



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	January 11, 2022
SUBJECT/REPORT NO:	Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for the Lands Located at 315 Robert Street and 219, 225 and 247 East Avenue North, Hamilton (PED22007) (Ward 3)
WARD(S) AFFECTED:	Ward 3
PREPARED BY:	Alaina Baldassarra (905) 546-2424 Ext. 7421
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-21-013, by Indwell Community Homes, Owner**, to add an Urban Site Specific to Volume 3, Chapter C and amend Map 2a – Urban Site Specific Key Map (Lower City) to permit a multiple dwelling with a maximum density of 284 units per hectare, for the lands located at 315 Robert Street and 219, 225 and 247 East Avenue North, as shown on Appendix “A” attached to Report PED22007, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED22007, 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: Growth Plan for the Greater Golden Horseshoe 2019, as amended;
- (b) That **Zoning By-law Amendment Application ZAC-21-028, Indwell Community Homes, Owner**, for a change in zoning from the “E/S-881”, “E/S-881a” (Multiple

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SUBJECT: Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 315 Robert Street and 315 Robert Street and 219, 225 and 247 East Avenue North, Hamilton (PED22007) (Ward 3) - Page 2 of 25

Dwellings, Lodges, Clubs, etc.) District, Modified and “D/S-881”, “D/S-881a” (Urban Protected Residential - One and Two Family Dwellings, etc.) District, Modified to the “E/S-1812” (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A” of Appendix “B” attached to Report PED22007 to permit a three storey, 31 unit multiple dwelling, for the lands located at 315 Robert Street and a portion of the lands located at 225 East Avenue, as shown on Appendix “A” attached to Report PED22007, be **APPROVED** on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED22007, 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) and 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 the Official Plan Amendment No. XX.

EXECUTIVE SUMMARY

The Owner, Indwell Community Homes has applied for an Urban Hamilton Official Plan Amendment (UHOPA-21-013) and Zoning By-law Amendment (ZAC-21-028). The purpose and effect of the Urban Hamilton Official Plan Amendment Application is to create a Urban Site Specific Policy Area to increase the maximum density on the entire site 315 Robert Street and 219, 225 and 247 East Avenue North for all phases to 284 units per hectare whereas the Urban Hamilton Official Plan (UHOP) currently identifies the maximum density at 200 units per hectare to allow for the comprehensive development of the entire site.

The purpose and effect of the Zoning By-law Amendment is for a change in zoning from the “E/-881”, “E/S-881a” (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified and the “D/S-881” and “D/S-881a” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified to a site specific “E/S-1812” (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified to permit a three storey multiple dwelling with 31 residential units on the southerly portion of the site (see Appendix “C” attached to Report PED22007).

SUBJECT: Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 315 Robert Street and 315 Robert Street and 219, 225 and 247 East Avenue North, Hamilton (PED22007) (Ward 3) - Page 3 of 25

The subject lands are part of a three phase residential development (see Appendix “E” attached to Report PED22007) which includes demolishing the existing industrial building (Royal Oak Dairy) to accommodate:

- The construction of one, five storey multiple dwelling and one, three storey multiple dwelling (Phase 1);
- The adaptive reuse of the existing stable with a third storey addition to accommodate a multiple dwelling with 13 units (Phase 2); and,
- The construction of a three storey multiple dwelling with 31 residential units (Phase 3).

Phase 1 and 2 of the development were subject to Site Plan Control Application (DA-20-001) which received final approval on January 8, 2021 (Phase 1) and March 26, 2021 (Phase 2).

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

- It is consistent with the Provincial Policy Statement (2020) (PPS);
- It conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended (Growth Plan);
- It complies with the general intent of the Urban Hamilton Official Plan upon adoption of the Official Plan Amendment No. ____; and,
- The proposed development is compatible with existing land uses in the immediate area and represents good planning by, among other things, increasing the supply of housing units, making efficient use of existing infrastructure within the urban boundary, and supporting public transit.

Alternatives for Consideration – See Page 23

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 Urban Hamilton Official Plan and Zoning By-law.

