



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	January 11, 2022
SUBJECT/REPORT NO:	Applications for Official Plan Amendment and Zoning By-law Amendment for Lands Located at 125 and 129 Robert Street, Hamilton (PED20015(a)) (Ward 2) (Outstanding Business List Item)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Shannon McKie (905) 546-2424 Ext. 1288
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Official Plan Amendment Application UHOPA-17-033 by Vision Hamilton Inc, Owner**, for a change in designation on Schedule “M-2” of the West Harbour (Setting Sail) Secondary Plan in the former City of Hamilton Official Plan to add a Site Specific Policy Area to permit the development of a six unit, three storey multiple dwelling with a maximum residential density of 142 units per gross hectare, for lands located at 125 and 129 Robert Street, as shown on Appendix “A” attached to Report PED20015(a), be **APPROVED** as per Planning Committee direction from its meeting at January 14, 2020;

- (b) That **Amended Zoning By-law Amendment Application ZAC-17-073 by Vision Hamilton Inc., Owner**, for a change in zoning from the “D/S-378” (Urban Protected Residential – One and Two Family Dwellings) District, Modified to the “DE-2/S-1800” (Multiple Dwellings) District, Modified to permit a six unit, three storey multiple dwelling with no on-site parking on lands located at 125 and 129 Robert Street, Hamilton, as shown on Appendix “A” attached to Report PED20015(a), be **APPROVED** on the following basis:

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

SUBJECT: Applications for an Official Plan Amendment and a Zoning By-law Amendment for Lands Located at 125 and 129 Robert Street, Hamilton (PED20015(a)) (Ward 2) - Page 2 of 5

- (i) That the draft By-law, attached as Appendix “C” to Report PED20015(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (c) That the revisions to the draft By-law, attached as Appendix “C” to Report PED20015(a), maintains the intent of the concept plan presented at the January 14, 2020 Planning Committee meeting, being the Statutory Public Meeting in accordance with the *Planning Act*, and the approval of the attached By-law does not require further public notice in accordance with Section 34(17) of the *Planning Act*;
- (d) That Item 21H respecting 125 – 129 Robert Street, Hamilton (Ward 2), be considered complete and removed from the Planning Committee’s Outstanding Business List.

EXECUTIVE SUMMARY

Planning Committee considered Report PED20015 for Applications for an Official Plan Amendment (UHOPA-17-033) and Zoning By-law Amendment (ZAC-17-073) at its January 14, 2020 meeting. The Applications to permit a six unit, three storey multiple dwelling (see Report PED20015) were approved by Planning Committee and staff were directed to draft the Official Plan Amendment and Zoning By-law Amendment in accordance with the plans associated with Report PED20015. In advance of Council adoption of the Official Plan Amendment and Zoning By-law Amendment, the Applicant requested that a further revision be made to the implementing Zoning By-law to accommodate the development of three, “attached duplex dwellings” occupying the same foot print of the proposed multiple dwelling however each of the duplex units will be on separate lots (see Appendix “D” attached to Report PED20015(a)).

Staff have evaluated the proposed development which maintains the general intent of the previous plan (see Report PED20015) as the proposed built form remains the same. The By-law to implement the proposal has been revised to include a provision that the subject lands be considered as one lot for the purposes of the implementing the Zoning By-law regardless of any future lot creation by registration of a Condominium Plan, Part Lot Control, or Consent (severance).

As the revision to the By-law maintains the intent of Planning Committee’s direction it has been determined that no further Public Notice is required in accordance with Section 34(17) of the *Planning Act*.

Alternatives for Consideration – See Page 4

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: Section 34(17) of the *Planning Act* allows Council to amend a By-law without a further Public Meeting or Public Notice.

