



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	July 5, 2022
SUBJECT/REPORT NO:	Application for a Zoning By-law Amendment for Lands Located at 60 Caledon Avenue, Hamilton (PED22143) (Ward 8)
WARD(S) AFFECTED:	Ward 8
PREPARED BY:	James Van Rooi (905) 546-2424 Ext. 4283
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Revised Zoning By-law Amendment Application ZAC-21-025 by GSP Group Inc. c/o Brenda Khes on behalf of Victoria Park Community Homes Inc. and Hamilton East Kiwanis Non-Profit Homes Inc., owners**, for a change in zoning from the Community Institutional (I2) Zone to the Community Institutional (I2, 810, H127) Zone, to permit the lands to be developed for two, six storey, multiple dwellings and five, three storey, maisonette (back-to-back townhouse) buildings on lands located at 60 Caledon Avenue, as shown as on Appendix "A" attached to Report PED22143, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix "B" attached to Report PED22143, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) and complies with the Urban Hamilton Official Plan (UHOP);

- (b) That the amending By-law apply the Holding Provision of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by adding the Holding symbol H127 to Schedule D of City of Hamilton Zoning By-law No. 05-200; and, that it shall be lifted upon completion of the following:
- (i) That the Owner submits and receives approval of an updated Functional Servicing Report and Stormwater Management Report and related drawings to demonstrate that adequate capacity exists in the existing municipal sanitary sewer downstream of the site to support the proposed development, to the satisfaction of the Director of Growth Management;
- (c) That upon finalization of the amending By-law, the subject lands be re-designated from “Civic and Institutional” to “Medium Density Apartments” in the Yeoville Neighbourhood Plan.

EXECUTIVE SUMMARY

The subject property is located between West 5th Street and Upper James Street, south of Mohawk Road West and north of Limeridge Road West.

The owner has applied for an amendment to the City of Hamilton Zoning By-law No. 05-200 to rezone the lands from the Community Institutional (I2) Zone to a site specific Community Institutional (I2) Zone, to permit the lands to be developed for two, six storey, multiple dwellings and five, three storey, maisonette (back-to-back townhouse) buildings.

In 2016/2017, the subject lands were sold from the Hamilton Wentworth District School Board to the City, with the intention of providing an affordable housing project. The City subsequently sold the lands to two non-profit housing corporations and the agreement from the sale required that 30 units must be 80% of the Average Rental Market rate. In total, 60 maisonette (back-to-back townhouse) dwelling units are proposed and 206 multiple dwelling units are proposed. The proposal also includes an amenity area, and is supported with a minimum of 219 parking spaces.

The proposed Zoning By-law Amendment Application has merit and can be supported for the following reasons:

- It is consistent with the Provincial Policy Statement (2020);
- It conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended); and,
- It complies with the Urban Hamilton Official Plan (UHOP).

Alternatives for Consideration – See Page 20

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 Zoning By-law.

HISTORICAL BACKGROUND

Report Fact Sheet

Application Details	
Owners:	Victoria Park Community Homes Inc; and, Hamilton East Kiwanis Non-Profit Homes Inc;
Applicant:	GSP Group Inc. c/o Brenda Khes
File Number:	ZAC-21-025
Type of Application:	Zoning By-law Amendment
Proposal:	<p>To change the zoning from the Community Institutional (I2) Zone to the Community Institutional (I2, 810, H127) Zone, to permit the lands to be developed for two, six storey, multiple dwellings and five, three storey, maisonette (back-to-back townhouse) buildings. A total of 266 dwelling units are proposed and a minimum of 219 surface parking spaces with opportunity for additional parking in the westerly portion of the site. At least 84 units (31% of the units) will be provided at 80% of the Average Rental Market rate, with the remaining 182 units (69% of the units) being between 80% to 125% of the Average Rental Market rate.</p> <p>This proposal is a revision to the original Application that was submitted to the City, which was for two, eight storey multiple dwellings, and four, three storey, maisonette (back-to-back townhouse) buildings with a total of 322 units and 257 surface parking spaces.</p>

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 60 Caledon Avenue, Hamilton (PED22143) (Ward 8) - Page 4 of 22

