



Hamilton

INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	February 16, 2021
SUBJECT/REPORT NO:	Non-Statutory Public Meeting for an Urban Hamilton Official Plan Amendment Application UHOPA-19-008 and Zoning By-law Amendment Application ZAC-19-029 for Lands Located at 73, 77, 83, and 89 Stone Church Road West and 1029 West 5 th Street, Hamilton (PED21037) (Ward 8)
WARD(S) AFFECTED:	Ward 8
PREPARED BY:	James Van Rooi (905) 546-2424 Ext. 4283
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That Report PED21037, together with any written submissions and input from delegations received at Planning Committee, be referred to staff for consideration and incorporated into a further report for direction to be given to the City Solicitor on the appeal to the LPAT for non-decision of an Urban Hamilton Official Plan Amendment Application UHOPA-19-008 and Zoning By-law Amendment Application ZAC-19-029 for Lands Located at 73, 77, 83, and 89 Stone Church Road West and 1029 West 5th Street, Hamilton.

Executive Summary

The subject property is municipally known as 73, 77, 83, and 89 Stone Church Road West and 1029 West 5th Street (refer to Appendix "A" to Report PED21037). The applicant, Valeri Construction Limited, has applied for an Urban Hamilton Official Plan Amendment UHOPA-19-008 and Zoning By-law Amendment ZAC-19-029.

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The purpose of the applications is to facilitate the development of a nine storey (27.8 metre) multiple dwelling containing 216 residential units with 54 surface parking spaces and 167 underground parking spaces within a one level underground parking structure.

Application UHOPA-19-008 is an Official Plan Amendment application to create a Site Specific Policy Area for the subject lands that would increase the overall density from 100-200 units per net hectare to 309 units per net hectare to permit a nine-storey storey multiple dwelling.

Application ZAC-19-029 is a Zoning By-law Amendment application to rezone the lands from the “C” (Urban Protected Residential, Etc.) District, “AA” (Agricultural) District, and “DE-2/S-1700” (Multiple Dwelling) District, Modified, to a site specific “DE-2” (Multiple Dwelling) District, in Former City of Hamilton Zoning By-law No. 6593 to permit a nine storey (27.8 metre) multiple dwelling.

A number of site specific zoning modifications were proposed to implement the proposed development, including:

- To permit a building height of 27.8 metres instead of 26 metres;
- To permit a minimum front yard setback of 2 metres for floors 1-4; a minimum 6.8 metres for floors 5-9; and a minimum 0.97 metres for the underground parking garage instead of between 3 metres to 7.5 metres;
- To permit the interior side yard to be a minimum of 3.79 metres for floors 1-9 and a minimum of 2.07 metres for the underground parking garage instead of between 4.5 metres to 13.5 metres;
- To permit a flankage yard to be a minimum of 3.45 metres for floors 1-9 and 1.14 metres for the underground parking garage instead of between 3 metres to 7.5 metres;
- To permit a rear yard setback of 15.5 metres for floors 1-9 and 0.8 metres for the underground parking garage instead of between 3 metres to 13.5 metres;
- To permit a maximum gross floor area ratio of 3.35 instead of 0.90;
- To permit 1 parking space per dwelling unit instead of 1.25 parking spaces per dwelling unit and a minimum 0.25 visitor parking spaces per dwelling unit;
- To permit a loading space size of 3 metres by 13.9 metres instead of 18 metres by 3.7 metres by 4.3 metres in height;
- To permit the landscaped area provision to not apply instead of a minimum of 25% of the lot to be landscaped area;
- To permit parking spaces to be 3 metres by 5.8 metres instead of 2.7 metres by 6 metres;

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- To permit for parking spaces to be 2.8 metres by 5.8 metres in an underground parking structure instead of 2.7 metres by 6 metres;
- To permit not more than 10% of the required parking to be 2.6 metres by 5.8 metres for small cars instead of 2.7 metres by 6 metres;
- To permit the surface parking area to be a minimum of 0.9 metres from adjoining residential lots instead of 1.5 metres from adjoining residential lots;
- To remove restrictions for canopy projections into a required flankage yard instead of permitting up to only a 1.5 metre projection in a front yard, and provided no projection is closer than 1.5 metres to a street line and instead of permitting a projection more than half its width or 1 metre into a side yard;
- To remove restrictions for a terrace, an uncovered porch or platforms to project into a required yard or to the nearest streetline instead of allowing to project up to 0.5 metres from the nearest side lot line and up to 1.5 metres from the nearest streetline; and,
- To permit ornamental features to project into required yards instead of allowing ornamental features to project up to 0.5 metres from the nearest side lot line and up to 1.5 metres from the nearest streetline.

On July 31 2020, 465 days after the initial application was received and deemed complete, the applications were appealed for a non-decision by Council.

At the December 8, 2020 Planning Committee in response to an information report advising that appeals had been filed, staff were directed to schedule a non-statutory meeting and give notice based on the notice requirements/provisions of the *Planning Act*.

This report, together with any written submissions and input from delegations received at the Planning Committee, will be referred to staff for consideration and incorporated into a further report for direction to be given to the City Solicitor in terms of the City's position on the appeals to the LPAT.

