



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	March 23, 2021
SUBJECT/REPORT NO:	Applications for Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 804-816 King Street West, Hamilton (PED21025) (Ward 1)
WARD(S) AFFECTED:	Ward 1
PREPARED BY:	Mark Kehler (905) 546-2424 Ext. 4148
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Urban Hamilton Official Plan Amendment Application UHOPA-19-004, by Urban Solutions Planning & Land Development Consultants Inc. (c/o Matt Johnston) on behalf of Gateway Development Group Inc., Owner**, to establish a Site Specific Policy within the Ainslie Wood Westdale Secondary Plan to permit the development of a six storey mixed use commercial / residential building with a residential density of 176 units per gross hectare, for lands located at 804-816 King Street West, Hamilton as shown on Appendix “A” to Report PED21025, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED21025, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow Plan, 2019, as amended.

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- (b) That **Zoning By-law Amendment Application ZAC-19-009, as amended, by Urban Solutions Planning & Land Development Consultants Inc. (c/o Matt Johnston) on behalf of Gateway Development Group Inc., Owner**, to modify the Mixed Use Medium Density (C5, 570) Zone to the Mixed Use Medium Density (C5, 732) Zone to permit a six storey (19.5 metre) mixed use commercial / residential development with 319.52 square metres of commercial space at grade, 30 residential dwelling units and 20 vehicle parking spaces, for lands located at 804-816 King Street West, Hamilton, as shown on Appendix “A” to Report PED21025, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED21025, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and will comply with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No. XX.

EXECUTIVE SUMMARY

The Owner, Gateway Development Group Inc., has applied for an Official Plan Amendment and Zoning By-law Amendment to permit a six storey (19.5 metre) mixed use commercial / residential building with 319.52 square metres of commercial space at grade, 30 dwelling units and 20 parking spaces on lands located at 804-816 King Street West, Hamilton.

The purpose of the Urban Hamilton Official Plan Amendment application is to establish a Site Specific Policy within the Ainslie Wood Westdale Secondary Plan to permit the development of a six storey mixed use commercial / residential building with a residential density of 176 units per gross hectare. The Secondary Plan permits a maximum building height of three storeys and a residential density of 30 – 49 units per gross hectare for the subject lands.

The purpose of the Zoning By-law Amendment application is to further modify the Mixed Use – Medium Density (C5, 570) Zone to the Mixed Use – Medium Density (C5, 732) Zone to permit a six storey (19.5 metre) mixed use commercial / residential development with 319.52 square metres of commercial space at grade and 30 residential dwelling units. A total of 20 vehicle parking spaces are proposed, including 18 for the residential dwelling units and two for the commercial unit. The existing Special Exception No. 570 applicable to the site permits a maximum building height of

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11.0 metres. Modifications to the C5 Zone are required to permit an increased building height, increased bicycle parking rate, and reduced rear yard, interior side yard, minimum amenity area, parking rate and planting strip requirements.

The applications have merit and can be supported as the proposal is consistent with the Provincial Policy Statement (2020), conforms to the A Place to Grow Plan: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and will comply with the UHOP upon finalization of the Official Plan Amendment. The proposed development represents a compatible form of intensification at this location, that being along a primary corridor in proximity to transit, services, parks and recreation facilities.

Alternatives for Consideration – See Page 31

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

Application Details	
Applicant/Owner:	Gateway Development Group Inc.
File Number:	UHOPA-19-004 and ZAC-19-009
Type of Application:	Urban Hamilton Official Plan Amendment and Zoning By-law Amendment
Proposal:	To permit a six storey (19.5 metres) mixed use commercial / residential development with 319.52 square metres of commercial space at grade and 30 residential dwelling units. A total of 20 vehicle parking spaces are proposed, including 18 for the residential dwelling units and two for the commercial unit. The proposed amenity area is included at

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	grade with access from King Street West and on individual balconies.
Property Details	
Municipal Address:	804-816 King Street West
Lot Area:	1,709 square metres (0.171 ha)
Servicing:	Existing municipal services.
Existing Use:	Two, one storey commercial buildings and a surface parking lot.
Documents	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS.
A Place to Grow:	The proposal conforms with the Growth Plan.
Official Plan Existing:	<ul style="list-style-type: none"> • Primary Corridors on Schedule “E” – Urban Structure and Mixed Use – Medium Density on Schedule “E-1” – Urban Land Use Designations in the UHOP. • Mixed Use – Medium Density on Map B.6.2-1 – Land Use Plan in the Ainslie Wood Westdale Secondary Plan.
Official Plan Proposed:	<p>Mixed Use – Medium Density on Map B.6.2-1 – Land Use Plan in the Ainslie Wood Westdale Secondary Plan with a Site Specific Policy to permit:</p> <ul style="list-style-type: none"> • A maximum building height of six storeys; and, • A maximum residential density of 176 units per gross hectare.
Zoning Existing:	Mixed Use – Medium Density (C5, 570) Zone
Zoning Proposed:	Mixed Use – Medium Density (C5, 732) Zone
Modifications Proposed:	<ul style="list-style-type: none"> • Increased building height from 11.0 metres to 19.5 metres;

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	<ul style="list-style-type: none"> • Reduced rear yard from 7.5 metres to 7.3 metres with additional setbacks of 10.2 metres above the fourth storey and 14.8 metres above the fifth storey; • Reduced interior side yard from 7.5 metres to 3.3 metres and further setback to the fourth storey of 4.2 metres; • Reduced planting strip width from 1.5 metres to 1.25 metres abutting a Residential Zone; • Reduced residential parking rate of 0.6 parking spaces per dwelling unit; • Modified commercial parking rate of two vehicle parking spaces for any permitted commercial use with a gross floor area less than 450 square metres; and, • Increased long term bicycle parking rate of 1.25 spaces per unit.
Processing Details	
Received:	December 21, 2018
Deemed Complete:	January 18, 2019
Notice of Complete Application:	Sent to 244 residents within 120 metres of the subject property on January 29, 2019.
Public Notice Sign:	Posted on February 4, 2019 and updated with the public meeting date on February 24, 2021.
Notice of Public Meeting:	Sent to 109 property owners within 120 m of the subject property on March 5, 2021.
Public Consultation:	<ul style="list-style-type: none"> • The applicant held a public open house on March 28, 2019. Approximately 56 people were in attendance. • The applicant established a microsite containing submission materials and contact information for the applicant launched on January 24, 2019.
Public Comments:	47 letters were submitted, 42 in opposition and four letters in support of the application. The letters are attached as Appendix "E" to Report PED21025 and discussed in further detail on page 23 of this Report.

