainslie Wood Westdale Secondary Plan further restricts the maximum building height to three storeys

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(Policy B.6.2.7.2 b)) with a maximum residential density of 30-49 units per hectare (Policy B.6.2.7.2 e)).

Zoning By-law Amendment Application ZAC-18-035

The purpose of the Zoning By-law Amendment application is to change the zoning from the I2, H17, H20 and Mixed Use – Medium Density (C5, 570) Zone to a site specific Mixed Use - Medium Density (C5) Zone to permit:

- a mixed use building with a maximum building height of 30.0 metres;
- stacked townhouse units with a maximum building height of 11.0 metres;
- an increased setback from Sanders Boulevard;
- a decreased side yard setback;
- no setback to an underground parking structure; and,
- no requirement for planting strips.

Public Consultation:

In accordance with Council's Public Participation Policy, the proposal was circulated as part of the Notice of Complete Application to 140 property owners within 120 metres of the subject lands on July 26, 2018.

A total of seven letters were received from members of the public. One letter was submitted with 41 signatures. The common concerns included:

- the height, density and shadow impact;
- that the proposal is not in keeping with the neighbourhood and will cause increased traffic and noise;
- lack of parking being proposed;
- location of the proposed vehicular access on West Park Avenue;
- lack of greenspace being proposed combined with the loss of mature trees and the impact this development may have on the environment; and,
- higher densities bleeding into the lower density neighbourhood on the 69 Sanders Boulevard portion of the development.

There was one letter that supports higher density development on Main Street West, in principle, but shared the concerns above.

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APPENDICIES AND SCHEDULES ATTACHED

Appendix "A" - Location Map

Appendix "B" - Letter of Appeal for both the Official Plan Amendment application and Zoning By-law Amendment application

Appendix "C" - Original Concept Plan

Appendix "D" - Revised Concept Plan

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