Property Details	
Municipal Address:	60 Caledon Avenue, Hamilton.
Lot Area:	2.89 hectares.
Servicing:	Existing full municipal services.
Existing Use:	Vacant institutional land.
Documents	
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:	"Neighbourhoods" in the Urban Hamilton Official Plan.
Official Plan Proposed:	N/A
Zoning Existing:	Community Institutional (I2) Zone
Zoning Proposed:	Community Institutional (I2, 810, H127) Zone
Documents	
Modifications Proposed:	<p>The Applicant has applied the following modifications to the Community Institutional (I2) Zone:</p> <ul style="list-style-type: none"> • To allow for a multiple dwelling use within the Community Institutional (I2) Zone; • To reduce the minimum Side Yard and Flankage Yard to 5.5 metres along Caledon Avenue; • To increase the maximum permitted building height from 10.5 metres to 22 metres; • To maintain a minimum landscaped area of 45%; • To include a walkway as being permitted within a planting strip; • To include a minimum requirement for an amenity area of 4.0 square metres for each dwelling unit less than or equal to 50 square metres of gross floor area; and, • To include a minimum requirement for an amenity area of 6.0 square metres for each dwelling unit greater than 50 square metres of gross floor area.

Documents	
Modifications Proposed Continued:	<ul style="list-style-type: none"> To include that in addition to the definition of <i>Amenity Area</i>, an Amenity Area located outdoors shall be unobstructed and shall be at or above the surface and exposed to light and air. <p>Staff have included the following modifications for clarification:</p> <ul style="list-style-type: none"> To require a minimum side yard of 3 metres along the westerly side yard; To not require a minimum distance required for parking spaces in driveways along the streetlines of Caledon Avenue and Tyrone Drive; To not require a planting strip along the streetlines of Caledon Avenue and Tyrone Drive; and, To permit parking in driveways between the façade and front lot line and flankage lot line for maisonettes (back-to-back townhouses).
Processing Details	
Received:	May 25, 2021
Deemed complete:	June 24, 2021
Notice of Complete Application:	Sent to 125 property owners within 120 metres of the subject property on July 28, 2021.
Public Notice Sign:	Posted July 29, 2021 and updated with public meeting date on June 8, 2022.
Notice of Public Meeting:	Sent to 125 property owners within 120 metres of the subject property on June 17, 2022.
Processing Details	
Public Consultation:	In addition to the <i>Planning Act</i> notification requirements the Applicant hosted four community information meetings on February 25, 2021, March 23, 2021, May 27, 2021 and December 1, 2021. A micro-website providing details of the Application was also set up by the Applicant to provide information and updates on the proposed development.
Public Comments:	13 emails were received expressing concern (attached as Appendix “E” to Report PED22143). Four letters in support of the development were received.

Processing Details	
Processing Time:	406 days from date of receipt of initial Application.

Existing Land Use and Zoning:

	Existing Land Use	Existing Zoning
Subject Property:	Vacant institutional	Community Institutional (I2) Zone
Surrounding Land Uses:		
North	Single detached dwellings	“C” (Urban Protected Residential, etc.) District
East	Townhouse dwellings	“DE/S-190” (Low Density Multiple Dwellings) District, Modified; “DE/S-202” (Low Density Multiple Dwellings) District, Modified; “DE/S-1788” (Low Density Multiple Dwellings) District, Modified; “RT-30” (Street Townhouse) District; “RT-30/S-1344” (Street Townhouse) District, Modified; and, Mixed Use Medium Density (C5) Zone
South	Single detached dwelling	“C” (Urban Protected Residential, etc.) District
West	Single detached dwelling	“C” (Urban Protected Residential, etc.) District, and Neighbourhood Institutional (I1) Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Policy Framework

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

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal (OLT) approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. Matters of provincial interest (e.g. efficiency of land use) are reviewed and discussed in the Official Plan analysis that follows.

Noise

The PPS provides the following policy direction:

“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 being Upper James Street and Mohawk Road West, which are “Major Arterial” roads and West 5th Street, which is a “Minor Arterial” road in Schedule C – Functional Road Classification of the UHOP. A Noise Impact Study by Aerocoustics dated March 2021, has been submitted in support of the Application.

The report predicts that sound levels on the site can meet Ministry of Environment, Conservation and Parks (MECP) sound level limits. The study and staff recommend standard noise warning clauses be included in all future agreements of purchase and sale or lease related to traffic noise.