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Processing Time:	788 days from date of receipt of initial application. 153 days from receipt of revised development proposal. In January, 2021, the applicant requested minor revisions to the proposed Zoning By-law Amendment to clarify the proposed zoning regulations. This resulted in staff not being able to bring this application forward to the February 16, 2021 Planning Committee meeting.
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Existing Land Use and Zoning:

	Existing Land Use	Existing Zoning
Subject Property:	Two, one storey commercial buildings and a surface parking lot	Mixed Use - Medium Density (C5, 570) Zone

Surrounding Lands:

North	Single detached dwellings	“C/S-1364” and “C/S-1788” (Urban Protected Residential, Etc.) District, Modified
East	One storey commercial building	Mixed Use - Medium Density (C5, 570) Zone
South	Vacant land, a two and a half storey residential care facility and a one storey multiple dwelling	“E/S-1446” (Multiple Dwellings, Lodges, Clubs, Etc.) District, Modified, Community Institutional (I2) Zone and Mixed Use - Medium Density (C5, 570) Zone
West	Three and a half storey multiple dwelling	Mixed Use - Medium Density (C5, 570) Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2020) (PPS)

The Provincial Planning Policy framework is established through the *Planning Act* (Section 3) and the 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 proposed development.

Settlement Areas

With respect to Settlement Areas, the PPS provides the following:

- “1.1.3.1 Settlement areas shall be the focus of growth and development.
- 1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:
- a) efficiently use land and resources;
 - b) 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;
 - e) support active transportation;
 - f) are transit-supportive, where transit is planned, exists or may be developed;

Land use patterns within settlement areas shall also be based on 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.

- 1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.”

The subject property is located within a settlement area as defined by the PPS. The proposed mixed use commercial / residential building would contribute to the mix of land

uses in the area, would efficiently use land and existing infrastructure, and represents a compatible form of intensification. The proposal is transit-supportive due to its location adjacent to transit routes on King Street West.

Therefore, the proposal is consistent with the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended (Growth Plan)

The Growth Plan directs the majority of growth to settlement areas that have access to municipal water and wastewater systems and can support the achievement of complete communities. The following policies, amongst others, apply to the proposal.

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

- a) the vast majority of growth will be directed to *settlement areas* that:
 - 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:
 - i. delineated built-up areas;
 - ii. strategic growth areas;
 - iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and,
 - iv. areas with existing or planned public service facilities;

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*;

- 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;”

The subject lands are located within the City of Hamilton urban boundary, are within the built boundary as defined by the Growth Plan, and are fully serviced by municipal water and wastewater infrastructure. The proposal complements the community by expanding housing options within the neighbourhood at a location with access to local stores and services (Policy 2.2.1.4 a) and c)).

Based on the foregoing, the proposal conforms with the policies of the Growth Plan.

Urban Hamilton Official Plan

The subject property is identified as “Primary Corridor” on Schedule “E” – Urban Structure and designated “Mixed Use – Medium Density” on Schedule “E-1” – Urban Land Use Designations of the UHOP. The following policies, amongst others, apply to the proposal.

Urban Corridors

- “E.2.4.2 Urban Corridors are a separate structural element from the Neighbourhoods, which are set out in Section E.2.6, however in many locations, Urban Corridors function as an integral part of the surrounding Neighbourhood, and serve as a central focal point.
- E.2.4.3 Urban Corridors shall be the location for a range of higher density land uses along the corridor, including mixed uses where feasible, supported by higher order transit on the Primary Corridors.
- E.2.4.4 Primary Corridors shall serve to link two or more nodes, major activity centres, or employment areas.
- E.2.4.6 Urban Corridors shall function as commercial spines providing retail stores and commercial services that cater primarily to the weekly and daily needs of residents within the surrounding neighbourhoods. Small scale retail stores that cater to a broader regional market may be also permitted.
- E.2.4.10 The built form along the Urban Corridors shall generally consist of low to mid rise forms, but will vary along the length of the corridors with some areas permitted to accommodate high density and high rise built form. The

Primary Corridors shall have a greater proportion of the corridor length in retail and mixed use forms, while the Secondary Corridors shall generally accommodate retail and mixed use forms in small clusters along the corridors with medium density housing located between the clusters.”

As per Policies E.2.4.2 and E.2.4.4, the King Street West Primary Corridor is a focal point of the Westdale Neighbourhood and serves as a link between Downtown Hamilton and the McMaster University Major Activity Centre. Consistent with Policies E.2.4.6 and E.2.4.10, the proposal is for a mixed use development with a mid-rise built form that maintains the commercial function of the corridor by providing commercial space at grade. The proposed development is of a scale and form that is compatible with the surrounding neighbourhood and at a density that supports the intent of the Primary Corridor policies by locating higher density development along King Street West, an Urban Corridor (E.2.4.3).

