



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	May 31, 2022
<b>SUBJECT/REPORT NO:</b>	Applications for Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1107 Main Street West, Hamilton (PED22098) (Ward 1)
<b>WARD(S) AFFECTED:</b>	Ward 1
<b>PREPARED BY:</b>	Daniel Barnett (905) 546-2424 Ext. 4445
<b>SUBMITTED BY:</b>	Stephen Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That **Official Plan Amendment Application UHOPA-20-012 by Bousfield Inc. c/o David Falletta, on behalf of 1107 Main Inc. c/o Eva Rygeiski, Owner**, to establish a new Area Specific Policy within Site Specific Policy - Area E within the Mixed Use – Medium Density designation in the Ainslie Wood Westdale Secondary Plan, to permit a 15 storey, mixed use development, for 1107 Main Street West, as shown on Appendix “A” attached to Report PED22098, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED22098, be adopted by City Council;
  - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to the Growth Plan for the Greater Golden Horseshoe 2019, as amended;
- (b) That amended **Zoning By-law Amendment Application ZAC-20-016 by Bousfield Inc. c/o David Falletta, on behalf of 1107 Main Inc. c/o Eva Rygeiski, Owner**, for a modification to the Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone to Transit Oriented Corridor Mixed Use Medium Density (TOC1, 772, H75) Zone, to permit a 15 storey mixed use development,

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for lands located at 1107 Main Street West, as shown on Appendix “A” attached to Report PED22098, be **APPROVED** on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED22098, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That Schedule “D” – Holding Provisions, of Zoning By-law No. 05-200; be amended by adding the following Holding Provision:

H75. Notwithstanding Section 11.1 of this By-law, within lands zoned Transit Oriented Corridor Mixed Use Medium Density (TOC1, 772) Zone on Map No. 949 on Schedule “A” – Zoning Maps, and described as 1107 Main Street West, Hamilton, no development shall be permitted until such time as:

- (1) A Pedestrian Wind Study has been submitted and implemented to the satisfaction of the Director of Planning and Chief Planner;
  - (2) A Documentation and Salvage Report in accordance with the City’s Guidelines for Documentation and Salvage Reports has been submitted and implemented all to the satisfaction of the Director of Planning and Chief Planner prior to any demolition and the Owner shall demonstrate that a copy of this report is submitted to the Hamilton Public Library;
  - (3) That a Conservation Management Plan, which address the conservation strategy for the retained front façade, and incorporation of salvage materials into the proposed design be submitted, approved and implemented through a Site Plan Agreement, to the satisfaction of the Director of Planning and Chief Planner prior to any demolition;
  - (4) That an updated Cultural Heritage Impact Assessment be submitted to the satisfaction of the Director of Planning and Chief Planner;
- (iii) 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 complies with the Urban Hamilton Official Plan upon the approval of Official Plan Amendment No. \_\_\_\_.

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## **EXECUTIVE SUMMARY**

The subject property is municipally known as 1107 Main Street West. The Owner, 1107 Main Inc. c/o Eva Rygeiski has applied for amendments to the Urban Hamilton Official Plan and the City of Hamilton Zoning By-law No. 05-200 to permit a 15 storey mixed use building containing 269 multiple dwelling units and 562 square metres of commercial gross floor area.

The purpose of the Official Plan Amendment (OPA) Application is to establish a new Area Specific Policy within Site Specific Policy - Area E in the Ainslie Wood Westdale Secondary Plan to permit a maximum building height of 15 storeys.

The purpose of the Zoning By-law Amendment Application is for a further modification to the Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone to permit a 15 storey mixed use development with a maximum of 269 units.

The Applications have merit and can be supported for the following reasons:

- They are consistent with the Provincial Policy Statement (2020) (PPS);
- They conform to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended (Growth Plan);
- They comply with the general intent of the Urban Hamilton Official Plan and Ainslie Wood Westdale Secondary Plan, upon approval of the Official Plan Amendment; and,
- The proposed development is compatible with existing land uses in the immediate area and represents good planning by, among other things, providing commercial uses along a primary corridor, increasing the supply of housing units, making efficient use of existing infrastructure within the urban boundary, provides for the management of the existing heritage resources on the subject lands and supporting public transit.

## **Alternatives for Consideration – See Page 42**

## **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**

<b>Application Details</b>	
Applicant/Owner:	1107 Main Inc. c/o Eva Rygeiski
File Number:	UHOPA-20-012 and ZAC-20-016
Type of Application:	Urban Hamilton Official Plan Amendment and Zoning By-law Amendment.
Proposal:	<p>The original Applications were for the development of a 15 storey mixed use building, with the portions of the building along Dow Avenue and Cline Avenue South having a height of nine storeys, containing a total of 310 dwelling units and 535 square metres of commercial gross floor area, and 226 on-site parking spaces.</p> <p>The 15 storey mixed use building proposal was amended by reducing the total number of dwelling units from 310 to 269 units. The amount of commercial gross floor area was increased from 535 square metres to 562 square metres, which will provide commercial space for a total of five ground floor commercial units with direct pedestrian access to Main Street West. Parking will be provided below grade and loading will be located at grade within the ground floor. Amenity space will be provided by way of a rear court yard, roof top terraces, and private balconies. The design was amended to increase setbacks from the street line and from the rear lot line to provide additional transition to the surrounding land uses. The changes from the original Applications include:</p> <ul style="list-style-type: none"><li>• The massing along Dow Avenue and Cline Avenue South has been reduced from nine storeys to seven storeys;</li><li>• The rear yard setback has been increased to 7.5 metres;</li><li>• The setbacks from the rear have been revised to include the following:<ul style="list-style-type: none"><li>○ To establish a setback with a depth of 7.0 metres above the fourth floor; and,</li><li>○ To establish a second setback with a depth of 3.0 metres above the sixth floor;</li></ul></li><li>• The setbacks from Dow Avenue and Cline Avenue South has been revised with the second setback being increased above the fifth floor; and,</li><li>• The number of parking spaces was reduced from 234 to 139 parking contained in two levels of underground parking.</li></ul>

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<b>Application Details</b>	
Proposal (Continued)	<ul style="list-style-type: none"> <li>The number of long term bicycle parking spaces was reduced from 150 to 145;</li> <li>The number of short term bicycle parking spaces was increased from 6 to 22; and,</li> <li>A 3.0 metre wide planting strip was introduced along the rear lot line.</li> </ul> <p>The proposed development will incorporate heritage features into the proposed development including retaining the front façade of the Grace Evangelical Lutheran Church into an on-site community garden, and incorporating salvaged materials into the development including into portions of the ground floor.</p>
<b>Property Details</b>	
Municipal Address:	1107 Main Street West, Hamilton.
Lot Area:	5,169.3 square metres (0.517 hectares) (pre road widening) 4,517 square metres (0.452 hectares) (post road widening)
Servicing:	Existing full municipal services.
Existing Use:	Place of Worship
<b>Documents</b>	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS.
A Place to Grow:	The proposal conforms to the Growth Plan, as amended.
Official Plan Existing:	<p>Urban Hamilton Official Plan Schedule “E” - Urban Structure: Primary Corridor Schedule “E-1” – Land Use Designations: Mixed Use – Medium Density</p> <p>Ainslie Wood Westdale Secondary Plan Mixed Use – Medium Density</p>
Official Plan Proposed:	“Mixed Use - Medium Density” designation, Site Specific Policy Area
Zoning Existing:	Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone
Zoning Proposed:	Transit Oriented Corridor Mixed Use Medium Density (TOC1, 772, H75) Zone