Staff will require the traffic data provided in the Noise Study to be updated at the Site Plan Control stage to reflect a more recent traffic count to ensure that sound levels are within the sound level limits of the Ministry of Environment, Conservation and Parks (MECP).

Archaeology

“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.”

A Stage 1 and 2 (P398-0069-2020) archaeological report for the subject property was submitted to the City and the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI). The Province signed off on the report for entrance into the Ontario Public Register of Archaeological Records in a letter dated August 5, 2020. Staff are in concurrence with the archaeological assessment and are satisfied that the municipal interest of the site has been satisfied.

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

- It is consistent with the Provincial Policy Statement (PPS, 2020);
- It conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended); and,
- It complies with the UHOP.

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the UHOP. The following policies, amongst others, apply to the proposal.

Neighbourhoods

- “E.3.5.1 Medium density residential areas are characterized by multiple dwelling forms on the periphery of neighbourhoods in proximity to major or minor arterial roads, or within the interior of neighbourhoods fronting on collector roads;
- E.3.5.2 Uses permitted in medium density residential areas include *multiple dwellings* except street townhouses;
- E.3.5.5 Medium density residential uses shall be located within safe and convenient walking distance of existing or planned community facilities, public transit, schools, active or passive recreational facilities, and local or District Commercial uses;

- E.3.5.6 Medium density residential built forms may function as transitions between high and low profile residential uses;
- E.3.5.7 For medium density residential uses, the net residential density shall be greater than 60 units per hectare and not greater than 100 units per hectare;
- E.3.5.8 For medium density residential uses, the maximum height shall be six storeys;
- E.3.5.9 Development within the medium density residential category shall be evaluated on the basis of the following criteria:
- a) Developments 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 gain access to the collector or major or minor arterial roads from a local road only if a small number of low density residential dwellings are located on that portion of the local road;
 - b) Development shall be integrated with other lands in the Neighbourhoods designation with respect to density, design, and physical and functional considerations;
 - c) Development shall be comprised of sites of suitable size and provide adequate landscaping, amenity features, on-site parking, and buffering if required. The height, massing, and arrangement of buildings and structures shall be compatible with existing and future uses in the surrounding area;
 - d) Access to the property shall be designed to minimize conflicts between traffic and pedestrians both on-site and on surrounding streets; and,
 - e) 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.”

The proposal, if approved, would facilitate the development of two, six storey multiple dwellings, one being 91 units and another of 115 units. The proposal also includes five blocks of maisonettes (back-to-back townhouses) for a total of 60 units. These housing types are considered multiple dwellings per the UHOP’s definition. The UHOP promotes the location of medium density residential uses towards the periphery of neighbourhoods. The subject lands are within the interior of the Yeoville neighbourhood

and are located less than 140 metres from Upper James Street. In reviewing policy E.3.5.9 a), the proposal has access to a Major arterial road (Upper James Street) through Lotus Avenue which is a local road with eight low density dwellings and one institutional residential care facility.

In response to policy E.3.5.9 b), the proposal's three storey maisonettes (back-to-back townhouses) front Caledon Avenue and Tyrone Street and the six storey multiple dwellings include a stepback from three to six storeys providing a transition to the low density dwellings. The six storey multiple dwellings are setback more than 30 metres from the backyards of the dwellings that are north and west of the subject lands. The maisonettes (back-to-back townhouses) will also incorporate a stepback design feature from two storeys to three storeys along both streets. The six storey multiple dwellings are internal to the site with a stepback design that also considers the surrounding low rise, low density uses.

The density is 92 units per hectare, which complies with the UHOP's required density of between 60-100 units per hectare for medium density residential. The proposal, consisting of two, six storey multiple dwellings and five, three storey maisonettes (back-to-back townhouses) does not exceed the UHOP's six storey maximum height requirement.

In accordance with policy E.3.5.9 c), the proposal provides adequate setbacks from Tyrone Drive (8.51 metres) and Caledon Avenue (7.47 metres) to allow for further landscaping along the streets. The surface parking areas are located behind the buildings and will be screened from the streets with landscaping. The parking rate is approximately 0.87 spaces per dwelling unit, for a total of 219 spaces. The parking requirements of Zoning By-law No. 05-200 is 213 parking spaces based on the number and size of dwelling units proposed therefore they are providing more parking than required by the Zoning By-law. There will be further opportunity to review additional parking at the western portion of the site at the Site Plan Control stage. There will also be landscaping and fencing along the parking areas that are adjacent to existing residential uses. The proposal also provides an amenity area that will serve the surrounding neighbourhood and have direct access from Caledon Avenue. In response to E.3.5.9 d), the design shall include the proposed curb cut and sidewalk connections as well as signage and pavement markings to minimize conflicts with traffic and pedestrians.