Mixed Use – Medium Density

- “E.4.6.1 The range of commercial uses is intended to serve the surrounding community or series of neighbourhoods as well as provide day-to-day retail facilities and services to residents in the immediate area. These areas shall also serve as a focus for the community, creating a sense of place.
- E.4.6.2 The Mixed Use – Medium Density designation shall be applied to traditional ‘main street’ commercial areas outside of the area designated Downtown Mixed Use, and to promote the continuation of these areas as pedestrian oriented mixed use areas. Retail and service commercial uses are key elements in maintaining that function and ensuring the continued vibrancy of the pedestrian realm.
- E.4.6.4 It is also the function of areas designated Mixed Use – Medium Density to serve as vibrant people places with increased day and night activity through the introduction of residential *development*. Residential *development* enhances the function of these areas as *transit supportive* nodes and corridors.
- E.4.6.5 The following uses shall be permitted on lands designated Mixed Use - Medium Density on Schedule E-1 – Urban Land Use Designations:
- a) commercial uses such as retail stores, *auto and home centres*, *home improvement supply stores*, offices, medical clinics, personal

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services, financial establishments, live-work units, artist studios, restaurants, gas bars, and drive-through facilities; (OPA 64)

f) *multiple dwellings*;

E.4.6.15 Although residential development is permitted and encouraged, it is not the intent of the Plan for the Mixed Use - Medium Density designated areas to lose the planned retail and service commercial function set out in this Plan.

E.4.6.22 Development applications shall be encouraged to provide a mix of uses on the site.”

The proposed development complies with the permitted uses outlined in Policy E.4.6.5 and provides a mix of uses on site as encouraged by Policy E.4.6.22. As it relates to Policies E.4.6.1, E.4.6.2 and E.4.6.15, the proposal provides for commercial uses on the ground floor. Consistent with Policy E.4.6.4, the proposal introduces residential uses to the site to increase pedestrian activity in the area and supports nearby transit infrastructure.

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

E.4.6.9 The predominant built form shall be mid rise and low rise buildings. The intent is to increase the proportion of multiple storey, mixed use buildings that have retail and service commercial stores at grade; however, single use commercial buildings and medium density ground related housing forms shall be permitted except for pedestrian focus streets as listed by Policy E.4.3.1.

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

Consistent with Policy E.4.6.9, the proposal includes a mix of commercial and residential uses within a mid-rise built form. Policy E.4.6.7 permits a range of building heights, to a maximum of six storeys and densities with specific heights and density established through secondary plans. The Ainslie Wood Secondary Plan permits a maximum building height of three storeys for the subject lands and a residential density

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of 30-49 units per gross hectare. Therefore, a UHOP Amendment is required to permit the proposed six storey building height and residential density of 176 units per gross hectare. As required by Policy E.4.6.24, staff are satisfied that the proposed six storey building height is appropriate based on the proposed 7.3 metre rear setback and step backs at the fifth and sixth storey, based on the application of a 45 degree angular plane, that minimize the effect of shadowing and overview on properties in the adjacent neighbourhood.

“E.4.6.16 New development shall be designed and oriented to create comfortable, vibrant and stimulating pedestrian oriented streets within each area designated Mixed Use - Medium Density.

E.4.6.17 Areas designated Mixed Use - Medium Density are intended to develop in a compact urban form with a streetscape design and building arrangement that supports pedestrian use and circulation and create vibrant people places.”

Consistent with Policy E.4.6.16, the development incorporates design elements that contribute to a comfortable pedestrian environment. Retail and a residential lobby / amenity area are proposed at grade with entrances facing King Street West. As per Policy E.4.6.17, the proposed six storey built form provides for a compact urban form at a scale that is appropriate for the width of the adjacent King Street West right of way. Consistent with the City-Wide Corridor Planning Principles, the proposed 19.5 metre building height is less than 80% of the future 26.213 metre right of way width of King Street West adjacent to the site.

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

E.4.6.27 Reduced parking requirements shall be considered to encourage a broader range of uses and take advantage of a higher level of transit service.”

Policies E.4.6.26 and E.4.6.27 recognize that automobiles continue to be an important mode of transportation within the Mixed Use – Medium Density designation but that accommodating vehicles should be balanced with the need to improve pedestrian access and encourage active transportation and transit use. For the proposed 30 residential dwelling units, each with a floor area greater than 50 square metres, the Council approved parking requirements for the C5 Zone require 0.7 parking spaces per unit for units 1-14 and 0.85 parking spaces for units 15-30, for a total of 23 parking

spaces. In addition, Zoning By-law No. 05-200 permits the parking rate to be reduced by one motor vehicle space for every five long term bicycle parking spaces provided up to a maximum 10% of the original parking requirement. The proposal includes a total of 89 long term bicycle parking spaces allowing the required parking to be reduced by 10% from 23, to 21 motor vehicle parking spaces. No parking spaces are required for the proposed retail space with a gross floor area less than 450 square metres. The applicant has proposed a total of 20 parking spaces, with 18 designated for residential use and two for use by the commercial unit. Staff are satisfied that the proposed residential parking reduction of three parking spaces is appropriate based on the availability of transit in the area and the provision of long term bicycle parking on site. The two parking spaces for the commercial unit will reduce impacts on available street parking by providing parking for the retail operator and / or customers. Therefore, in the opinion of staff, Policies E.4.6.26 and E.4.6.27 have been satisfied.

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.”

The proposal contributes to a range of dwelling types and tenures in a compact urban form, as per Policy B.2.4.1.4 c). The proposal complies with policies B.2.4.1.4 b) and d)

as the proposed six storey (19.5 metre) building provides for a mid-rise built form along the King Street West Primary Corridor and incorporates setbacks and step backs to reduce shadow and overlook and provide for transition to the detached dwellings to the north. The buildings along King Street West, between Highway 403 and the subject lands, range in height from one storey to four storeys and the surrounding area has examples of mid-rise developments ranging from three to six storeys. Compatibility is defined in the UHOP to mean that development should not be the “same as” or even “similar to” but should be considered to fit in with the surrounding area. The development includes the appropriate setbacks and step backs to create transition to the neighbourhood and to establish an active street wall along King Street West.

In compliance with Policy B.2.4.1.4 f), the property is serviced by municipal infrastructure and is accessible by frequent public transit including HSR Route Nos. 1, 5, 10 and 51 on King Street West. As described above, the proposal contributes to achieving the planned Urban Structure (Policy B.2.4.1.4 e)) and, as per Policy B.2.4.1.4 g), will comply with the applicable policies of the UHOP upon finalization of the UHOP Amendment.