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<b>Documents</b>	
Modifications Proposed:	<p>The following modifications have been requested by the Applicant:</p> <ul style="list-style-type: none"><li>• To reduce the finished floor elevation for ground floor dwelling units from 0.9 metres to 0.5 metres;</li><li>• To increase the maximum building setback from a street from 4.5 metres to 13.3 metres;</li><li>• To increase the maximum building height from 22.0 metres (6 storeys) to 47.0 metres (15 storeys);</li><li>• To increase the maximum number of driveways from one to two, and maximum width from 6.0 metres to 7.6 metres;</li><li>• To permit a gate to be included in a visual barrier;</li><li>• To permit a community garden and accessory structure within the front and flankage yards; and,</li><li>• To increase the maximum height of an accessory structure from 4.5 metres to 9.7 metres.</li></ul> <p>The following modifications have been included by staff:</p> <ul style="list-style-type: none"><li>• To require a minimum 5.0 metre setback above the second floor along the easterly and westerly facades;</li><li>• To require a minimum 6.5 metre setback above the fifth floor along the easterly and westerly side façades;</li><li>• To require a minimum 14.3 metre setback above the seventh floor along the easterly and westerly side facades;</li><li>• To require a minimum 14.5 metre setback above the fourth floor along the southerly rear façade;</li><li>• To require a minimum 17.5 metre setback above the sixth floor along the southerly rear façade;</li><li>• To require a minimum 33.5 metre setback above the seventh floor along the southerly rear façade;</li><li>• To require a minimum 9.3 metre setback above the 12<sup>th</sup> floor along the northerly front façade;</li><li>• To eliminate the requirement that height above 11.0 metres have an equivalent increase in the minimum setback requirement when abutting an Institutional Zone;</li><li>• To require a minimum 3.0 metre wide planting strip along the rear lot line; and,</li><li>• To require that the front façade of the Grace Evangelical Lutheran Church be re-established on-site.</li></ul>

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<b>Processing Details</b>	
Received:	February 13, 2020.
Deemed Complete:	March 13, 2020.
Notice of Complete Application:	Sent to 98 property owners within 120 metres of the subject property on March 20, 2020.
Public Notice Sign:	Posted April 6, 2020 and updated with public meeting date on April 20, 2022.
Notice of Public Meeting:	Sent to 98 property owners within 120 metres of the subject property on April 29, 2022.
Public Consultation:	The Applicant held a virtual Public Open House meeting on August 11, 2020, with invitations sent to 98 properties within the area. A total of 34 interested parties participated in the Public Open House meeting, and comments were provided to the Applicant. The comments received during the Public Open House are provided in Appendix "F-3" attached to Report PED22098.
Public Comments:	Letters of objection were submitted by 13 interested parties expressing concern for the proposed Official Plan Amendment and Zoning By-law Amendment Applications.  Letters of support were submitted by eight interested parties along with five petitions of support containing a total of 59 signatures. Public comments are summarized in the table below and are provided in Appendix "F-1" and "F-2" to Report PED22098.
Processing Time:	838 days from date of receipt of initial Application. 179 day from receipt of revised development proposal.

**Existing Land Use and Zoning:**

	<b>Existing Land Use</b>	<b>Existing Zoning</b>
<b>Subject Property:</b>	Place of Worship	Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone

**Surrounding Land Uses:**

<b>North</b>	Commercial uses, single detached dwellings, and multiple dwelling.	Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone
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**Surrounding Land Uses:**

<b>East</b>	Single detached dwellings	Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone
<b>South</b>	Place of Worship	Neighbourhood Institutional (I1) Zone
<b>West</b>	Single detached dwellings	Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Provincial Planning Policy Framework**

The following policies, amongst others, apply to the proposal.

- “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 which promotes efficient use of land, existing infrastructure, and existing public transit. The proposed development is a compact form of development that is appropriate in scale for the area.



Cultural Heritage and Archaeology

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

- “2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved;
- 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 three of the ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) for determining archaeological potential:

- 1) Within 250 metres of a known archaeological sites;
- 2) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody; and,
- 3) Along historic transportation routes.

Notwithstanding current surface conditions, the criteria defines the property as having archaeological potential. Staff will require that a written caution note be added to the site plan drawings as part of a future Site Plan Control Application.

The existing Grace Evangelical Lutheran Church is listed on the City’s Register of Property of Cultural Heritage Value or Interest as a non-designated property, is within the Main Street West Cultural Heritage Landscape, and is included in the City’s Places of Worship Inventory. Grace Evangelical Lutheran Church was constructed in 1959 and designed in a modern neo-gothic style by notable architecture firm W.R. Souter and Associates. The addition of a similarly styled Grace Parish Hall was completed in 1970. Notable architectural features include the metal steeple, stained glass, and gothic styled windows at the front and side façades.

A Cultural Heritage Impact Assessment (CHIA) for the subject property was completed by Metropolitan Design dated January 2020 and subsequently updated in June 2021. Both the initial CHIA and the updated CHIA were reviewed by staff and the Policy and Design Working Group (PDWG) of the Hamilton Municipal Heritage Committee (HMHC). An additional CHIA was prepared by Parslow Heritage Consultancy Inc. dated November 2021 and reviewed by staff and the PDWG on January 17, 2022 and forwarded to the Inventory and Research Working Group (IRWG) of the HMHC on January 24, 2022. The PDWG and IRWG recommended to the HMHC that the property be added to the Heritage Register and the City's Workplan for Designation under Part IV the *Ontario Heritage Act*.

The HMHC on February 25, 2022 adopted the recommendations of the PDWG and IRWG to add the property to the Heritage Register and the City's Workplan for Designation under Part IV of the *Ontario Heritage Act*. Planning Committee adopted the recommendations of the HMHC at the Planning Committee meeting held on March 22, 2022. At the Council meeting held on March 30, 2022, Council resolved to include the property on the City Heritage Register, but that the inclusion of the property on the City's Workplan for Designation under Part IV of the *Ontario Heritage Act* be referred back to Planning Committee until such time as Council has made a decision on the Applications for an OPA and Zoning By-law Amendment, and that as part of the review of the Applications for an OPA and Zoning By-law Amendment, that staff be directed to report back on options on how the recommendations of the November, 2021 CHIA will be implemented. The motion of Council specifically stated:

- (i) That the lands located at 1107 Main Street West be added to the Heritage Register;
- (ii) That the inclusion of 1107 Main Street West on the City's Workplan for Designation under Part IV of the *Ontario Heritage Act*, be referred back to Planning Committee until such time as Council has made a decision on the Applications for an OPA and Zoning By-law Amendment; and,
- (iii) That as part of the review of the Applications for an OPA and Zoning By-law Amendment, that staff be directed to report back on options on how the recommendations of the November 2021 CHIA will be implemented.

The November 2021 CHIA includes the following recommendations:

- A sample of the cut limestone plinth, rusticated limestone finish and carved limestone window surrounds be salvaged and incorporated into the main public entrance of the proposed re-development. An interpretive display would accompany the entrance depicting the source and history of the salvaged components;

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- The cut limestone of the main entry be disassembled, palleted and stored off-site until its reconstruction as a feature within a community garden;
- The carved date stone be removed and incorporated into the interpretive display at the community garden; and,
- Any salvageable materials not incorporated into the proposed structure, retained by the Lutheran Church of Hamilton or accepted by McMaster University be sold to a salvage company.

Since the January 2022 PDWG meeting, the Applicant has agreed to retain the front façade of the Grace Evangelical Lutheran Church and incorporate it into an on-site community garden. This is in addition to including salvaged materials into the front entrance of the new development, which was proposed as part of the materials reviewed by the PDWG. The integration of salvaged materials and the incorporation of the front façade into an on-site community garden would meet the objectives of the recommendations of the CHIA. The re-establishment of the front façade was not evaluated in the November 2021 CHIA. Therefore, an updated CHIA will be required to be submitted as part of the future Site Plan Control Application to evaluate the re-establishment of the front façade into the proposed community garden. To ensure the front façade is appropriately maintained on Site the draft By-law has included the following regulation to require re-establishment of the existing front façade of the Grace Evangelical Lutheran Church is included as a provision of the Zoning By-law, attached as Appendix “B” to Report PED22098. Further details of this proposal will be explored as part of a Site Plan Application within a Conservation Management Plan and Documentation and Salvage Report. This would include details on the orientation of the façade, stabilization of the façade, and further retention and re-use of church materials in the development, especially within the entrance on Main Street West. The completion of the Documentation and Salvage Report and Conservation Management Plan are included as a ‘H’ Holding Provision and will need to be completed prior to lifting of the proposed ‘H’ Holding Provision.