In accordance with E.3.5.9 e), a shadow impact study was provided. The study shows that sidewalks and surrounding private amenity areas / rear yards would receive sufficient sunlight.

Trees

“C.2.11.1 The City recognizes the importance of trees and woodlands to the health and quality of life in our community. The City shall encourage sustainable forestry practices and the protection and restoration of trees and forests.”

A Tree Protection Plan (TPP) and Landscape Plan were submitted with the Zoning By-law Amendment Application. A total of 45 trees have been inventoried on the subject properties and adjacent properties. Forty trees are proposed to be removed from the subject lands and 90 are proposed to be planted.

The Tree Protection Plan and a Landscape Plan will be further reviewed through the Site Plan Control stage to ensure compensation for the trees to be removed.

Neighbourhood Plan

The subject lands are designated “Civic and Institutional” in the Yeoville Neighbourhood Plan. The Neighbourhood Plan does not contain policies. A redesignation to “Medium Density Apartments” would be required to reflect the proposed development. Staff are supportive of this redesignation.

Based on the foregoing, the proposal complies with the UHOP.

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

The subject property is currently zoned Community Institutional (I2) Zone in Zoning By-law No. 05-200. The Community Institutional (I2) Zone permits a range of residential types of dwellings such as single detached dwellings, duplexes, semi detached dwellings, street townhouses, retirement homes and residential care facilities. As the current zone does not permit multiple dwellings or maisonettes (back-to-back townhouses), an amendment to the Zoning By-law is required.

The proposed Zoning By-law Amendment is intended to change the zoning from the Community Institutional (I2) Zone to the Community Institutional (I2, 810, H127) Zone to permit two, six storey multiple dwellings and five, three storey maisonette (back-to-back townhouse) buildings. The modifications to the Community Institutional (I2) Zone which are required to facilitate the development are summarized in the report Fact Sheet above and further discussed in Appendix “C” attached to Report PED22143.

RELEVANT CONSULTATION

Departments and Agencies		
<ul style="list-style-type: none"> • Canada Post; • French Public School Board; • Hamilton Conservation Authority; • Planning and Economic Development Department, Economic Development Division, Corporate Real Estate Office and Urban Renewal Commercial Districts and Small Business Section; • Public Works Department, Transit Operations Division, Transit Planning and Infrastructure; and, • Healthy and Safe Communities Department, Healthy Environments Division, Public Health Services. 		No Comment.
	Comment	Staff Response
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department.	The Development Engineering Approvals Section are unable to support this Application. The proponent shall recalculate the sanitary flows from the site in accordance with the City's Development Guidelines and further submit a sanitary network analysis of the municipal system to demonstrate adequate that capacity exists in the existing municipal sanitary sewer downstream of the site to support the proposed development. The proponent shall further update the SWM Report to confirm the time of concentration with supporting calculations and confirm the 5-year allowable flow from the subject site.	It is recommended that a Holding Provision be included for the necessary updated Functional Servicing Report and Stormwater Management Reports and related drawings. The Holding Provision is to be lifted by the Applicant following confirmation that adequate sanitary servicing is available.

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 60 Caledon Avenue, Hamilton (PED22143) (Ward 8) - Page 14 of 22

	Comment	Staff Response
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department	<p>Transportation Planning supports the proposed Zoning By-law Amendment as the proposed land use and density can be supported by the surrounding road network.</p> <p>Transportation Planning will require the following items:</p> <ul style="list-style-type: none"> • Provision of \$10,000 for the purpose of installing Traffic Calming measures within the surrounding area; and, • Functional design drawing for the proposed driveway access at the intersection of Caledon Avenue and Lotus Avenue. 	Through the Site Plan Control Application, the securities for traffic calming measures and functional design drawings for the proposed driveway access will be required.
Growth Planning Section, Growth Management Division, Planning and Economic Development Department.	<p>It should be confirmed if tenure for the subject proposal will be a Condominium.</p> <p>It should be determined if rear yard and / or side yard easements are required for access and maintenance purposes.</p> <p>The Owner and Agent will be notified of the proposed addressing for this development once conditional Site Plan approval has been granted.</p>	<p>The development will be rental housing and at least 30 units will be 80% of the Average Market Rent rate.</p> <p>Determination of easements will be reviewed through the Site Plan Control Application. If easements are required, they will be implemented through a future Consent application.</p>