SUBJECT: Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 315 Robert Street and 315 Robert Street and 219, 225 and 247 East Avenue North, Hamilton (PED22007) (Ward 3) - Page 4 of 25

HISTORICAL BACKGROUND

Report Fact Sheet

Application Details	
Applicant/Owner:	Indwell Community Homes c/o Graham Cubitt.
File Numbers:	UHOPA-21-013 and ZAC-21-028.
Type of Application:	Urban Hamilton Official Plan Amendment and Zoning By-law Amendment.
Proposal:	<p>The subject lands are part of a multi-phase residential development (see Appendix “E” attached to Report PED22007). Phase 1 and Phase 2 were evaluated through Site Plan Control application (DA-20-001) and received final approval on January 8, 2021 and March 26, 2021.</p> <p>The current proposal represents Phase 3 of the overall development proposal and includes development of the vacant land for a three storey, 31 unit multiple dwelling with seven parking spaces.</p>
Property Details	
Municipal Address:	315 Robert Street and 219, 225 and 247 East Avenue North, Hamilton.
Lot Area:	0.497 hectares (4.972 square metres).
Servicing:	Existing municipal services.
Existing Use:	Vacant.
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"> • Schedule “E”: Neighbourhoods; and, • Schedule “E-1”: Neighbourhoods.
Official Plan Proposed:	To add an Urban Site Specific to Volume 3, Chapter C and to amend Map 2a – Urban Site Specific Key Map (Lower City).

SUBJECT: Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 315 Robert Street and 315 Robert Street and 219, 225 and 247 East Avenue North, Hamilton (PED22007) (Ward 3) - Page 5 of 25

Property Details	
Zoning:	Phase 1 and Phase 2: “E/S-881” and “E/S-881a” (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified. Phase 3: “E/S-881” and “E/S-881a” (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified, and “D/S-881” and “D/S-881a” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified.
Modifications Proposed:	<ul style="list-style-type: none"> • To reduce the Minimum Front Yard setback from 3.0 metres to 0 metres; • To reduce the Minimum Side Yard setback from 3.0 metres to 0 metres; • To reduce the Minimum Rear Yard setback from 3.0 metres to 1.5 metres; • To reduce the minimum required number of parking spaces from 1.25 spaces per unit to 0.3 spaces per unit; • Where the application of the parking standards above results in a numeric fraction, fractions shall be rounded down to the nearest whole number; • To reduce the parking stall size from a minimum size of 2.7 metres by 6.0 metres to 2.8 metres by 5.8 metres; and, • To reduce the required loading space from 1 space to 0 spaces.
Processing Details	
Received:	June 14, 2021.
Deemed Complete:	July 8, 2021.
Notice of Complete Application:	Sent to 198 property owners within 120 metres of the subject property on July 15, 2021.
Public Notice Sign:	Sign posted: July 26, 2021. Sign updated: December 08, 2021.
Notice of Public Meeting:	Sent to 198 property owners within 120 metres of the subject property on December 17, 2021.
Public Comments:	No public comments were received.

SUBJECT: Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 315 Robert Street and 315 Robert Street and 219, 225 and 247 East Avenue North, Hamilton (PED22007) (Ward 3) - Page 6 of 25

Processing Details	
Processing Time:	211 days.

Background

The subject lands are a part of a multi-phase redevelopment proposal for the former Royal Oak Dairy site and vacant lands (315 Robert Street and 219, 225 and 247 East Avenue North). Phase 1 and 2 were subject to Site Plan Control Application (DA-20-001) and Minor Variance Application (HM/A-19:457).

The Applicants have submitted the Urban Hamilton Official Plan Amendment to address the density of the overall site development. The properties have been merged on title and the proposed amendment will have regard for the site in its entirety, whereas the previous approvals reflected the individual properties. As a result, the overall density needs to be increased from the permitted 200 units per hectare to 284 units per hectare to allow for the comprehensive development of the site.

The Zoning By-law Amendment Application is to allow for the development of a three storey, 31 unit multiple dwelling for Phase 3 being the vacant lands located at 315 Robert Street and a portion of 225 East Avenue North (see Appendix “E” attached to Report PED22007).