The November 2021 CHIA (Parslow Heritage Consultancy Inc.) concludes that although the Grace Evangelical Lutheran Church was assessed as containing Design/Physical Value, Historical/Associative Value, and Contextual Value as per the evaluation of the property under Regulation 9/06 of the *Ontario Heritage Act*, retention is not recommended due to site constraints and the benefits associated with redevelopment. Staff concur that site constraints and planning goals for this site (i.e. along the LRT corridor, road widenings) restrict in-situ retention options for the Grace Evangelical Lutheran Church. Although the Grace Evangelical Lutheran Church does contain Design/Physical Value, Historical/Associative Value, and Contextual Value, many of the values can be continued through incorporation of the front façade on site within a community garden and with re-use of architectural features of the church including:

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- The Design/Physical Value can be partially maintained through the façade retention and re-use of materials;
- The Historical/Associative Value can be maintained through commemorative means; and,
- The Contextual Value can be continued through the presence of the retained portions on site.

The specific means of commemoration have not yet been determined and will be required to be evaluated in an updated CHIA that will be required through the Site Plan Control Application prior to the lifting of the proposed 'H' Holding Provision. Staff will continue to work with the Applicants through the removal of the Holding Provision and the Site Plan Application process to incorporate the retained façade and other materials that will retain significant features of the building associated with its heritage values. Furthermore, the long term protection of the heritage elements will be secured through a future site plan agreement and condominium agreement (if applicable).

Council at the Council meeting held on March 30, 2022 referred inclusion of property on the City's Workplan for Designation under Part IV of the *Ontario Heritage Act* back to Planning Committee until such time as Council makes a decision on the Applications for OPA and Zoning By-law Amendment. Below is a review of Council's options regarding this recommendation:

- **Add Grace Evangelical Lutheran Church to the City's Workplan for Designation under Part IV of the *Ontario Heritage Act*.** As noted above, the Cultural Heritage Impact Assessment assessed the property as containing Design/Physical Value, Historical/Associative Value, and Contextual Value as per the evaluation under Regulation 9/06 of the *Ontario Heritage Act*. This assessment could be used to support a Notice of Intention to Designate to protect the property. As a property proposed for designation, the retention strategy for the Grace Evangelical Lutheran Church would need to be more extensive. This would potentially include in-situ retention of the Grace Evangelical Lutheran Church with the majority of the structure kept intact. This level of retention would limit the ability of the current proposal addressed in this OPA and Zoning By-law Amendment to move forward due to site restraints. If designated, a heritage permit would be required prior to the demolition and salvage of the heritage elements. However, through the requirements of the proposed 'H' Holding Provision, those elements will be documented, salvaged and reused and thereby achieve the same outcome.
- **Not add the Grace Evangelical Lutheran Church to the City's Workplan for Designation under Part IV of the *Ontario Heritage Act* and retain its current status on the Heritage Register:** Grace Evangelical Lutheran Church's status on the Heritage Register acknowledges the heritage values associated with the

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site, while allowing for a retention strategy that encourages retention of features associated with those values without a full in-situ retention expected of properties designated under Part IV of the *Ontario Heritage Act*. Additionally, although many value criteria under Regulation 9/06 of the *Ontario Heritage Act* are met, some of these criteria are not strong examples of the associated values. Grace Evangelical Lutheran Church is representative and late for its architectural style, not unique or rare. Additionally, although being the work of a well-known local architect, William R. Souter, this property has not been considered a highlighted of his work. As a property listed on the Heritage Register, the owner must provide 60-days notice of intention to demolish the building.

#### Noise

“1.2.6.1 Major facilities and sensitive land uses should be planned to ensure they are appropriately designed, buffered and / or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of major facilities.”

The subject lands are close to existing noise sources, primarily from the surrounding roads. An Acoustical Study (Study) by HGC Engineering dated February 7, 2020 and an updated study dated June 1, 2021, were prepared in support of the Applications.

The Study identified transportation noise sources from Main Street West and Highway 403. The Study also provided an evaluation of the impacts of Light Rail Transit (LRT) on the proposed building. Stationary noise sources were also identified, specifically from rooftop units at the institutional building to the south of the subject lands.

The Study determined that the sound levels from the stationary noise source to the south was deemed to be below the Ministry of the Environment, Conservation and Parks (MECP) minimum exclusionary sound levels and therefore physical mitigation measures were not required.

The Study found that the potential sound levels from the LRT will be negligible in comparison with overall sound levels from cars/trucks on the roadway and that perceptible tactile vibrations and vibration-induced noise is anticipated to be within indicated criteria in the proposed building. Nonetheless, the Study recommended Level 1 isolation (embedded, soft rubber) be provided to further limit the vibration-induced sound levels at the location of the proposed building. The implementation of all vibration mitigation measures will be undertaken through the Site Plan Control and Building Permit Applications.

In respect to transportation noise, the Study found that the ground floor outdoor amenity area did not exceed the MECP threshold of 55 dBA but that the terraces on the eighth floor exceed the permitted noise level. Therefore, noise warning clauses will be required as well as a two metre high noise barrier to reduce the noise levels below 60 dBA. Noise impacts on the portions of the eighth floor terrace, exposed to Main Street West will be further evaluated at the Site Plan Control stage.

Additionally, the Study found that all facades of the proposed building will exceed the maximum 65 dBA daytime and 60 dBA night time sound levels of the MECP. The Study has identified required mitigation measures and noise warning clauses to meet the minimum requirements including:

- Requiring all dwelling units to be equipped with central air condition systems so that windows can be kept closed;
- Establishing a sound transmission class (STC) rating for windows ranging from STC-33 to STC 40 which vary between various facades and room types;
- Warning clauses that will need to be included in all offers of purchase and sale, and property and tenancy agreements; and,
- Prior to the issuance of an occupancy permit the municipality's building inspector or a professional Engineer qualified to provide acoustical engineering services in the Province of Ontario to certify that the noise measures for the building have been properly incorporated, installed and constructed.

All noise mitigation measures will be implemented at the Site Plan Control stage.

Therefore, the proposal is consistent with the PPS.

### **Growth Plan for the Greater Golden Horseshoe 2019, as amended**

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 a) 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*;

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2.2.1.2 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;
- e) Provide for a more compact built form and a vibrant public realm, including public open spaces;”

The subject lands are located within the urban area and are fully serviced by municipal water and wastewater infrastructure. The proposed mixed use development contributes toward providing a diverse mix of land uses and a diverse range and mix of housing options and makes use of existing municipal services. The proposal represents a form of residential intensification within the built up area, in proximity to existing transit routes and future higher order transit routes along Main Street West.

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 in the UHOP. The following policies, amongst others, apply to the proposal.

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Corridors

- “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.2.4.10 The built form along the Urban Corridor 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 portion 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.
- E.2.4.16 New development shall respect the existing built form of adjacent neighbourhoods where appropriate by providing a gradation in building height. New development shall be located and be designed to minimize the effect of shadowing and overview on properties in adjacent neighbourhoods.”

The proposed mixed use development is located along Main Street West, a Primary Corridor, which provides a link between Downtown Hamilton and McMaster University, a major activity centre. Higher order transit routes in the form of existing bus routes and a future LRT route serve to make Main Street West a higher order transit route. The proposed mixed use development is appropriately located along the primary corridor with direct access to the higher order transit corridor and provides a continuation of the commercial uses along the Main Street West streetscape.