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 60 Caledon Avenue, Hamilton (PED22143) (Ward 8) - Page 15 of 22

	Comment	Staff Response
Waste Management Division, Public Works Department	<p>The developer is responsible for all waste removal up until the time that an “Agreement for On-site Collection of Solid Waste” is finalized, and municipal collection services are initiated.</p> <p>The developer must provide a signed letter from a professional engineer certifying that the road base along the access route can support at least 35,000 kilograms.</p> <p>If the development is not designed according to City specifications, the developer must:</p> <ol style="list-style-type: none">Arrange a private waste hauler for the removal of all waste materials; and,As part of the Purchase and Sale Agreement the developer, owner, property manager or agent for the development must disclose in writing to a prospective buyer of a unit within the development that the property is not serviceable for municipal waste collection.	Noted.
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	Forestry does not have any concerns with the Zoning By-law Amendment for this proposed development. Forestry will require Street Tree Planting fees and Loss of Tree Canopy fees.	Through the Site Plan Control Application, the street tree planting fee and loss of canopy fees will be provided to the City.

Alectra	Advises that the relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense and that Alectra should be contacted in order to facilitate this work and that the Applicant shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.	Noted.
Public Consultation		
	Comment	Staff Response
Traffic, parking, safety	<p>Proposed development will cause an increase in traffic and daily traffic congestion will occur.</p> <p>Concerns that there is speeding in the area creating a safety issue for many residents.</p> <p>There is concern that additional spill over parking will occur on Tyrone Drive and onto Caledon Avenue and that during winter months parking will be even more difficult.</p> <p>Comment that parking should be only on one side of Tyrone Drive and/or that the street be widened.</p>	<p>A variety of alternative transportation options including public transit, bicycle parking, are available or will be provided. The Transportation Impact Study identified that adequate parking was provided and that the development would have an acceptable impact on the surrounding road network.</p> <p>The Applicant will be required to provide securities for traffic calming measures to be introduced to the surrounding area. The securities for this will be required through the Site Plan Control Application.</p> <p>The proposal provides a parking rate above what would typically be required for a Multiple Dwelling in Zoning By-law No. 05-200.</p>

Public Consultation		
	Comment	Staff Response
Character	<p>Concerns that the proposal at eight storeys does not integrate with the existing neighbourhood.</p> <p>Also concerns that the proposal at six storeys does not fit the character of the area.</p>	<p>The proposal has been revised to a six storey height with stepbacks from the adjacent lower built forms. Staff reviewed the Application for compatibility, which is defined in the UHOP as land uses and building forms that are mutually tolerant and capable of existing together in harmony within an area. Compatibility or compatible should not be narrowly interpreted to mean “the same as” or even as “being similar to”. Staff are satisfied that the proposal is compatible with the adjacent area.</p>
Greenspace and Amenity Area	<p>A concern was provided that there was not enough greenspace for the development.</p> <p>Concerns that the greenspace proposed would not facilitate the recreational activities that residents currently engage in.</p> <p>A concern was received indicating that the park or amenity area was cut-off from the rest of the neighbourhood and more exclusive to the site.</p>	<p>The amending by-law provides a standard for landscaping (45%), the current design also has included permeable pavers and made efforts to reduce paving where possible. There will also be landscaping along the perimeter boulevards to allow for street trees along Caledon Avenue and Tyrone Drive as well as within the site. Landscaping details will further be reviewed at the Site Plan Control stage.</p> <p>The proposal now provides an amenity area that will be accessible directly from Caledon Avenue.</p>