Information about the previous Site Plan Control Application for the site can be found in the following table:

Application Number	Proposal	Total Units	Final approval date
DA-20-001 (Phase 1)	One new five storey residential multiple dwelling and one new three storey residential multiple dwelling.	95	January 8, 2021
DA-20-001 (Phase 2)	The adaptive reuse of the existing building to be developed as a three storey multiple dwelling.	13	March 26, 2021

SUBJECT: Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 315 Robert Street and 315 Robert Street and 219, 225 and 247 East Avenue North, Hamilton (PED22007) (Ward 3) - Page 7 of 25

Existing Land Use and Zoning:

	Existing Land Use	Existing Zoning
Subject Property:	Multiple dwellings currently under construction.	“D/S-881” and “D/S-881a” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified, and “E/S-881” and “E/S-881a” (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified.

Surrounding Land Uses:

North	Single detached dwellings.	“E” (Multiple Dwellings, Lodges, Clubs, Etc.) District.
East	Single detached dwellings.	“D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District.
South	Single detached dwellings.	“D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District.
West	Single detached dwellings, commercial parking lot and industrial uses.	“D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District and “E/S-881” and “E/S-881a” (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Policy Framework

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

SUBJECT: Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 315 Robert Street and 315 Robert Street and 219, 225 and 247 East Avenue North, Hamilton (PED22007) (Ward 3) - Page 8 of 25

PPS. The *Places to Grow Act* requires that all municipal land use decisions made under the *Planning Act* conform to the Growth Plan. The following policies amongst others applies:

- “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:
 - 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 uneconomic expansion;
 - e) Support active transportation; and,
 - f) Are transit-supportive, where transit is planned, exists or may be development;
- 1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.”

The proposed development is located within a settlement area and represents a compatible form of intensification that efficiently uses land, existing infrastructure and is supported by existing public transit. The proposed development facilitates intensification and redevelopment and is a compact form of development that is appropriate in scale for the area.

Cultural Heritage and Archaeology

The City of Hamilton Official Plan has not been updated with respect to the cultural heritage policies of the PPS. The following policies, amongst others, of the PPS 2020 apply.

- “2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved;

SUBJECT: Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 315 Robert Street and 315 Robert Street and 219, 225 and 247 East Avenue North, Hamilton (PED22007) (Ward 3) - Page 9 of 25

- 2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved; and,
- 2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.”

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

- 1) In areas of pioneer EuroCanadian settlement; and,
- 2) Along historic transportation routes.

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the Provincial Policy Statement apply to the subject Application. If this site plan is approved, Staff require that a written caution be added to the site plan as follows:

“Caution: Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499).”

The appropriate notes will be incorporated at the Site Plan Control stage.

Urban Hamilton Official Plan

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

Residential Uses – General Policies

SUBJECT: Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 315 Robert Street and 315 Robert Street and 219, 225 and 247 East Avenue North, Hamilton (PED22007) (Ward 3) - Page 10 of 25

“E.3.3.2 Development or redevelopment adjacent to areas of lower density shall ensure the height, massing, and arrangement of buildings and structures are compatible with existing and future uses in the surrounding area;

High Density Residential

E.3.6.4 High density residential uses shall be located within safe and convenient walking distance of existing or planned community facilities/services, including public transit, schools, and active or passive recreational facilities;

E.3.6.6 In high density residential areas, the permitted net residential densities, identified on Appendix G – Boundaries Map shall be:

b) Greater than 100 units per hectare and not greater than 200 units per hectare in all other Neighbourhoods designation areas.

E.3.6.7 Development within the high density residential category shall be evaluated on the basis of the following criteria:

a) Development should have direct access to a collector or major or minor arterial road. If direct access to such a road is not possible, the development may be permitted indirect access to a collector or major or minor arterial roads from a local road upon which only a small number of low density residential dwellings are fronting on the local road. (OPA 109);

d) Development shall:

i) Provide adequate landscaping, amenity features, on-site parking, and buffering where required;

ii) Be compatible with existing and future uses in the surrounding area in terms of heights, massing, and an arrangement of buildings and structures; and,

iii) Provide adequate access to the property, designed to minimize conflicts between traffic and pedestrians both on-site and on surrounding streets;

e) In accordance with the policies of Section B.3.3 – Urban Design Policies, development shall contribute to an attractive public realm by minimizing the view of the following elements from the abutting public streets (excluding public alleys):

SUBJECT: Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 315 Robert Street and 315 Robert Street and 219, 225 and 247 East Avenue North, Hamilton (PED22007) (Ward 3) - Page 11 of 25