The proposed 15 storey mixed use building incorporates a variety of stepbacks and heights to provide a low to mid rise built form along Main Street West with gradual increases to the 12 and 15 storey portions of the building.

Commercial uses are proposed on the ground floor along Main Street East and will contribute maintaining Main Street West as a mixed use corridor.

The adjacent lands to the south are designated “Neighbourhoods”, and the existing low density residential uses to the east and west are designated “Mixed Use – Medium Density”. Main Street West is a corridor in transition with the intension of facilitating intensification along a higher order transit corridor in a form that is compatible with the surrounding area. The proposed development achieves an appropriate transition to the surrounding area through the incorporation of stepbacks in height. The proposed development incorporates gradation in building massing along Main Street West, Dow



Avenue, Cline Avenue South, and the rear lot line to minimize the shadow and overview impacts on the surrounding area.

Mixed Use – Medium Density

“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 services, financial establishments, live-work units, artist studios, restaurants, gas bars, and drive-through facilities;
- b) Notwithstanding Policy E.4.6.5 a), drive-through facilities on pedestrian focus streets shall only be permitted in accordance with Section E.4.6.29 and all other applicable policies on this Plan.
- c) Institutional uses such as hospitals, places of worship, and schools;
- d) Arts, cultural, entertainment, and recreational uses;
- e) Hotels;
- f) Multiple Dwellings; and,
- g) Accessory uses.

E.4.6.7 Lands designated Mixed Use – Medium Density shall contain a range of densities and building heights to a maximum 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.4.6.8 Additional height up to a total of eight storeys may be permitted without an amendment to this plan, provided the Applicant demonstrates:

- a) There are no adverse shadow impacts created on existing residential uses within adjacent lands designated Neighbourhoods;
- b) Buildings are progressively stepped back from adjacent areas designated Neighbourhoods. The Zoning By-law may include an angular plane requirement to set out an appropriate transition and stepping back of heights; and,

- c) Buildings are stepped back from the street to minimize the height appearance from the street, where necessary;

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.4.6.24 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.”

The proposed mixed use building is permitted in the Mixed Use – Medium Density designation. The proposed development incorporates setbacks from the rear lot line, including setbacks above the fourth, sixth and seventh storeys. The proposed development includes setbacks above the second and fifth storeys along both Cline Avenue South and Dow Avenue, which will reduce the height appearance from the street. The massing of the proposed development along Main Street West will vary between two, seven and 12 storeys in height, and as parts of the development are recessed above the second floor as a result of the angle of the front lot line, the massing will therefore be stepped back so as to minimize the height appearance from the street.

A Sun Shadow Impact Study by SRM Architects Inc. dated March 2, 2020 was provided with the Applications and an updated Sun Shadow Impact study by SRM Architects Inc. dated November 26, 2021 was provided to reflect the changes in the proposed design.

The study demonstrates that at the spring and fall equinox for Cline Avenue South, only the front yard of 94 Cline Avenue South will be subject to any shadows which will be limited in scope and ending by 10:00 a.m. For those properties on the east side of Dow Avenue the study demonstrates that at the spring and fall equinox, the development will not cause any shadow impacts prior to 3:00 p.m. The study demonstrated at 3:00 p.m. only small portions of the front yard of 1 Dow Avenue will be in shadow, with additional properties being in shadow between 4:00 – 6:00 p.m.. Therefore, the study demonstrates that adequate sun access will be provided for surrounding uses and the proposed development will not create adverse shadow impact on these uses.

In respect to the public sidewalk, the study demonstrates that at the spring and fall equinox, the proposed building will only cast shadows on the sidewalk on the north side of Main Street West for approximately two hours at any given location. For Cline Avenue South the study demonstrates that the westerly sidewalk will be clear of

shadow impacts by 11:00 a.m. at the spring and fall equinox, while the east side of Dow Avenue will be clear of shadow impacts until 3:00 p.m. Therefore, the proposed development will not create adverse shadow impacts on the public realm.

The adjacent low density residential uses are separated from the proposed development by Dow Avenue and Cline Avenue South. Additionally, the rear amenity areas of these dwelling units will be buffered by the dwellings themselves. Therefore, privacy impacts on the adjacent low density residential uses are not anticipated.

The subject property abuts an existing place of worship including an associated school and play area, to the south. A 7.5 metre rear yard setback is to be provided along the rear lot line, with larger setbacks to the upper floors. The stepping back of the upper floors will reduce the potential for privacy overlook impacts on the adjacent lands to the south. In addition, a visual barrier and 3.0 metre planting strip will be required along the rear lot line to provide a buffer to the adjacent lands and reduce privacy overlook impacts.

#### 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 proposed development of 269 multiple dwelling units will contribute to achieving a range of dwelling types and tenures. As part of the OPA and Zoning By-law Amendment Application a Functional Servicing Report and Transportation Impact Assessment were submitted demonstrating that there is adequate infrastructure service capacity and transportation service capacity for the development. The proposed development contributes towards achieving the planned urban structure by making use of a large lot on an existing corridor, that will facilitate a compatible form of intensification along a higher order transit corridor, and which will be oriented toward and will promote a vibrant streetscape along Main Street West. The design of proposed development locates the tallest portion of the development towards the northerly portion of the property along Main Street West. The proposed development will incorporate, setbacks, stepbacks, landscape buffers, and other design features to integrate the development with the surrounding area and ensure that the development, while different from what exists in the immediate area, will be compatible in respect to scale, form and character.

#### Urban Design

“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) Minimize 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.3.3.3.5 Built form shall create comfortable pedestrian environments by:

- a) Locating principal facades and primary building entrances parallel to and as close to the street as possible;
- b) Including ample glazing on ground floors by 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.”

The subject lands are bound by streets on both the east and west lot lines providing separation to the existing low rise residential dwellings. Additionally, setbacks to the ground floor from the flanking lot lines and stepbacks incorporated into the easterly and westerly facades will recess the massing of the upper floors from the surrounding area and provide a transition to the existing low density residential uses. The proposed setback and stepbacks will ensure that the majority of the massing along Dow Avenue and Cline Avenue South will not encroach into the 45 degree build to plane measured at 80 percent of the right-of-way width of those streets. Setbacks and stepbacks are included in the massing along Main Street West to achieve a 45 degree build to plane from 80% of the Main Street West right of way. Finally, transition to the existing institutional use located to the south of the subject lands is achieved through adhering to the minimum 7.5 metres rear yard setback, provision of a 3 metre planting strip and requirement of a visual barrier, as well as the incorporation of stepbacks to the upper floors.

As previously noted, an analysis of shadow impacts was undertaken as part of the Applications and the findings of the study demonstrated that adequate sun access will be achieved for the neighbouring properties and the public realm. Therefore, the proposed development will not create negative shadow impacts on the surrounding area.

Furthermore, as previously noted the privacy of the existing dwellings to the east and west will be protected by being separated by the existing roads and the existing dwellings buffering the rear amenity areas of the dwellings.

A pedestrian wind level impact study has not yet been undertaken and the completion of a wind study and implementation of any wind mitigation measures is included as a ‘H’ Holding Provision and will need to be completed and any mitigation measures implemented through the site plan review process prior to lifting the ‘H’ Holding Provision.

New development is required to be massed to respect both the existing and planned street proportions. The current zoning for the subject lands, and the lands to the east and west, permits a maximum building height of 22.0 metres. The portion of the building that is located along both Dow Avenue and Cline Avenue South will not exceed the currently envisioned height of 22.0 metres. To respect the existing massing along both Dow Avenue and Cline Avenue South, a 2.0 metre stepback will

be included above the second floor which will break up the massing, with the first stepback being provided at a height that reflects the one to two storey buildings that exist along these streets. Ground oriented units are also being incorporated along both Dow Avenue and Cline Avenue South to reflect the existing uses along both streets.