Urban Design

- “B.3.3.1.5 Ensure that new *development* is compatible with and enhances the character of the existing environment and locale.
- B.3.3.1.8 Promote *intensification* that makes appropriate and innovative use of buildings and sites and is *compatible* in form and function to the character of existing communities and neighbourhoods.
- B.3.3.3.1 New *development* shall be located and organized to fit within the existing or planned context of an area as described in Chapter E – Urban Systems and Designations.
- B.3.3.3.2 *New development* shall be designed to minimize impact on neighbouring buildings and public spaces by:
- a) creating transitions in scale to neighbouring buildings;
 - b) ensuring adequate privacy and sunlight to neighbouring properties; and,
 - c) minimizing the impacts of shadows and wind conditions.”

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As per Policy B.3.3.3.1, the proposed mid-rise development has been designed at a scale and with design measures such as setbacks and step backs that is compatible with the existing and planned context for the King Street West Primary Corridor and provides for intensification that is compatible with the character of the neighbourhood as required by Policies B.3.3.1.8 and B.3.3.3.1.

Policy B.3.3.3.2 a) requires that the development create transition in scale to neighbouring buildings, including the single detached dwellings to the rear of the site. The Mixed Use Medium Density (C5) Zone requires that a building provide a setback of 7.5 metres and allows a height of 11.0 metres after which point the permitted height increases as additional step backs are provided beyond the 7.5 metres. While not implementing a strict angular plane measurement, the regulation achieves the same objective by creating a stepping back of the building mass to reduce impacts on the abutting properties. The proposed development provides step backs at the fifth and sixth storey to generally achieve a 45 degree angular plane measured from a 7.5 metre rear setback at a height of 11.0 metres. The 11.0 metre height is consistent with the height of a two and a half storey detached dwelling. Minor projections into the angular plane are proposed at the fourth and fifth storey. The proposed rear setback and step backs at the fifth and sixth storeys reduce privacy and shadow impacts on adjacent properties as required by Policy B.3.3.3.2 b).

In response to Policy B.3.3.3.2 c), the applicant submitted a supplementary Sun / Shadow Analysis dated December 20, 2019 and prepared by UrbanSolutions Planning and Land Development Consultants Inc. The Analysis demonstrates that the proposal will comply with the Shadow Impact guidelines from the City-Wide Corridor Planning Principles and Design Guidelines by providing a minimum five hours of sun coverage throughout the day on adjacent sidewalks and private amenity areas as measured on March 21st. The proposed mid-rise building has a height less than 20 metres, and it is not anticipated that the development will have any adverse effects on pedestrian wind conditions adjacent to the site.

- “B.3.3.1.3 Create pedestrian oriented places that are safe, accessible, connected, and easy to navigate for people of all abilities.
- B.3.3.3.3 New *development* shall be massed to respect existing and planned street proportions.
- 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;

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- 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;
- d) locating surface parking to the sides or rear of sites or buildings, where appropriate; and,
- e) using design techniques, such as building step-backs, to maximize sunlight to pedestrian areas.”

As required by Policies B.3.3.1.3 and B.3.3.3.5, the proposed built form and massing contribute to a comfortable pedestrian realm. As per Policies B.3.3.3.5 a) and b) the ground floor of the building includes ample glazing with principle entrances to the commercial space and multiple dwelling parallel to the street. Except for portions of the building setback to provide visibility at the intersection of King Street West and Paradise Road and at the entrance driveway, the building is located at the street edge. As per Policy B.3.3.3.5 c), staff will review the Landscape Plan at Site Plan Control stage to ensure quality landscaping where the building is set back from the street. The proposed parking area is located at the rear of the site and underground, out of view of public sidewalks (Policy B.3.3.3.5 d)).

Consistent with Policy B.3.3.3.3 and the City-Wide Corridor Planning Principles and Design Guidelines, the proposal respects adjacent street proportions by providing a 19.5 metre building height that is less than 80% of the right of way width adjacent to the site. The fifth and sixth floor are stepped back 8.0 metres from the west property line, improving sun access to the Paradise Street North sidewalk as recommended by Policy B.3.3.3.5 e). Due to the orientation of the building, there are no sun / shadow impacts on the King Street West sidewalk.

Environmental Site Conditions

“B.3.6.1.2 Where there is potential for site contamination due to previous uses of a property and a more sensitive land use is proposed, a mandatory filing of a Record of Site Condition is triggered as outlined in provincial guidelines. The Record of Site Condition shall be submitted by the proponent to the City and the Province. The Record of Site Condition shall be to the satisfaction of the City.”

The subject lands are recognized as a potentially contaminated site due to their former commercial use and are subject to environmental review to allow the proposed

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residential dwellings. A Record of Site Condition was filed with the Ministry of the Environment, Conservation and Parks and was accepted on December 12, 2016. Therefore, the applicant has satisfied Policy B.3.6.1.2.

Noise

“B.3.6.3.1 Development of noise sensitive land uses, in the vicinity of provincial highways, parkways, minor or major arterial roads, collector roads, truck routes, railway lines, railway yards, airports, or other uses considered to be noise generators shall comply with all applicable provincial and municipal guidelines and standards.

B.3.6.3.7 A noise feasibility study, or detailed noise study, or both, shall be submitted as determined by the City prior to or at the time of application submission, for development of residential or other noise sensitive land uses on lands in the following locations:

- b) 400 metres of a major arterial road, as identified on Schedule C – Functional Road Classification;
- c) 400 metres of a truck route;
- d) 400 metres of an existing or proposed parkway or provincial highway (controlled access), as identified on Schedule C – Functional Road Classification;”

The proposed residential development is a noise sensitive use that will be located adjacent to King Street West and Paradise Road South, both of which are major arterial roads. The site is also less than 400 metres from Main Street West, a major arterial road, and Highway 403. King Street West, Paradise Road South and Main Street West are also truck routes.