- i) Surface parking areas;
- iii) Utility and service structures such as garbage enclosures; and,
- iv) Expanses of blank walls;
- f) The City may require studies, in accordance with Chapter F - Implementation Policies, completed to the satisfaction of the City, to demonstrate that the height, orientation, design and massing of a building or structure shall not unduly overshadow, block light, or result in the loss of privacy of adjacent residential uses;

Urban Design Policies

B.3.3.2.6 Where it has been determined through the policies of this Plan that compatibility with the surrounding areas is desirable, new development and redevelopment should enhance the character of the existing environment by:

- a) Complementing and animating existing surroundings through building design and placement as well as through placement of pedestrian amenities;
- d) Complementing the existing massing patterns, rhythm, character, colour, and surrounding context; and,
- e) Encouraging a harmonious and compatible approach to infilling by minimizing the impacts of shadowing and maximizing light to adjacent properties and the public realm;

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;

B.3.3.3.3 New development shall be massed to respect existing and planned street proportions;

B.3.3.3.4 New development shall define the street through consistent setbacks and building elevations. Design directions for setbacks and heights are found in Chapter E – Urban Systems and Designations and in the Zoning By-law; and,

SUBJECT: Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 315 Robert Street and 315 Robert Street and 219, 225 and 247 East Avenue North, Hamilton (PED22007) (Ward 3) - Page 12 of 25

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SUBJECT: Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 315 Robert Street and 315 Robert Street and 219, 225 and 247 East Avenue North, Hamilton (PED22007) (Ward 3) - Page 13 of 25

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; and,
- d) locating surface parking to the sides or rear of sites or buildings, where appropriate.”

The proposed three storey multiple dwelling is located at the periphery of the Lansdale neighbourhood and is close to both Victoria Avenue North, which is identified as a major arterial and Barton Street East, which is identified as a minor arterial. The proposed development will have access to Victoria Avenue North by passing four low density residential developments (Policy E.3.6.7 a)).

As part of the Urban Hamilton Official Plan Amendment and Zoning By-law Amendment submission, the Applicant was required to submit a concept plan, preliminary elevations, preliminary Landscape Plan and Urban Design Brief. The documents were reviewed, and staff are satisfied that the proposed development provides appropriate landscaping, amenity area and on-site parking for the proposed development while minimizing impacts shadow and wind on adjacent residential uses and the public realm (Policy E.3.6.7 f)).

The residential area is characterized by existing single detached dwellings ranging from one to two storeys in height and located close to the street line. As part of previous approvals for the subject lands, a five storey multiple dwelling and three storey multiple dwelling were approved on the north side of the subject lands. The buildings are currently under construction. The proposed residential building, as part of the final phase of the consolidated development, is three storeys (9.2 metres) in height. The proposed building provides transition between the approved five storey building to the north and to the existing low density residential to the south of the subject lands (E.3.3.2 and B.3.3.3.2 a)). The single detached dwellings to the west are separated from the subject lands by an existing public laneway. The development includes a 1.5 metres setback in addition to the laneway width which provides the appropriate distance separation to reduce impacts of privacy, overlook and shadow impacts for a three storey building (Policies B.3.3.3.3, B.3.3.2.6 a) and e), B.3.3.3.2 b) and c) and E.3.6.7 d) ii)).

The proposed three storey (9.2 metre) building maintains the appropriate proportions when considering the 20.0 metre right of way width for both East Avenue North and Robert Street. The proposed building creates a comfortable street wall which includes principle entrances to the units exiting onto a communal exterior staircase along the

SUBJECT: Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 315 Robert Street and 315 Robert Street and 219, 225 and 247 East Avenue North, Hamilton (PED22007) (Ward 3) - Page 14 of 25

street facing facades, further animating the public realm (Policies B.3.3.3.4, B.3.3.2.6 a) and B.3.3.3.5 a) and d)).

The preliminary elevations have been reviewed which includes windows and door openings along the façade along Robert Street and East Avenue North in order for the façade to not be a blank wall. Minor modifications and final reviews of the proposed elevations (including material and landscaping) will be addressed at the Site Plan Control stage but the preliminary plans are appropriate. The surface parking area is located behind the proposed “L” shaped building and cannot be seen from the sidewalk and the waste enclosure area was previously approved as part of the application (Policy E.3.6.7 e) and B.3.3.3.5 d)).