HISTORICAL BACKGROUND

Applications for an Official Plan Amendment and Zoning By-law Amendment were made by IBI Group c/o John Ariens on behalf of Vision Hamilton Inc. Planning Committee considered the Applications at the January 14, 2020 meeting and recommended approval of the Applications. Staff were directed to prepare the implementing Official Plan Amendment and Zoning By-law Amendment to give effect to the concept plan which included a six unit multiple dwelling with no on-site parking (see Appendix “D” attached to Report PED20015(a)). In advance of Council’s consideration of the implementing planning instruments, the Applicant did not sign off on the planning instruments and requested that the implementing Official Plan Amendment and Zoning By-law Amendment be put on hold to consider a revision to the plan.

On April 20, 2021 the Applicant made a delegation to Planning Committee to discuss the proposed revisions to the concept plan (see Appendix “E” attached to Report PED20015(a)) which contemplates three attached duplex dwellings as opposed to one, six unit multiple dwelling. Staff were directed to review the proposed revision and determine if additional Public Notice was required. Staff have reviewed the revised concept plan and determined that the proposed lot configuration, while having the effect of creating three attached duplex dwellings, is in keeping with the applications that were presented at the public meeting on January 14, 2020. Therefore, no additional Public Notice is required.

To implement the revision, an additional regulation has been added to the draft By-law (see Appendix “C” attached to Report PED20015(a)) which will consider the lot as one regardless of any future land division. As a result of this regulation the use will be considered a multiple dwelling.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Planning Act

The implementing Zoning By-law (attached as Appendix “C” to Report PED20015(a)) has been revised to allow for future lot creation. The proposed development (Appendix

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

SUBJECT: Applications for an Official Plan Amendment and a Zoning By-law Amendment for Lands Located at 125 and 129 Robert Street, Hamilton (PED20015(a)) (Ward 2) - Page 4 of 5

“D” attached to Report PED20015(a)) maintains the intent of Planning Committee’s direction to allow for the development of a six unit, three storey multiple dwelling with no on-site parking. No further revisions are required to the Official Plan Amendment. Therefore, no additional Public Notice is required for Council to consider the By-law as revised.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The revised concept plan (Appendix “E” attached to Report PED20015(a)) aligns with the built form and use for the subject lands that was presented to Planning Committee in January 14, 2020 (Report PED20015). A provision has been added to the draft By-law (Appendix “C” attached to Report PED20015(a)) to consider the lot as one regardless of any future lot creation by registration of a Plan of Condominium, Part Lot Control or Consent (severance). The built proposed form remains unchanged from the proposal that was approved by Planning Committee in January 2020. A future lot creation by registration of a Plan of Condominium, Part Lot Control or Consent (severance) would not alter the intent of the proposal to allow six dwelling units on the subject lands but without the new regulation would create zoning conformity issues. The new regulation provides flexibility for both tenure and the subdivision of the subject lands. The Official Plan Amendment remains unchanged. The amended Zoning By-law Amendment meets the intent of the direction of Planning Committee and does not require additional Public Notice or a Public Meeting to consider the revisions as per section 34(17) of the *Planning Act*.

ALTERNATIVES FOR CONSIDERATION

- 1) As the public meeting occurred 23 months ago, Council could direct staff to schedule a statutory Public Meeting and give notice to consider the revisions to the Zoning By-law.
- 2) Council could direct staff to amend the By-law to reflect the concept plan (Appendix “D” attached to Report PED20015(a)) as originally presented and considered at the January 14, 2020 Planning Committee meeting.

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.

SUBJECT: Applications for an Official Plan Amendment and a Zoning By-law Amendment for Lands Located at 125 and 129 Robert Street, Hamilton (PED20015(a)) (Ward 2) - Page 5 of 5

Healthy and Safe Communities

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

Built Environment and Infrastructure

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

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED20015(a) – Location Map

Appendix "B" to Report PED20015(a) – Official Plan Amendment

Appendix "C" to Report PED20015(a) – Zoning By-law Amendment

Appendix "D" to Report PED20015(a) – Original Concept Plan and Elevations

Appendix "E" to Report PED20015(a) – Revised Concept Plan and Elevations

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.