A Noise Impact Study dated December 19, 2018 was prepared by HGC Engineering and submitted with the application. The Study determined that road traffic on King Street West and Highway 403 are the dominant sound sources in the area and recommended noise control measures including warning clauses, central air conditioning and upgraded door, wall and window construction at the south, east and west façades. Staff are satisfied with the report for rezoning purposes and that Policies B.3.6.3.1 and B.6.3.7 have been addressed. Noise warning clauses will be included in all future lease or purchase and sale agreements and noise control measures recommended in the Study will be implemented at the Site Plan Control stage.

Ainslie Wood Westdale Secondary Plan

The subject property is designated “Mixed Use – Medium Density” on Map B.6.2-1 Land Use Plan of the Ainslie Wood Westdale Secondary Plan. The following policies, amongst others, apply to the proposal

“B.6.2.7.2 Mixed Use - Medium Density and Mixed Use – Medium Density – Pedestrian Predominant Focus (OPA 69) Designation Policies

In addition to Section E.4.0 –Commercial and Mixed Use Designations of Volume 1, the following policies shall apply to the lands designated Mixed Use - Medium Density and Mixed Use – Medium Density – Pedestrian Predominant Focus (OPA 69) on Map B.6.2-1 - Ainslie Wood Westdale - Land Use Plan:

- a) Residential, commercial, or institutional uses shall be permitted either as standalone developments or in a mixed use building.
- b) Notwithstanding Policies E.4.6.7 and E.4.6.8 of Volume 1, for lands designated Mixed Use – Medium Density and Mixed Use – Medium Density – Pedestrian Predominant Focus (OPA 69) and not included in Area Specific Policy E, permitted building heights shall not exceed three storeys. (OPA 65)
- d) Building forms shall be in keeping with the predominant character of the surrounding area with respect to materials, roofline and setbacks.
- e) The residential densities shall generally be about 30 – 49 units per gross hectare.
- f) Mixed Use - Medium Density and Mixed Use – Medium Density – Pedestrian Predominant Focus designated lands shall only front onto the major streets, and shall generally have access only onto these major streets.
- g) Provision of sufficient parking to accommodate all uses shall be required. Shared use parking should be considered where appropriate.”

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The proposed mixed use commercial residential building is a permitted use per Policy B.6.2.7.2 a) and the development fronts King Street West, a major street as per Policy B.6.2.7.2 f). Direct access to King Street West from the parking area is provided via Paradise Road North and staff are satisfied that sufficient parking has been provided as required by Policy B.6.2.7.2 g).

With regards to Policy B.6.2.7.2 d), the building is located close to the street, consistent with the existing character of King Street West. The concept design (attached as Appendix "E" to Report PED21025) includes a horizontal band above the third storey to generally align with the roofline of the adjacent three and a half storey multiple dwelling to the east and a change in material and step backs are provided to reduce the visual impact of the top two storeys. The concept includes brick material for the bottom four floors, consistent with the neighbourhood character.

Policy B.6.2.7.2 b) permits a maximum building height of three storeys and Policy B.6.2.7.2 requires residential densities to generally be in the range of 20-49 units per gross hectare. Therefore, an Official Plan Amendment is required to permit the proposed six storey building with a residential density of 176 units per gross hectare. Staff are satisfied that the proposed six storey building height is appropriate based on the proposed setbacks and step backs that provide transition to adjacent residential uses, limit shadow and overlook impacts, and respond to the width of the adjacent right of way. Further, the intersection of Paradise Road and King Street West is the terminus for the King Street West Primary Corridor as shown on Schedule E – Urban Structure of the UHOP. The extension of the Primary Corridor along King Street West indicates that there is an objective to support higher density development where the existing built form of adjacent neighbourhoods is protected by providing a gradation in building height and minimizing the effects of shadowing and overview (Policy E.2.4.16). The proposed maximum six storey building height has been designed to reduce the impacts on the low density residential neighbourhood to the north by including setbacks and step backs to provide the appropriate transition and reduce the impacts of overlook and shadowing. Staff are satisfied that the proposal provides adequate parking and amenity space for residents and note that the site is located on a Primary Corridor, which is an element of the Urban Structure that supports higher density development. Therefore, staff support the proposed Official Plan Amendment to permit increased height and density.

"B.6.2.13.1 The objectives for urban design in Ainslie Wood Westdale community are as follows:

- a) Built forms and landscaped areas, including residential neighbourhoods, commercial areas, arterial roads, and other areas shall be enhanced through high quality design initiatives.

- b) New development, including infill and additions to existing buildings, shall complement and enhance the existing character of the surrounding environment, through the use of appropriate building materials and attention to the scale, massing, colour, and special features of the existing built context.
- c) Public urban spaces, including roads, sidewalks, and open spaces, shall also be enhanced to harmonize with the existing built form and to provide community amenities.

B.6.2.13.2 Urban Design Policies

In addition to Section B.3.3 - Urban Design of Volume 1, the following policies shall apply to lands within the Ainslie Wood Westdale community:

- c) To protect the integrity and residential character of established historical neighbourhoods, new residential development including infill and additions to existing buildings shall reflect the scale, form, and other building features of that specific area and street. New development shall reflect the existing built context by conforming to existing setback, building height, roof types and complementary construction material. These established historical neighbourhoods shall include, but not be limited to the following areas:
 - i) Cultural Heritage Landscapes identified on Map B.6.2-2 – Ainslie Wood Westdale – Cultural Heritage Landscapes; and,
 - ii) The “Working Men’s Parcel” in the Westdale North residential area around Longwood Road which is characterized by 1 ½ storey detached bungalows with traditional arts and crafts design.
- f) Views and vistas which are important to the Ainslie Wood Westdale area, including views of the Niagara Escarpment and Cootes Paradise, shall be identified and preserved in development and redevelopment. The review process for development proposals and design briefs shall incorporate the preservation of views and vistas.”