The massing of the proposed development along Main Street West and primary building entrances are to be located close to and parallel to the street. Ample glazing will be incorporated into the ground floor facades. Landscaped areas along with a community garden are to be included between the proposed building and the adjacent streets. Parking is to be located below grade and the loading area is to be located to the rear of the proposed building. Design techniques such as stepbacks are to be utilized to maximize sun access to pedestrian areas.

#### Tree Management

A Tree Management Plan were reviewed with respect to the proposed Applications for Official Plan Amendment and Zoning By-law Amendment. A total of 26 trees have been inventoried, 16 public trees and 10 private trees. Of these 26 trees, 18 have been proposed to be removed, eight public trees and ten private trees. It is recognized that there may be limited opportunities to retain more trees on site. The Tree Management Plan submitted is accepted, however the Tree Management Plan will be required to be included and will be further reviewed as part of the Site Plan Control Application.

In order to ensure existing tree cover is maintained, compensation is required for any private tree (10 cm DBH or greater) that is proposed to be removed. Compensation is to be provided on site, a preliminary Landscape Plan has been prepared, which identify 25 trees are proposed, which can be supported.

Detailed Landscape Plans will be reviewed as part of the Site Plan Control Application.

To facilitate tree planting, a 3.0 metre planting strip is being required in the amending By-law along the rear lot line.

#### **Ainslie Wood Westdale Secondary Plan**

The subject property is designated “Mixed Use – Medium Density” – Site Specific Policy Area E on Land Use Plan Map B.6.2-1. The following policies, amongst others, apply to the proposal.

“6.2.7.1 The objectives for Mixed Use – Medium Density designated areas and Mixed Use – Medium Density – Pedestrian Focus designated areas are as follows:

- a) Encourage mixed uses, with residential apartments on upper floors of commercial buildings located along major roads, namely arterial and collector roads, with higher densities to support use of infrastructure;
- b) Provide commercial areas in combination with other uses to serve the needs of local residents and visitors;
- e) Require the provision of appropriate amenities for commercial areas, including parking, signage, and streetscaping on public lands; and,
- f) Enhance the appearance and encourage good maintenance of commercial buildings and areas;

6.2.13 Good urban design, both in the public and private realm, is to be encouraged in the Ainslie Wood Westdale community;

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; and,
- 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;

Area Special Policy – Area E

6.2.17.6 In addition to Policy B.6.2.17.5, the following policies shall apply to the lands located on Main Street between Hollywood Avenue and Highway 403, designated Mixed Use – Medium Density, and identified as Area Specific Policy Area E on Map B.6.2-1 – Ainslie Wood Westdale – Land Use Plan;

- a) In addition to Section E.4.0 – Commercial and Mixed Use Designations of Volume 1, and notwithstanding B.6.2.7.2 of Volume 2, the following policies shall apply:

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- i) Building forms shall be in keeping with the predominant character of the surrounding area with respect to materials, roofline and setbacks;
- ii) Provisions of sufficient parking to accommodate all uses shall be required. Shared parking should be considered where appropriate; and,
- iii) Development or redevelopment of lands for mixed uses shall be in accordance with the following criteria;
  - 1) Provision of satisfactory access and parking shall be required; and,
  - 2) Measures to ensure the safety of pedestrian traffic crossing Main Street West shall be required.”

A mixed use building is permitted for lands designated “Mixed Use – Medium Density” and mixed use buildings with dwelling units on the upper floors and ground floor commercial uses are encouraged along major arterial roads. The proposed development will contribute towards the Main Street West corridor by facilitating intensification along a higher order transit corridor and through the inclusion of at grade commercial uses along Main Street West.

Policy 6.2.17.6 does not establish a maximum building height and therefore the maximum building height outlined in policy E.4.6.7 and E.4.6.8 of Volume 1 apply. As previously noted, the policies permit a maximum height of six storeys with the opportunity to increase that maximum height to eight storeys, and the proposed height of 15 storeys would exceed the maximum height provision of the UHOP and therefore an Official Plan Amendment is required.

As outlined in the Analysis and Rationale Section of the Report. Staff are in support of the increase in height.

The proposed site layout concentrates the majority of the massing, towards the northerly portion of the site along Main Street West. The proposed building will be progressively stepped back from the rear lot line, with the proposed tower being setback 33.5 metres from the rear lot line. The development includes a 3.0 metre setback from the street line of Cline Avenue South and Dow Avenue with the 15 storey tower being setback approximately 14.3 metres from the Cline Avenue South and Dow Avenue street lines. The proposed building height along Cline Avenue South and Dow Avenue is seven storeys with a 2.1 metre stepback above the second storey and 1.5 metre stepback above sixth storey. Grade related residential units are proposed at the base of the proposed development along both Cline Avenue South and Dow Avenue. These units are designed to reflect the existing at grade low rise, built form, that currently exists along these local roads. The massing of the proposed building will be



articulated through the required setbacks for the upper floors to be compatible with the existing and planned function of the area. A detailed review of the materiality for the proposed development will be evaluated as part of the Site Plan Control Application.

All required parking both vehicle and bicycle parking will be provided on site located within the proposed building. Access will be provided by way of two driveway access, one for loading and utility vehicles accessed from Dow Avenue and the other for vehicle parking accessed from Cline Avenue South. No vehicle access is to be provided directly onto Main Street West and therefore no vehicle access for the proposed development will cross pedestrian traffic along Main Street West.

Based on the foregoing, the proposed development complies with the policies of the UHOP and Ainslie Wood Westdale Secondary Plan, subject to approval of the OPA.

### **City-Wide Corridor Planning Principles and Design Guidelines**

The subject property is located on Main Street West which is a Primary Corridor. The following guidelines, amongst others, apply to the proposal.

#### **“4.3 Maximum Building Height**

New multiple storey buildings can have negative impacts on the existing character of neighbourhoods, streets and adjacent properties through shadows, overview and abrupt changes in scale. These impacts can be minimized in height and built form is considered in context to surrounding properties by relating maximum building height to property depth and street width.

#### **4.3.2 Maximum Building Height Related to Street Width**

New buildings should be limited in height by a 45 degree build to plane beginning from a line at grade parallel to the front property line at a distance of 80% of the width of the arterial street right-of-way. All parts of the new building above 3 storeys in height should be below the build to plane. Properties along parts of the corridors with wider streets can accommodate a higher building without increasing impacts on the existing street. As can be seen in figure 3, this creates an appropriate scale related to the street and minimizes shading.”

The design for the proposed building incorporates setbacks and stepbacks to address the relation of the building to the adjacent lands and adjacent streets.

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As discussed earlier, the proposed development incorporates setbacks and stepbacks in height to help to achieve a 45 degree build to plane taken from 80% of the right of way width along all street lines. The 15 storey tower will encroach into the 45 degree build to plane along both Cline Avenue South and Dow Avenue, however it has been designed to be oriented away from these streets and the design incorporates stepbacks above the second, sixth and seventh storeys along Cline Avenue South and Dow Avenue. In addition, as previously noted the development will not create negative shadow impacts on the public sidewalk or adjacent lands.

Based on the foregoing, the proposed development will comply with the City-Wide Corridor Planning Principles and Design Guidelines.

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

The subject property is zoned Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone, which permits a mixed use building. The TOC1 Zone restricts the maximum building height to 22.0 metres. To implement the proposed development, the Applicant is seeking to establish a site specific Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone. The site specific modifications to accommodate the proposal are outlined in the Report Fact Sheet and discussed in detail in Appendix “E” attached to Report PED22098.