Background:

On December 8, 2020, as part of Report LS20036/PED20217, in accordance with Council's policy for staff to advise the Planning Committee and City Council of appeals for non-decision. Planning Committee was advised on matters relating to an appeal to the Local Planning Appeal Tribunal (LPAT) with regards to Urban Hamilton Official Plan Amendment application UHOPA-19-008 and Zoning By-law Amendment application ZAC-19-029, on December 8, 2020, as part of Report LS20036/PED20217, in

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accordance with Council's policy for staff to advise the Planning Committee and City Council of appeals for non-decision.

Although the applications have been appealed to the Local Planning Appeal Tribunal (LPAT) prior to a Statutory Public Meeting being held, a non-statutory public meeting has been scheduled as per Council's Procedures for Appeals, adopted February 28, 2018, which, in part, reads:

“(i) Where an appellant has agreed to postpone the scheduling of any hearing event until such time as Planning Committee has had an opportunity to consider the matter and that agreement has been communicated to the Ontario Municipal Board or its successor, that Planning staff be directed to process those matters accordingly and bring those matters to Planning Committee at a non-statutory public meeting for consideration and for direction to be given to the City Solicitor;”

A Non-Statutory Public Meeting has been scheduled to provide residents and neighbours an opportunity to speak to these applications. Input received from delegations at Planning Committee, along with any written submissions, will be referred to staff for consideration and incorporated into a further report for direction to the City Solicitor.

Information:

The subject property is municipally known as 73, 77, 83, and 89 Stone Church Road West and 1029 West 5th Street (refer to Appendix “A” to Report PED21037).

The subject property is rectangular in shape, having a lot area of 0.8 ha (1.97 ac) and is located along two frontages, being Stone Church Road West and West 5th Street. The property is bound by Stone Church Road West to the north, St. Mari's Assyrian Church to the east, a retirement facility (currently undergoing construction) to the south, and West 5th Street to the west. The property is located within the Mewburn Neighbourhood.

The subject lands were previously developed with single detached dwellings, but 83 and 89 Stone Church Road West obtained demolition permits in 2013 and 2015 respectively. The demolition permits were obtained in anticipation of a prior development application approval under File No. ZAC-13-018 to permit 18 stacked townhouses. This previous application was abandoned and superseded by the current applications for an Official Plan and Zoning By-law Amendment to permit a multiple dwelling. The current applications were submitted on April 23, 2019 and were deemed complete on May 23, 2019.

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The last submission provided by the applicant on June 15, 2020, proposed the development of a nine storey (27.8 metre) multiple dwelling containing 216 residential units with 54 surface parking spaces and 167 underground parking spaces within a one level underground parking structure, access to the site would be from West 5th Street (refer to Appendix “D” to Report PED21037).

Applications:

Official Plan Amendment Application:

The applicant originally applied for an Official Plan Amendment to allow for a site specific policy in Volume 3 of the Urban Hamilton Official Plan to permit a multiple dwelling development with a maximum density of 339 units per hectare, proposed in the form of a ten storey, 237 unit building. The last submission received by the applicant continued to propose a site specific policy in Volume 3 of the Urban Hamilton Official Plan to permit a multiple dwelling development however with a maximum density of 309 dwelling units per hectare in the form of a nine storey, 216 unit building.

Zoning By-law Amendment Application:

The Zoning By-law Amendment application proposed to rezone the lands from the “C” (Urban Protected Residential, Etc.) District, “AA” (Agricultural) District, and “DE-2/S-1700” (Multiple Dwelling) District, Modified to a site specific “DE-2” (Multiple Dwelling) District, in Former City of Hamilton Zoning By-law No. 6593.

In addition, a number of site specific modifications were proposed to implement the proposed development, including an increase in height, a reduction in front, side, flankage and rear yard requirements, an increase in floor area ratio, a reduction in landscaped area, a reduction in the number of parking spaces required, a modification to the parking stall size, a reduction in buffering of parking areas from adjoining properties, and modifications related to projections for canopies, terraces, porches or platforms. The requested site specific modifications are shown on the concept plan in Appendix “B” to Report PED21037.

Public Consultation:

As part of the Applicant’s Public Consultation Strategy and in consultation with the Ward Councillor’s office, a neighbourhood meeting was held on September 19, 2019. Notice of the neighbourhood meeting was sent out by the applicant to residents within 120 metres of the subject lands and additional notice was provided to residents on Pantano Drive and Giovanna Drive through the Councillor’s office.

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To date staff have received a total of 47 written submissions by residents opposed to the development. In addition, a petition has been received, signed by 76 individuals opposed to the development.

Issues raised by the public related to traffic and parking, the notification and circulation process, infrastructure and site servicing capacity, overdevelopment of the site, construction impacts, tenure, community benefit and compatibility with adjacent existing low density development.

The appeal of both applications was received by the City Clerk's Office on July 31, 2020, 465 days after the receipt of the initial application (refer to Appendix "C" to Report PED21037).

Notice of the Non-Statutory Public Meeting was sent on January 29, 2021 to 146 property owners within 120 m of the subject property, as well as the people who attended the previous neighbourhood meeting or provided written concerns associated with this proposal.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" - Location Map
Appendix "B" - Site Plan
Appendix "C" - Letter of Appeal
Appendix "D" - Elevation Drawings

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