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Policies B.6.2.13.1 b) and B.6.2.13.2 c) require development to complement and enhance the existing character of the surrounding neighbourhood. The lands are not located in a Cultural Heritage Landscape or the “Working Men’s Parcel” as per Policy B.6.2.13.2 b) but are located at the southern edge of an established residential neighbourhood. The buildings along King Street West, between Highway 403 and the subject lands, range in height from one storey to four storeys and the surrounding area has examples of mid-rise developments ranging from three to six storeys. The proposed development has included setbacks and step backs to provide a transition to the neighbourhood to the north and to establish a four storey street wall along King Street West. This four storey street wall allows for a continuation from the three and a half storey building located just east of the subject lands. The upper two storeys are setback, reducing visual impact, shadows and overlook. The concept design (attached as Appendix “E” to Report PED21025) incorporates brick materials for the bottom four floors that complement surrounding uses. The proposed development has been designed to achieve an overall massing that will fit into and complement the existing context.

As required by Policies B.6.2.13.1 a) and c), the development will be reviewed in more detail at the Site Plan Control stage to ensure the building, and landscaping contribute to a high quality environment. A 3.0 metre right of way dedication will be required through the Site Plan application providing opportunities for sidewalk and landscape enhancements within the right of way. Staff are satisfied that the proposed six storey building would not impede views of the Niagara Escarpment or Cootes Paradise as per Policy B.6.2.13.2 f).

City of Hamilton Zoning By-law No. 05-200

The subject property is currently zoned Mixed Use Medium Density (C5, 576) Zone which permits mixed use commercial / residential development with a maximum building height of 11.0 metres.

The proposed Zoning By-law Amendment is for a further modification to the Mixed Use Medium Density (C5, 576) Zone to the Mixed Use Medium Density (C5, 732) Zone to permit a mixed use building with a maximum height of 19.5 metres. Site specific modifications to the C5 Zone have been requested to implement the proposal and are summarized in the Report Fact Sheet above and discussed in greater detail in Appendix “D” to Report PED21025.

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
Healthy Environments Division, Public Health Services	<ul style="list-style-type: none"> It is recommended that the development include the opportunity for urban agriculture as part of the outdoor amenity space which could include edible landscaping and/or roof top gardens. It is recommended that the development include a communal kitchen space that residents can access as part of the interior amenity space. It is recommended that the development make it easier to walk, cycle, or use public transit. 	<ul style="list-style-type: none"> The recommendations provided by public health have been provided to the applicant and will be considered at the Site Plan Control stage. Indoor bicycle storage rooms with 78 bicycle parking spaces are proposed for the development.
Ministry of Transportation	<ul style="list-style-type: none"> The property is located within the MTO permit control area and a permit is required prior to the development of new buildings on site. 	<ul style="list-style-type: none"> An MTO permit will be required as a condition of Site Plan approval.
Forestry and Horticulture Section, Public Works Department	<ul style="list-style-type: none"> There are municipal tree assets on site, therefore a Tree Management Plan is required. A Landscape Plan is required depicting street tree plantings adjacent to the site. 	<ul style="list-style-type: none"> A Tree Management Plan and Landscape Plan will be required as conditions of Site Plan approval.

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<p>Recycling & Waste Disposal, Operations Division, Public Works Department</p>	<ul style="list-style-type: none"> • The development is ineligible for municipal waste collection. The collection of waste materials is required through a private waste hauler. • Participation in waste diversion programs including recycling and organic waste collection is encouraged. • Front end bins must always be “tipped” on private property and should not be placed on the roadway or sidewalk for collection. 	<ul style="list-style-type: none"> • Waste collection will be reviewed in detail at the Site Plan Control stage.
<p>Transportation Planning Section, Planning and Economic Development Department</p>	<ul style="list-style-type: none"> • Transportation Planning approves the submitted Transportation Impact Study dated November 2019, prepared by Paradigm Transportation Solutions Ltd. Approval is granted based on the relatively low number of trips projected to be generated and its minimal affect on the adjacent road network. • Transportation Planning will require a right of way widening to achieve an ultimate right of way width of 26.213 m on King Street West and a 4.57 m by 4.57 m daylight triangle at the intersection of King Street West and Paradise Road. • In order to protect the existing pedestrian realm, cycling infrastructure and road network, Transportation Planning requires: <ul style="list-style-type: none"> ○ A 3.0 m by 3.0 m visibility triangles is required on the 	<ul style="list-style-type: none"> • The applicant has incorporated the required right of way widening and daylight triangle dedication in the proposed concept plan. • Visibility triangles and convex mirrors will be required at the Site Plan Control stage. • Due to concerns with the manoeuvrability of one of the two “small car” parking spaces shown on the concept plan, the applicant has agreed to replace the two spaces with one full sized parking spaces, ensuring all parking spaces have the required manoeuvring space.

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	<p>south side and a 2.3 m by 2.3 m visibility triangle is required at the north side of the access driveway;</p> <ul style="list-style-type: none"> ○ Convex mirrors are to be installed near the underground parking ramp; and, ○ Adequate manoeuvrability is required in and out of parking stalls immediately adjacent to structural walls. 	
<p>Development Engineering Approvals, Planning and Economic Development Department</p>	<ul style="list-style-type: none"> • Watermain and sewage infrastructure exists adjacent to the site below King Street West and Paradise Road North. • Development Engineering staff have reviewed the revised Functional Servicing Report prepared by AJ Clarke and Associates, dated December 2019 and have no concerns with the Official Plan Amendment and Zoning By-law Amendment applications 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 City staff. 	<ul style="list-style-type: none"> • Updated studies will be required as a condition of Site Plan approval.