The subject property is close to Downtown Hamilton and a number of amenities including St Patrick Catholic elementary school, JC Beemer Park and various commercial uses along Barton Street East and Cannon Street East. The proposal includes an outdoor play area on the subject lands at the rear of the building. The outdoor play area is in addition to the landscaping previously approved on-site through the site plan application DA-20-001. The subject property is also serviced by HSR bus route Nos. 2, 3 and 12 (Policy E.3.6.4 and E.3.6.7 d) i)).

The property is not located within Central Hamilton and does not front onto an arterial road. Therefore, the maximum density for the site is 200 units per hectare. The Applicant is proposing 284 units per hectare (Policy E.3.6.6). Therefore, an Official Plan Amendment is required for the proposal.

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

SUBJECT: Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 315 Robert Street and 315 Robert Street and 219, 225 and 247 East Avenue North, Hamilton (PED22007) (Ward 3) - Page 15 of 25

encourages the use of innovative and creative urban design techniques; and,

- e) The development's contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure; f) infrastructure and transportation capacity; and, g) the ability of the development to comply with all applicable policies;

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

- a) The matters listed in Policy B.2.4.1.4;
- b) Compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
- c) The relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;
- d) The consideration of transitions in height and density to adjacent residential buildings;
- e) The relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;
- f) The provision of amenity space and the relationship to existing patterns of private and public amenity space;
- g) The ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;
- h) The ability to complement the existing functions of the neighbourhood;
- i) The conservation of cultural heritage resources; and,
- j) infrastructure and transportation capacity and impacts.”

The proposed multiple dwelling contributes to the range of dwelling types and tenures and makes efficient use of an underutilized site with an appropriately scaled residential

SUBJECT: Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 315 Robert Street and 315 Robert Street and 219, 225 and 247 East Avenue North, Hamilton (PED22007) (Ward 3) - Page 16 of 25

building (Policies B.2.4.1.4 b) and c)). The proposal complements the existing function of the neighbourhood by providing a compact, mid-rise built form development in proximity to transit and Downtown Urban Growth Centre (Policy B.2.4.2.2 h)).

As per Policies B.2.4.2.2 c) and d), the proposed three storey multiple dwelling provides a transition between the low rise residential uses to the south of the site and the five storey building (Phase 1) of the subject lands. The proposed three storey building provides a continuous, animated street wall along East Avenue North and Robert Street. The proposed three storey development will not cause negative impacts on the street level wind conditions or adverse shadow impacts on the adjacent residential uses or within the public realm. The development does not directly abut residential amenity areas on adjacent properties minimizing impacts on overlook and privacy (Policy B.2.4.2.2 b)).

Adequate outdoor amenity space has been provided for the entire development including a common playground area and outdoor amenity area. The proposed outdoor amenity will complement the existing public parks within walking distance of the subject site, including Beemer Park located approximately 450 metres to the south (Policy B.2.4.2.2 f)).

The proposed building has been brought up to the street line and incorporates primary entrances at grade to enhance the streetscape (Policy B.2.4.2.2 g)). In addition, the landscaping within the interior of the site will be reviewed at the Site Plan Control stage.

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

With respect to Policy B.2.4.2.2 i) previous approvals for Phase 1 and Phase 2 incorporated the adaptive reuse of an existing stable as a three storey multiple dwelling and a commemorative plaque that was included under previous approvals to recognize the historical significance of the previous Royal Oak Dairy use. Given that this site will be comprehensively developed those measures to protect and memorialize the cultural heritage value of the site will be incorporated into the overall development of the site.

Based on the foregoing, the proposal complies with Policies B.2.4.2.2 and B.2.4.1.4.

SUBJECT: Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 315 Robert Street and 315 Robert Street and 219, 225 and 247 East Avenue North, Hamilton (PED22007) (Ward 3) - Page 17 of 25

Noise

“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;”

The proposed development is located within 400 metres of a major arterial road (Victoria Avenue). A Noise Impact Study was completed and approved for previous phases of residential development on the subject lands.