**RELEVANT CONSULTATION**

Departments and Agencies		
	Comment	Staff Response
Planning and Infrastructure Transit (HSR)	<p>HSR seeks to maintain the existing bus stop and its amenities (concrete landing pad, shelter, bench, litter container) on the south side of Main Street West, west of Dow Avenue. HSR will work with the developer to temporarily relocate the bus stop, if necessary, during construction.</p> <p>Convenient access to HSR bus service should contribute positively to the travel demand management measures under consideration.</p>	<p>The existing bus stop and its amenities are located within the existing municipal right-of-way. The proposed development is premised on a road widening dedication of approximately 8.9 metres and building setbacks of 1.7 metres from the widened limit. The proposed development does not contemplate the permanent relocation of the existing bus stop or its amenities.</p>

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<b>Departments and Agencies</b>		
	<b>Comment</b>	<b>Staff Response</b>
Development Engineering Approvals, Planning and Economic Development Department	<p>Development Engineering staff have no objection with respect to the proposed Official Plan Amendment or change in Zoning.</p> <p>A preliminary Functional Service Report from IBI Group dated January 31, 2020 and updated June 14, 2021 was submitted and reviewed as part of the Applications for Official Plan Amendment and Zoning By-law Amendment. No concerns were raised with respect to servicing capacity limitations that would preclude the proposed development.</p> <p>An updated Functional Servicing Report along with grading, storm water management, servicing plans, shoring plans, amongst others, will be required to be submitted and will be reviewed at the Site Plan Control stage.</p>	<p>An updated Functional Servicing Report along with detailed grading, storm water management, servicing plans, amongst others, will be reviewed as part of the Site Plan Control Application.</p>
Growth Planning, Planning and Economic Development, Department.	<p>The municipal addressing for the proposed development will be finalized as part of the Site Plan Control Application.</p> <p>Note that confirmation on the tenure of the subject proposal should be provided and whether the subject proposal will be a Condominium.</p> <p>At the Site Plan Control stage the Applicant will be required to submit a list to Growth Planning Section indicating the mailing address unit number of each residential unit on each floor.</p>	<p>The municipal address and mailing address unit numbers will be finalized through the Site Plan Control Application.</p> <p>It is the understanding of staff that the units are intend to be established as Condominium units, however, the tenure of the proposed development as either rental units or condominium units would not be determined through the Applications. The establishment of the units as condominium units would be undertaken through a subsequent Application for Draft Plan of Condominium.</p>

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<b>Departments and Agencies</b>		
	<b>Comment</b>	<b>Staff Response</b>
Forestry and Horticulture, Public Works Department.	Forestry and Horticulture staff reviewed the Tree Management Plan dated November 24, 2021 and the Landscape Plan dated November 24, 2021 and identified additional revisions that are required. Forestry and Horticulture staff do not approve either the Tree Management Plan or Landscape Plan at this time. An updated Tree Management Plan and Landscape Plan will be required to be submitted and approved as part of the Site Plan Control Application.	An updated Tree Management Plan and Landscape Plan will be required at the Site Plan Control stage.
Transportation Planning, Planning and Economic Development, Department.	<p>A Transportation Impact Study (TIS) prepared by GHD dated January 2020 was submitted with the Applications for Official Plan Amendment and Zoning By-law Amendment. The TIS was reviewed by Transportation Planning staff and approved in August 2020.</p> <p>Transportation Planning found that the road network can accommodate the additional site generated traffic of 100 peak hour trips in the morning and 114 peak hour trips in the evening.</p> <p>Transportation Planning recommend that the parking requirements be met fully on-site and not include any required parking within the municipal right-of-way.</p>	<p>It should be noted that the TIS that was reviewed was prepared on the basis of a development with 310 dwelling units and 234 parking spaces, and it was found that the road network could accommodate morning and evening peak demands generated by this scale of development. As the revised development is for a reduced number of units and parking spaces, the road network would be able to accommodate the proposal.</p> <p>All required parking will be provided on-site, with no modification to the Zoning By-law for a reduction of required on-site parking.</p> <p>An updated Transportation Demand Management Report will be required to be provided as part of the Site Plan Control Application and all TDM measures will be required to be identified and implemented through the Site Plan Control Application.</p>

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<b>Departments and Agencies</b>		
	<b>Comment</b>	<b>Staff Response</b>
Transportation Planning, Planning and Economic Development, Department <b>(Continued)</b> .	<p>Revisions to the Transportation Demand Management will be required and implementation of all TDM measures will be undertaken as part of the future Site Plan Control Application.</p> <p>The provision of a vehicle for vehicle sharing service is required as per the TDM section of the TIS report.</p> <p>A right of way dedication of approximately 8.9 metres is required to be dedicated along the Main Street West right-of-way. As Main Street West is a rapid transit corridor, the maximum widening width is required.</p> <p>A 12.19 metre by 12.19 metre daylight triangle is required by the UHOP at the corners of Main Street West and Dow Avenue and Main Street West and Cline Avenue South. A reduction in the required daylight triangle to 4.57 metres by 4.57 metres at both intersection can be accepted.</p> <p>A 5.0 metre by 5.0 metre visibility triangle for each driveway access is required, however as both Cline Avenue South and Dow Avenue are local road a 3.0 metre by 3.0 metre visibility triangle are acceptable.</p>	<p>A parking space for vehicle sharing services will need to be identified on the site plan drawing as part of the Site Plan Control Application and detailed in the updated Transportation Demand Management Report.</p> <p>The dedication of the required road allowance widening and dedication of the required daylight triangles will be required as part of the Site Plan Control Application.</p> <p>The visibility triangles will be required to be shown on the final plans for the Site Plan Control Application.</p> <p>A 6.0 metre clearance between the garage door to the underground parking garage and the property line along Cline Avenue South is provided.</p> <p>A garage door is proposed for the access driveway from Dow Avenue and therefore a clearance in excess of 6.0 metres will be provided.</p> <p>All required bicycle parking will be provided on-site with no modification for reduced short term or long term bicycle parking being requested.</p> <p>The final layout of any parking access ramp and other traffic mitigation measures will be reviewed and implemented through the Site Plan Control Application.</p>

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<b>Departments and Agencies</b>		
	<b>Comment</b>	<b>Staff Response</b>
Transportation Planning, Planning and Economic Development, Department <b>(Continued).</b>	<p>A 6.0 metre deep clearance from the ultimate property line along Cline Avenue South to the underground parking garage door is required to provide on-site stacking for one vehicle and ensure that vehicles will not queue on Cline Avenue South.</p> <p>All required bicycle parking spaces will need to be provided on-site and clearly shown on the plan.</p>	
Recycling and Waste Disposal, Operations Division, Public Works Department.	<p>Recycling and Waste Disposal staff do not have a concern with the Applications.</p> <p>The City does not collect from underground / basement locations. Diversion programs dictate that recycling opportunities be equally accessible as garbage disposal and the building should be designed with sensible waste management systems for the anticipated building population.</p>	The detailed design with respect to waste disposal services will be received at the Site Plan Control stage.