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Public Consultation	
Comment	Staff Response
Parking	There were concerns, based on the original proposal, for 13 parking spaces that there would not be sufficient parking for the proposed residential / commercial development and that this would result in overflow parking onto adjacent streets. The revised proposal includes 20 parking spaces, including 18 parking spaces for residents and 2 for the commercial unit, and is deficient by three residential parking spaces based on the residential parking rates approved by Council through By-law No. 17-240. Staff are satisfied that the reduction is appropriate based on the location of the site adjacent to transit and the provision of long term bicycle parking on site. The proposed retail parking spaces will alleviate impacts on street parking by providing parking for the retail operator and / or customers.
Building Height and Compatibility with the Adjacent Neighbourhood	There are concerns that the proposed six storey building height is too tall for the site and is out of character for the neighbourhood. The applicant has provided setbacks and step backs to provide transition to adjacent residential uses to the north and east. While buildings along this portion of King Street West range in height between one to four storeys, the surrounding area includes some mid-rise buildings ranging in height from three to six storeys. Compatibility should not be interpreted to require development to be “the same as” or even “similar to” existing development. The proposed 19.5 metre building height responds appropriately to the width of the adjacent right of way along King Street West and establishes a four storey street wall. The proposed stepbacks at the rear of the building have been designed to reduce overlook and privacy issues for the rear yards of the abutting properties. The overall design will contribute to the King Street West streetscape while fitting in with the surrounding neighbourhood.
Traffic	There are concerns with the vehicle traffic generated by the proposal on the street network. Transportation Planning staff have reviewed the Transportation Impact Study submitted with the application and are satisfied that the trips generated by the proposal will have a minimal effect on the adjacent road network.
Daylight Triangle	There is a concern that a 12.19 metre by 12.19 metre daylight triangle dedication is not being taken at the corner of King Street West and Paradise Road North as identified in the UHOP.

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	Transportation Planning staff have reviewed the Right of Way Impact Assessment submitted with the application and determined that the proposed 4.57 metre by 4.57 metre daylight triangle dedication is sufficient for the City's needs at the intersection.
Privacy and Overlook	There are concerns that the development will overlook onto adjacent properties impacting privacy. The proposal provides a 7.3 metre rear setback and step backs at the fifth and sixth storeys to reduce overlook onto adjacent residential properties to the north. To further address issues of overlook, the applicant has eliminated the rooftop amenity space and fifth floor terrace included in the original concept.
Sun / Shadow	There are concerns that the proposal will have shadow impacts on adjacent properties, including solar panels located on the roof of a garage north of the subject lands. The proposal meets the sun / shadow criteria from the City-Wide Corridor Planning Principles and Design Guidelines by providing a minimum 5 hours of sun coverage throughout the day on adjacent private amenity areas as measured on March 21 st . Sun coverage will increase in the summer months when outdoor amenity use may be the highest.
Student Housing	There is a concern that there is an over abundance of student rentals in the neighbourhood. Some residents commented that the site would be more suitable for a development catering to retirees. The end user of the residential component of the development is not regulated by the Zoning By-law. Staff are satisfied that the proposed multiple dwelling is an appropriate use for the site.
Density	There are concerns that the proposed increase in density will put stress on existing green spaces and services such as policing. The UHOP encourages intensification throughout the built-up area, with higher densities located along Primary Corridors. Staff are satisfied that the proposed density is appropriate for the site that has access convenient access to store, services and amenities.
Precedent	There are concerns that approval of the proposal will set a precedent resulting in further applications for increased building height and density in the Westdale Neighbourhood. Staff note that the remainder of King Street West, west of Paradise Road South, is not identified as a Primary Corridor in the UHOP and would therefore be subject to a different policy review as it relates to height and density. Staff will evaluate all future applications on their own merit.

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Property Value	There is a concern that the property values in the neighbourhood directly adjacent to the property will decline. Staff do not have any empirical evidence to suggest that the proposed development would result in either an increase or devaluation of nearby property values.
Noise	There are concerns with the noise generated by residents of the multiple dwelling. Residents of the development will be required to comply with the requirements of the City's Noise Control By-law.
Waste Management	There are concerns with how waste pick up will occur on site. Waste Management staff have confirmed that the development is ineligible for municipal waste pickup and will require a private hauler to remove waste from the property. Waste management will be reviewed in further detail at Site Plan Control stage and the Owner will be required to demonstrate that private waste pick-up is safely accommodated on site.
Record of Site Condition	A concern was raised regarding the requirement for a Record of Site Condition. A Record of Site Condition has been filed and acknowledged by the MOECP for the site and the necessary documentation has been provided to the City.
Wastewater and Stormwater	There are concerns that existing wastewater and stormwater infrastructure cannot accommodate the proposed development. Development Engineering staff have reviewed the Functional Servicing Report submitted with the applications and have no objection to the proposed Official Plan Amendment and Zoning By-law Amendment. Servicing will be reviewed in more detail at the Site Plan Control stage to ensure there are no negative impacts on existing municipal infrastructure.

Design Review Panel (DRP)

The development proposal was presented to the City's Design Review Panel (DRP) on April 11, 2019 after submission of the Official Plan Amendment and Zoning By-law Amendment applications. The mandate of the DRP is to provide design advice to staff and the proponent.

The DRP provided design recommendations to staff and the applicant, including the summarized comments below, amongst others:

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- Most panel members were comfortable with the proposed six storey building height with step backs to the rear property line to reduce negative impacts on the existing neighbourhood. Some panel members were concerned with the precedent of the 45 degree angular plane being applied from a height of 11.0 metres. One panel member noted that the site would more comfortably accommodate a five storey building with mechanical penthouse.
- The panel recommended moving the common amenity space to the ground floor from the mechanical penthouse to reduce the visual mass of the building and reduce shadow impacts.
- The panel recommended slightly increasing the height of the first storey to better accommodate retail uses and achieve a better public realm presence.
- Most panel members recommended removing a proposed two storey rear portion of the building that interrupted transition to surrounding properties.
- The panel recommended removing balconies from the rear of the building to limit overlook onto adjacent properties.
- The panel noted that cycling infrastructure is critical to the proposal and recommended providing amenities at grade including bicycle parking and a bicycle repair room.
- The panel recommended making an effort to preserve existing trees and noted that the 1.5 m wide landscape strip along the north boundary may be insufficient to accommodate trees because of minimal soil volumes and lack of sun access.