The Noise Impact Study identified the following warning clauses for the residential developments:

- “Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic may on occasion interfere with some activities of the dwelling occupants as the count levels exceed the sound level limits of the Municipality and the Ministry of Environment, Conservation and Parks;
- This dwelling unit has been supplied with a central air condition system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the City of Hamilton and the Ministry of Environment Conservation and Parks; and,
- Purchasers/tenants are advised that due to the proximity of the industrial/commercial facilities nearby, sound from these facilities may at time be audible and the operations may change in the future.”

Staff will request the Applicants to provide an updated Noise Study at the Site Plan Control stage to confirm if there are any additional requirements for the final phase of the residential development.

Neighbourhood Plan

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

“F.1.2.7 Neighbourhood plans are policies adopted by council resolution and do not form part of the Official Plan. Any proposal for development or redevelopment must conform to the designations, and policies in the Neighbourhood Plan; and,

F.1.2.8 Any amendment to the Neighbourhood Plan must be evaluated using the provisions of Policies F.1.1.3 and F.1.1.4 and shall require a formal Council decision to enact the amendment.”

Lansdale Neighbourhood Plan Policies

3. “The nature of residential uses should remain largely in the present state of 1 ow density, and further conversions of existing structures to create more dwelling units shall be prohibited. However, apartment development shall be permitted and encouraged in certain appropriate locations, particularly in the southerly portions of the neighbourhood adjacent to major roads, or in such locations as may facilitate the redevelopment of industrial uses.”

A portion of the subject lands fronting onto both Robert Street and East Avenue North are designated “Single and Double” and the balance of the property which only has frontage on East Avenue North are designated “Medium Density Apartment” in the Lansdale Neighbourhood Plan. The Lansdale Neighbourhood Plan also identifies that the subject lands permit a Dairy Office / Storage Use and Ancillary Parking. To recognize the comprehensive development of the site, staff recommend the Neighbourhood Plan be amended to designate the lands “Medium Density Apartments” for the portion of the property currently designated as “Single and Double”.

The proposed residential development is located in close proximity to a major arterial road (Victoria Avenue North). As stated above, the Lansdale Neighbourhood Plan identifies locations within the neighborhood where an apartment development shall be permitted and encouraged. Staff have reviewed the policy and are satisfied that the proposed development meets the general intent and location requirements for apartment developments within the Lansdale Neighbourhood Plan.

Based on the foregoing, staff are of the opinion that the proposal complies with the policies of the UHOP.

SUBJECT: Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 315 Robert Street and 315 Robert Street and 219, 225 and 247 East Avenue North, Hamilton (PED22007) (Ward 3) - Page 19 of 25

City of Hamilton Zoning By-law No. 6593

The subject property is currently zoned “D/S-881” and “D/S-881a” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified and “E/S-881” and “E/S-881a” (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified in Zoning By-law No. 6593 which permits a two family dwelling, a lodging house, multiple dwelling on a portion of the lands, three family dwelling with accommodation for not more than three lodgers, in addition to other uses.

The proposed Zoning By-law Amendment is for a change in zoning from “D/S-881” and “D/S-881a” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified and “E/S-881” and “E/S-881a” (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified to “E/S-1812” (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified. The zoning change only applies to the area identified on a portion of the subject lands identified as Phase 3 on the Concept Plan (See Appendix “E” attached to Report PED22007). Modifications to the zoning boundaries and the “E” (Multiple Dwellings, Lodges, Clubs, etc.) District are also required to facilitate the development and are summarized in the Report Fact Sheet above and discussed in greater detail in Appendix “D” attached to Report PED22007.

RELEVANT CONSULTATION

Departments and Agencies		
Department	Comment	Staff Response
<ul style="list-style-type: none"> • CN Railway; • Commercial Districts and Small Business Section, Planning and Economic Development; • Alectra; • Capital Budget Projects; • Trails, Parks, and Open Space; • Canada Post, and, • Real Estate, Planning and Economic Development. 		No Comment.
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department.	The Development Engineering Approvals section is able to support this Application moving forward. The proponent has calculated the wastewater flows in accordance with the City’s Development Guidelines and overcontrolled stormwater discharge to account for the peak sanitary flow generated.	None.