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<b>Public Consultation</b>		
<b>Issue</b>	<b>Comment</b>	<b>Staff Response</b>
Building Height / Neighbourhood Character.	Concern that the height of the proposed development is not in keeping with the character of the area, and the height will create negative impacts on the area.	<p>The portions of the development seeking an increase in building height are limited to the northerly portion of the property along Main Street West with the balance of the development along Dow Avenue and Cline Avenue South complying with the current maximum building height of the Zoning By-law. Furthermore, the massing of the upper floors of the development will be stepped back to reduce the scale of the proposed development, ensure that the tower is limited to the northerly portion of the lands, and establish a base for the proposed development that is in keeping with the character of the area.</p> <p>The proposed increase in building height will not create negative shadow impacts on adjacent lands or the public realm, and will not create negative privacy overlook impacts.</p>
Over Intensification / Density.	Concern that the proposed development represents an over intensification of the subject lands and that the proposed density of the development is too high.	<p>The subject property being located along Main Street West which is a major arterial road, represents the periphery of the neighbourhood to the south, is a higher order transit route and future LRT route, and is an ideal location for increased density.</p> <p>The initial proposal was for 310 dwelling units which has been reduced by 41 units to 269 dwelling units.</p>

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**SUBJECT: Application for Official Plan Amendment and Zoning By-law  
Amendment for Lands Located at 1107 Main Street West, Hamilton  
(PED22098) (Ward 1) - Page 32 of 43**

<b>Public Consultation</b>		
<b>Issue</b>	<b>Comment</b>	<b>Staff Response</b>
Over Intensification / Density <b>(Continued)</b> .		The development has been evaluated in respect to potential traffic impacts and it has been determined that the development can be supported by the existing and planned infrastructure.
Angular Planes.	Concerns about the development meeting angular planes from the streets.	<p>The proposed development will adhere to the 45 degree build to plane measured from 80 percent of the right-of-way of Main Street West.</p> <p>The majority of the building massing along Dow Avenue and Cline Avenue South will adhere to the 45 degree build to plane measured from 80% of the right-of-way.</p> <p>Only the tower encroaches. Given that the building massing is to be stepped back and the tower is oriented perpendicularly to Dow Avenue and Cline Avenue South it will not create a negative impact on the public realm or adjacent properties.</p>
Traffic Impacts.	Concern that the proposed development will create negative traffic impacts.	A Traffic Impact Study (TIS) was submitted in support of the Applications and was reviewed by staff. The TIS included that the proposed development can be supported by the surrounding transportation network without significant concerns, and was supported by staff.
Pedestrian Safety.	Concern that the proposed development will negatively impact the safety of pedestrians.	All loading vehicles will be required to enter and exit the site in a forward manner. The proposed development includes visibility triangles on both sides of the driveway access to maintain safe pedestrian visibility from the site.

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<b>Public Consultation</b>		
<b>Issue</b>	<b>Comment</b>	<b>Staff Response</b>
Pedestrian Safety (Continued).		<p>All vehicles will enter and exit the site in a forward manner. The garage door is to be located approximately 6.0 metres from the sidewalk along Cline Avenue South.</p> <p>Additional mitigation measures such as mirrors, traffic calming measures, and other such measures will if required be evaluated and implemented at the Site Plan Control stage.</p>
Insufficient Parking.	Concern that there is insufficient parking for the proposed development.	The Zoning By-law Amendment does not include a modification for reduction in on-site parking. The proposed development meets the minimum parking requirements as outlined in the Zoning By-law.
Shadow Impacts.	Concern that the proposed development will create negative shadow impacts.	A sun shadow study was submitted with the Applications and demonstrated that the proposed development will not create an adverse sun shadow impact on either the adjacent lands or the public realm.
Noise Impacts.	Concern that the proposed development will create negative noise impacts on the surrounding area.	<p>The potential noise sources for the proposed development on the surrounding area include the roof top mechanical equipment, parking area, loading area, and proposed amenity areas.</p> <p>The roof top mechanical equipment will be located on-top of the proposed 15 storey tower and will be both enclosed and stepped back more than 7.0 metres from the edge of the building.</p>

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<b>Public Consultation</b>		
<b>Issue</b>	<b>Comment</b>	<b>Staff Response</b>
Noise Impacts (Continued).		<p>The proposed parking for the subject property is to be located entirely underground and therefore the surrounding area will be insulated from any noise generated within the underground parking area.</p> <p>The loading and utility area is to be located at grade underneath the proposed building and the proposed building which will buffer the loading area from the lands to the south and partially buffer the loading area from the lands to the east. The loading area will be further separated from the lands to the east by Dow Avenue. It is anticipated that loading activities will be limited for the subject lands given that the predominant use of the lands is residential and given the limited gross floor area of the on-site commercial space.</p> <p>The proposed amenity area in the rear court yard is not anticipated to generate significant noise levels, furthermore adjacent lands will be buffered from the court yard by either the building itself or by required visual barriers. The roof top patio above the seventh floor will be setback from the rear lot line and side streets and will be required to incorporate solid safety railings which will also serve as a buffer and roof top planters can limit activity at the edges of the roof top patio thereby providing further buffering.</p>

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**SUBJECT: Application for Official Plan Amendment and Zoning By-law  
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<b>Public Consultation</b>		
<b>Issue</b>	<b>Comment</b>	<b>Staff Response</b>
Lighting Impacts.	Concern that the proposed development will create negative lighting impacts on the surrounding area.	<p>Lighting from any pole or wall mounted light fixture will be required to be contained on the subject lands as part of the Site Plan Control Application.</p> <p>As a result of vehicle parking being located below grade, lighting impacts from vehicles would not negatively impact the adjacent lands.</p>
Climate Change Impacts / Air Pollution.	Concern that the proposed development will create negative impacts with respect to climate change and create negative impacts with respect to Air Pollution.	<p>Intensification within built up areas with availability to access alternative transportation options will assist with addressing impacts on climate change.</p> <p>The proposed development is not seeking 100% lot coverage, and is proposing to incorporate plantings and landscaping in various parts of the development including within the court yard, rear planting strip, the community garden, roof top planters on the terraces and landscape areas along the streets. Uses such as automotive commercial uses and industrial uses that would typically generate greater levels of pollution are not proposed nor would they be permitted in the Zoning.</p>
Amenity Space.	Concern that insufficient amenity spaces is being provided for the proposed development.	The existing provisions of the Zoning By-law establish minimum standards for required amenity area. No modification is requested to reduce the minimum standards for amenity area, and the proposed development is anticipated to exceed the minimum requirement for amenity space.

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<b>Public Consultation</b>		
<b>Issue</b>	<b>Comment</b>	<b>Staff Response</b>
Student Residence.	Concern that the proposed development will be used as a student residence.	The proposed Applications deal with the principal of the land use and the massing and scale of the building. The Zoning By-law cannot restrict the prospective resident / tenant of a dwelling unit.
Servicing Capacity.	Concern that the proposed development will negatively impact existing municipal service capacity.	A Functional Servicing Report (FSR) was submitted and reviewed as part of the Applications. An evaluation by City staff did not identify a concern respecting the capacity of the municipal services to service the proposed development.
Limited Commercial.	Concern with respect to the limited commercial being proposed on-site.	The proposed development is for a mixed use development, with five commercial units along Main Street West. The five commercial units occupy the majority of the ground floor fronting Main Street West. Expanding commercial beyond what is proposed would require commercial to be extended along the side streets of Dow Avenue and Cline Avenue South which would not be consistent with the residential nature of these streets.
Setbacks.	Concern that the setbacks of the proposed development are insufficient and not in keeping with the character of the area.	The proposed development is not seeking to modify the existing setback requirements of the Zoning By-law except in respect to an increase in the maximum setback for the north east corner of the subject lands due to the angle of the street and to facilitate a community garden.

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<b>Public Consultation</b>		
<b>Issue</b>	<b>Comment</b>	<b>Staff Response</b>
Setbacks (Continued).		The proposed development is proposing to provide a 3.0 metre setback along both Dow Avenue and Cline Avenue South and additional setbacks for the upper floors to reduce the massing of the building along the streets. Additionally, landscaping is being proposed between the building and the street to reflect the character of the area.
Tree Impacts.	Concern with respect to the loss of mature trees.	A Tree Management Plan was undertaken as part of the Application which identified a total of 26 public and private trees and that 18 trees are proposed to be removed. Due to the nature of the development it is noted that there are limited opportunities to retain more trees on site.  The proposed development will include opportunities for the replacement of trees both on-site and within the boulevard at the Site Plan Control stage.
Removal of Community Garden.	Concern with respect to the loss of an existing community garden.	The proposed development will result in the removal of the existing community garden located in the north east portion of the subject property but will be replaced with a community garden in the north east corner of the subject lands, located between the proposed building and Main Street West.
Heritage Impacts.	Concern with respect to the impact of the proposed development on the cultural heritage of the subject lands and the area.	The existing place of worship on the subject property is included on the City's Heritage Register.