The proposed development incorporates step backs that generally achieve a 45 degree angular plane measured from a 7.5 metre setback from the north property line at a height of 11.0 metres. The 11.0 metre height is consistent with the height of a two and a half storey detached dwelling and in this context is considered to establish appropriate transitional step backs for the six storey building and achieves the intent of ensuring the development is compatible with adjacent lands. The proposed built form results in partial projections into the required rear angular plane at the fourth and fifth storeys. The proposed setbacks and step backs are implemented in the interior side yard and rear yard regulations of the site specific By-law, attached as Appendix "C" to Report PED21025 and discussed in detail in Appendix "D" to Report PED21025.

Applicant's Response to DRP Advice:

The revised proposal maintains the proposed six storey building height with step backs to the rear property line but includes a reduced mechanical level that no longer includes an indoor amenity area. In keeping with the DRP recommendations, an amenity / lobby area, including a gym, has instead been proposed at the ground level. The revised concept includes an increased first storey height of 4.5 metres from 4.0 metres to better accommodate retail uses. The two storey rear portion of the building and rear rooftop terrace at the sixth storey have been removed from the revised proposal. The revised

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proposal includes 78 long term bicycle parking spaces located at the ground level and underground. Tree Management and Landscape Plans will be required at Site Plan Control stage to determine the feasibility of preserving existing trees and to identify potential locations for new trees. Replacement trees in the road allowance may be required to be planted in silva-cells and the applicant will be required to provide securities based on a detailed cost estimate for silva-cells as approved to the standard rate for street trees in a suburban context.

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 244 residents within 120 metres of the subject property on October 9, 2018. A Public Notice sign was posted on the property on October 9, 2018 and updated with the public meeting date on February 24, 2021. Finally, Notice of the Public Meeting was mailed to 109 property owners within 120 metres of the subject lands on March 5, 2021.

To date, 47 letters have been submitted in response to the public circulation (refer to Appendix "C" of Report PED21025). Concerns raised in the correspondence are summarized in the above chart.

Public Consultation Strategy

In accordance with their submitted Public Consultation Strategy, the applicant held a public open house on March 27, 2019 at St. Cuthbert's Church in the Westdale Neighbourhood. Invitations to the open house were mailed to residents within 120 metres of the subject lands. Approximately 56 residents attended the meeting. Two Planning Division staff members and a representative from the Ward Councillor's Office attended the open house. The applicant has also maintained a microsite (<https://urbansolutions.info/king-paradise/>) throughout the application process containing application materials available to be reviewed by the public.

ANALYSIS AND RATIONALE FOR RECOMMENDATIONS

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: Growth Plan for the Greater Golden Horseshoe, 2019, as amended;
 - (ii) It complies with the general intent and purpose of the Urban Hamilton Official Plan; and,

- (iii) The proposed development is compatible in height and scale with existing land uses in the immediate area and represents good planning by providing for the development of a complete community, making efficient use of existing infrastructure within the urban boundary, supports public transit and represents an appropriate scale of intensification along a Primary Corridor.

2. Official Plan Amendment

The proposed mixed use commercial / residential development is a permitted use in the existing Mixed Use – Medium Density designation in the Ainslie Wood Westdale Secondary Plan. However, the existing designation permits a maximum building height of three storeys and a residential density of 30 – 49 units per gross hectare. A Site Specific Policy amendment within the Ainslie Wood Westdale Secondary Plan is required to permit the proposed six storey building with a residential density of 176 units per gross hectare.

The subject lands are located along a portion of King Street West identified as a Primary Corridor in the UHOP, which is an element of the Urban Structure intended to support higher density development. Staff are satisfied that the proposed six storey building height is appropriate based on the proposed setbacks and step backs that provide transition to adjacent residential uses and reduce shadow and overlook impacts. The proposed six storey building height provides for an appropriate built form adjacent to the King Street West right of way that will have an ultimate width of 26.213 metres.

The proposal is located along transit routes on King Street West and provides long term bicycle parking on site. Staff are satisfied that sufficient parking for residents will be provided. Amenity space, including an indoor lobby / amenity space and gym, will be provided and will be complemented by nearby parks and recreation facilities including Churchill Park and Coronation Arena and Pool.

Based on the forgoing, staff can support the proposed amendments to the Ainslie Wood Westdale Secondary Plan requirements for height and density.

3. Zoning By-law Amendment

The subject lands are currently zoned Mixed Use Medium Density (C5, 570) Zone. Special Exception No. 570 permits a maximum building height of 11.0 metres.

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To permit the proposed mixed use building with a maximum building height of 19.5 metres, the applicant has applied for further modifications to the Mixed Use – Medium Density (C5) Zone. Modifications to the development standards are required to facilitate the proposal and are summarized in the Report Fact Sheet above and discussed in detail in Appendix “D” of Report PED21025.

The proposed development complies with the Urban Hamilton Official Plan and Ainslie Wood Westdale Secondary Plan subject to the OPA being approved. It contributes to a complete community by providing additional housing opportunities for the surrounding established neighbourhood, provides a built form that is compatible with the scale and character of the area, and provides an appropriate scale of intensification on a Primary Corridor. On the basis of the above, staff are supportive of the proposed Zoning By-law Amendment.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Official Plan Amendment and Zoning By-law Amendment be denied, the lands could be developed in accordance with the existing Mixed Use Medium Density (C5, 570) Zone which permits mixed use commercial / residential development with a maximum building height of 11 metres.

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" – Official Plan Amendment

Appendix "C" – Amendment to Zoning By-law No. 05-200

Appendix "D" – Zoning Modification Table

Appendix "E" – Concept Plan

Appendix "F" – Public Submissions