SUBJECT: Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 315 Robert Street and 315 Robert Street and 219, 225 and 247 East Avenue North, Hamilton (PED22007) (Ward 3) - Page 20 of 25

Department	Comment	Staff Response
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department Continued	The proponent has sufficiently demonstrated that there will be adequate fire flow available within the municipal system to meet the required fire flow demand for the proposed development after the watermain upgrade identified in the submitted Watermain Hydraulic Analysis by C3 Water Inc. (July 31, 2020) has been constructed.	
Transportation Planning, Planning and Economic Department.	<p>A Traffic Impact Study and Transportation Demand Management Study were not required for the proposed development. Transportation Planning supports the Applications for the development of the subject lands as it will not result in the generation of a substantial amount of traffic. The access for the development was previously approved through Site Plan Control application DA-20-001.</p> <p>A daylight triangle dedication is required at the corner of Robert Street and East Avenue North measuring 4.57 metres by 4.57 metres.</p>	The daylight triangle will be addressed at the Site Plan Control stage.
Capital Budget Project Co-ordination, Public Works Department.	The existing watermain on East Avenue North between Robert Street and Barton Street East will be replaced by the developer.	Noted.
Growth Planning Section, Growth Management Division, Planning and Economic Development Department.	<ul style="list-style-type: none"> It should be noted that the municipal address of 315 Robert Street has been retired as per Growth Planning Section's official address letter dated May 11, 2021 and is no longer in use. 	The daylight triangle dedication requirements, municipal address and any projections onto the municipal right-of-way can be confirmed at the Site Plan Control stage.

SUBJECT: Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 315 Robert Street and 315 Robert Street and 219, 225 and 247 East Avenue North, Hamilton (PED22007) (Ward 3) - Page 21 of 25

<p>Growth Planning Section, Growth Management Division, Planning and Economic Development Department Continued.</p>	<ul style="list-style-type: none"> • The Owner and Agent will be notified of the proposed addressing for this development once conditional site plan approval has been granted; • It should be determined if an encroachment agreement is required for any projections onto municipal property. Staff defer to Development Planning for further comment; • It should be confirmed if the adjacent laneway is assumed. Staff defer to Development Planning for further comment; and, • It should be determined if any road widenings are required and if the proposed daylight triangle dedication is sufficient. Staff defer to Development Planning and / or Development Engineering Approvals for further comment. 	<p>According to the City records, the alleyway to the west side of the property is a city assumed alleyway.</p>
<p>Forestry and Horticulture, Public Works Department.</p>	<p>Forestry does not have any concerns with the Official plan Amendment and the Zoning By-law Amendment for this proposed development. Forestry will comment on the Tree Protection Plan and Landscape plans on a future circulation.</p>	<p>A Tree Protection Plan and Landscape Plan will be required at the Site Plan Control stage.</p>

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 residents within 120 metres of the subject lands on July 15, 2021. A Public Notice sign was posted on the property on July 26, 2021 and updated with the Public

SUBJECT: Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 315 Robert Street and 315 Robert Street and 219, 225 and 247 East Avenue North, Hamilton (PED22007) (Ward 3) - Page 22 of 25

Meeting date on December 8, 2021. A Notice of Public Meeting was sent to property owners within 120 metres of the site on December 17, 2021, in accordance with the requirements of the *Planning Act*.

Public Consultation Strategy

In addition to the requirements of the *Planning Act*, as part of the Planning Justification Report the Applicant stated that a public newsletter dated June 14, 2021 was delivered to the neighbors within 120 metres to give information of Indwell's Official Plan and Zoning By-law Amendment Applications to facilitate Phase 3 and two community meetings were to be scheduled for Summer and Fall 2021. A Notice was sent advising of a Neighbourhood Meeting on August 5, 2021. The agents advised that there was no neighbourhood interest in the virtual meeting so they did not host the community meeting.

To date, no public submissions have been received in response to the Public Notice.