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Public Consultation		
Issue	Comment	Staff Response
Heritage Impacts (Continued).		<p>Due to the orientation of the building relative to the street it is difficult to incorporate the existing building into the development. The proposed development does propose to incorporate elements of the existing place of worship into the design of the building including salvaged materials near the north west corner of the proposed building and a re-established front wall in the community garden in the north east corner of the site.</p> <p>A Documentation and Salvage Report will be required to be undertaken and implemented prior to lifting of the 'H' Holding Provision.</p>

### Design Review Panel

The Applicant went before the Design Review Panel (DRP) on January 14, 2021 for a 15 storey mixed use building with a total of 327 dwelling units, 615.2 square metres of commercial space at grade along Main Street West and 208 parking spaces. The portions of the development along Dow Avenue and Cline Avenue South proposed a building height of 9 storeys, with stepbacks above the fifth and eight floors from both the side streets and rear lot line, and a 3.3 metre rear yard setback.

The comments of the DRP on the original proposal included:

- Site is located on Main Street West, a primary corridor, and that an appropriate amount of intensification is to be expected along a corridor; however the height and massing of the proposed development is overwhelming to the context;
- Main Street West frontage is likely able to accommodate additional height. The proposed height and massing on Dow Avenue and Cline Avenue South is inappropriate based on the low density, low rise context of the surrounding neighbourhood;
- The building sections adjacent to Dow Avenue and Cline Avenue South should be reduced in height and revised to respect the 45 degree angular plane;

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- The tower volume should be revised and concern with overlook impacts to the surrounding community was identified;
- The front façade be simplified with respect to materials and reduce the number of varied components for a sleeker and simpler design;
- The active grade related uses were supported and a more detailed landscape strategy along the Main Street West frontage was recommended;
- Recommended that alternative methods of incorporating the salvaged entryway be explored, suggested that heritage features may be more appropriately integrated into the courtyard; and,
- Recommend changing the design of the courtyard to allow better access to sunlight.

Subsequent to the DRP meeting the Applicant has revised the design of the proposed development reducing the number of dwelling units and parking spaces. The height and massing of the development along Dow Avenue and Cline Avenue South has been reduced from nine storeys to seven storeys and setbacks have been included at a lower height, being proposed above the second floor and above the fifth floor. The rear yard setback has been increased to 7.5 metres and setbacks above the fourth and sixth floors are proposed. The base of the building along Dow Avenue and Cline Avenue South will comply with the 45 degree build to plane measured from 80% of the right-of-way of Dow Avenue and Cline Avenue South. The reduced building height and inclusion of setbacks along Dow Avenue and Cline Avenue South will reduce the perceived volume of the tower. Alternative methods for incorporating heritage features into the development are being explored in the revised design. The courtyard is sheltered from the public realm and therefore integrating heritage features into the court yard is not ideal for preserving heritage features for the benefit of the public. The revision in the design with respect to the height and setbacks of the building in relation to the court yard will increase sun access to the court yard.

The revisions in the subsequent submissions seeking to address the comments of DRP, additional revisions respecting the detailed podium design, materials and treatments will be further evaluated and refined at the Site Plan Control stage.

## **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 98 property owners within 120 metres of the subject property on March 20, 2020. A Public Notice sign was posted on the property on April 6, 2020 and updated

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on April 20, 2022. Finally, the Notice of the Public Meeting was given on April 29, 2022 in accordance with the requirements of the *Planning Act*.

To date, letters from 13 interested parties expressing concerns with the proposed development have been received, including multiple letters of objection from some of the interested parties. Eight letters along with five petitions containing 59 signatures supporting the proposed development have been received.

These are attached as Appendix “F-1” and “F-2” to Report PED22098 and summarized in the table above.

### **Public Consultation Strategy**

The Public Consultation Strategy included a virtual Public Open House meeting on August 11, 2020, as discussed on page 7 of Report PED22098, and the questions, comments and concerns raised as part of the virtual Neighbourhood Open House meeting were summarized by the Applicant and are attached as Appendix “F-3” of Report PED22098 attached to Report.

### **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposal has merit and can be supported for the following reasons:
  - (i) It 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;
  - (ii) It complies with the general intent of the Urban Hamilton Official Plan and of the Ainslie Wood Westdale Secondary Plan subject to the Official Plan Amendment; and,
  - (iii) 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 land and existing infrastructure, and supporting public transit.

2. Official Plan Amendment

The proposed Official Plan Amendment seek to establish a Special Policy Area within the Mixed Use - Medium Density designation in the Ainslie Wood Westdale Secondary Plan, to permit a maximum building height of 15 storeys. In the opinion of staff, the increase in height and density proposed to be established by



way of the Special Policy Area constitutes a scale of development that can be supported.

As outlined in detail in the Policy Implication and Legislated Requirements section of Report PED22098, the proposed change in designation facilitates a form of development that is compatible with the scale and character of the area. The subject lands are appropriately suited for the proposal due to the proximity of the lands to an arterial road and higher order transit, and proximity to a major activity centre (McMaster University) and along a corridor that links the major activity centre to the downtown.

The proposal is appropriate for the subject lands they are located along Main Street West a major arterial road, located at the periphery of the neighbourhood to the south and along an existing higher order transit route along Main Street West and future Light Rail Transit route. The change in designation is being undertaken on a parcel of land which can accommodate an increase in density and will facilitate a development that will be compatible with the area. The proposed development can be designed to mitigate any potential negative impacts on adjacent properties and the public realm including shadow, noise and overlook.

Therefore, the proposed OPA has merit can be supported.

### 3. Zoning By-law Amendment

The Application for Zoning By-law Amendment is for a modification to the Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone.

The maximum building height along with minimum setbacks for the upper floors complies with the general intent of UHOP and Ainslie Wood Westdale Secondary Plan, will ensure a development that is compatible with the existing and planned character of the area. The modifications are identified on page 6 of Report PED22098 and discussed in detail in Appendix "E" attached to Report PED22098.

Therefore, staff support the proposed amendment to the Zoning By-law.

### 4. Holding Provision

An 'H' Holding Provision is recommended to address the following:

- A Pedestrian Wind Study has been submitted and implemented to the satisfaction of the Director of Planning and Chief Planner;

- A Documentation and Salvage Report in accordance with the City's Guidelines for Documentation and Salvage Report has been submitted and implemented all to the satisfaction of the Director of Planning and Chief Planner prior to any demolition and the owner shall demonstrate that a copy of this report shall be submitted by the Owner to the Hamilton Public Library;
- That a Conservation Management Plan, which address the conservation strategy for the retained front façade, and incorporation of salvage materials into the proposed design be submitted, approved and implemented through a Site Plan Agreement, to the satisfaction of the Director of Planning and Chief Planner prior to any demolition; and,
- That an updated Cultural Heritage Impact Assessment be submitted to the satisfaction of the Director of Planning and Chief Planner.

Through the site plan agreement, the City will secure the implementation of the above reports and studies.

## **ALTERNATIVES FOR CONSIDERATION**

Should the Applications be denied, the subject property can be used in accordance with the Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone, in the City of Hamilton Zoning By-law No. 05-200.

## **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" to Report PED22098 – Location Map  
Appendix "B" to Report PED22098 – Draft Official Plan Amendment  
Appendix "C" to Report PED22098 – Draft Amendment to Zoning By-law No. 05-200  
Appendix "D" to Report PED22098 – Revised Concept Plan  
Appendix "E" to Report PED22098 – Zoning By-law Site Specific Modification - Chart  
Appendix "F-1" to Report PED22098 – Public Submissions Objections  
Appendix "F-2" to Report PED22098 – Public Submission Support  
Appendix "F-3" to Report PED22098 – Summary of Public Open House

DB:sd