ANALYSIS AND RATIONALE FOR RECOMMENDATIONS

1. The proposed Urban Hamilton Official Plan Amendment and Zoning By-law Amendment 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: Growth Plan for the Greater Golden Horseshoe 2019, as amended;
 - (ii) It complies with the UHOP as it provides for a range of housing types within the development area upon finalization of the Official Plan Amendment No. XX; and,
 - (iii) The proposal represents good planning by providing for the development of a complete community, making efficient use of existing infrastructure and supporting public transit.
2. Official Plan Amendment

The subject lands are currently designated as "Neighbourhoods" on Schedule E-1 – Urban Land Use Designations in the UHOP. The requested amendment to the UHOP is to add an Urban Site Specific Policy Area to increase the maximum density of the site from 200 units per hectare to 284 units per hectare. The requested Official Plan Amendment review has been summarized below:

SUBJECT: Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 315 Robert Street and 315 Robert Street and 219, 225 and 247 East Avenue North, Hamilton (PED22007) (Ward 3) - Page 23 of 25

- The proposed development provides an appropriate amount of landscaping, amenity area and on-site parking for the proposed development while minimizing shadow, wind and privacy impacts on adjacent low density residential uses;
- The proposed surface parking spaces are screened from the public realm by locating the parking spaces at the rear of the “L” shaped building;
- The proposed building height is proportionate with the existing right-of-way width of both East Avenue North and Robert Street and establishes an appropriate street wall;
- The proposal activates the public realm by locating primary entrances to the units that exit onto a communal exterior staircase along the street; and,
- The proposed development provides an appropriate transition from the approved five storey building on the north portion of the subject lands to the low density residential uses to the south.

Based on the foregoing, staff are satisfied that the intent of the UHOP has been met and the proposed Official Plan Amendment can be supported.

3. Zoning By-law Amendment

The subject lands are zoned “E”, “E/-881”, “E/S-881a” (Multiple Dwellings) District, Modified and “D/S-881”, “D/S-881a” (Urban Protected One and Two Family) District, Modified in Zoning By-law No. 6593 which permits a two family dwelling, a lodging house, multiple dwelling on a portion of the lands, three family dwelling with accommodation for not more than three lodgers, in addition to other uses. The Zoning By-law Amendment application proposes to change the zoning to “E/S-1812” (Multiple Dwellings) District, Modified. Modifications to the Downtown Multiple Residential (D6, 696) Zone are proposed, including:

- To reduce the Minimum Front Yard setback from 3.0 metres to 0 metres;
- To reduce the Minimum Side Yard setback from 3.0 metres to 0 metres;
- To reduce the Minimum Rear Yard setback from 3.0 metres to 1.5 metres;
- To reduce the minimum required number of parking spaces from 1.25 spaces per unit to 0.3 spaces per unit;
- Where the application of the parking standards above results in a numeric fraction, fractions shall be rounded down to the nearest whole number;

SUBJECT: Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 315 Robert Street and 315 Robert Street and 219, 225 and 247 East Avenue North, Hamilton (PED22007) (Ward 3) - Page 24 of 25

- To reduce the parking stall size from a minimum size of 2.7 metres by 6.0 metres to 2.8 metres by 5.8 metres; and,
- To reduce the required loading space from 1 space to 0 spaces.

Staff are satisfied the proposal meets the intent of the high density residential Neighbourhood policies and applicable intensification policies in the Urban Hamilton Official Plan upon finalization of the proposed amendment. In addition, the proposed amendments meet the intent of the Zoning By-law. An analysis of the requested modifications is provided in Appendix “E” attached to Report PED22007.

Therefore, staff support the proposed Zoning By-law Amendment.

ALTERNATIVES FOR CONSIDERATION

Should the Urban Hamilton Official Plan Amendment and Zoning By-law Amendment Applications be denied, development could proceed in accordance with the existing development standards and use permission of the “E/S-881” and “E/S-881a” (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified and “D/S-881” and “D/S-881a” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified which permits a two family dwelling, a lodging house, multiple dwelling on a portion of the lands, three family dwelling with accommodation for not more than three lodgers, in addition to other uses.

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.

Built Environment and Infrastructure

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

SUBJECT: Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 315 Robert Street and 315 Robert Street and 219, 225 and 247 East Avenue North, Hamilton (PED22007) (Ward 3) - Page 25 of 25

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED22007 – Location Map

Appendix "B" to Report PED22007 – Urban Hamilton Official Plan Amendment

Appendix "C" to Report PED22007 – Hamilton Amendment to Zoning By-law No. 6593

Appendix "D" to Report PED22007 – Zoning Modification Table

Appendix "E" to Report PED22007 – Concept Plan

AB:sd