Public Consultation		
	Comment	Staff Response
Storm Water Management	Concerns were received with respect to stormwater management issues and grading of the property. The proposal would result in an overburden to the existing run-off and waste water system and the alterations of grades could also impact run-off water and drainage in the area.	A Holding Provision will be required for further review of an updated Stormwater Management report. The Applicant will also be required to update the relevant drawings and studies through the Site Plan Control process. The City will require that quality and quantity standards for run-off water.
Density	Concerns were received with respect to the proposal being too dense.	The proposal has been revised and as a result the density at 92 units per hectare provided complies with the Official Plan. The UHOP encourages intensification throughout the built-up area, with higher densities located along or in proximity to Primary Corridors such as Upper James Street.
Crime	Concerns were received indicating that there would be increased crime.	Staff are unaware of any empirical evidence to suggest that crime rates would rise.
Privacy	A concern was received indicating that the six story multiple dwellings would create overlook concerns.	The proposed development includes setbacks and stepbacks to reduce the impacts on the surrounding area and will not create negative overlook or privacy impacts on the surrounding properties. Through the Site Plan Control process visual barriers and landscaping will be further reviewed to mitigate privacy concerns.

Public Consultation		
Process	A concern was received indicating that the process leaves many of the surrounding residents unheard/disrespected.	The Application was circulated in accordance with the <i>Planning Act</i> requirements and the Applicant has hosted four open house meetings as well as developed a project website to provide information to the public and receive feedback. In addition, all public submissions have been reviewed and issues/concerns addressed and are attached as Appendix "E" to Report PED22143.
Decrease Property Values	Concern regarding a reduction in property value.	Staff are not aware of any empirical evidence to suggest property values will decrease.
Garbage/Waste Collection	Concerns were received with respect to garbage and waste collection.	Garbage for both the six storey dwellings would be contained within the building in a waste room and collected from a proposed loading area. There are also moloks proposed throughout the site for private waste collection. Therefore, the proposed development is not expected to create impacts on the neighbourhood in respect to garbage. Further review with respect to waste management will be undertaken at the Site Plan Control stage.

Public Consultation		
	Comment	Staff Response
Affordable Housing	A comment was received that this opportunity will provide much needed new affordable rental housing with a mix of unit sizes, something that is essential to meet the growing need for affordable housing in Hamilton.	Noted.

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 28, 2021. A Public Notice sign was posted on the property on July 29, 2021 and updated with the Public Meeting date on June 8, 2022. A Notice of Public Meeting was sent to property owners within 120 metres of the site on June 17, 2022, in accordance with the requirements of the *Planning Act*.

Public Consultation Strategy

In addition to the requirements of the *Planning Act*, the Applicant provided a Public Consultation Strategy and hosted four virtual information sessions on February 25, 2021, March 23, 2021, May 27, 2021 and December 1, 2021. Staff attended the December 1, 2021 information session where area residents expressed concerns about height, density, the ownership of park space, access to the park space, whether there would be a community centre, water/sanitary and storm servicing, crime, property value, traffic, and privacy.

In response to the preliminary Public Notice, 13 public submissions in opposition to the proposal and four submissions in support of the proposal have been received to date. These submissions are summarized in the chart above and included in Appendix “E” attached to Report PED22143.

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 policies of the Urban Hamilton Official Plan; and,
 - (iii) The proposed development of two, six storey, multiple dwellings and five, three storey, maisonette (back-to-back townhouse) buildings is supportable as the built form is compatible with the character of the area and the proposal represents good planning by, among other things, providing a compact and efficient urban form that will diversify the housing types in the neighbourhood.

2. Zoning By-law Amendment

The subject lands are zoned Community Institutional (I2) Zone in Zoning By-law No. 05-200. The Zoning By-law Amendment Application proposes to change the zoning to the Community Institutional (I2, 810, H127) Zone with the modifications outlined on pages four and five of this Report.

Staff are satisfied that the proposal meets the intent of the Medium Density Residential “Neighbourhoods” policies and applicable intensification policies of the Urban Hamilton Official Plan. In addition, the proposed amendments meet the general intent of the Zoning By-law. An analysis of the requested modifications is provided in Appendix “C” attached to Report PED22143. Therefore, staff support the proposed Zoning By-law Amendment.

3. An “H” Holding Provision is included in the amending Zoning By-law. The Holding Provision may be removed conditional upon the proponent providing an updated Functional Servicing Report and Stormwater Management Report along with related drawings, to ensure adequate sanitary service capacity is available to the subject lands and that it can be demonstrated that the existing municipal sanitary sewer downstream of the site can support the proposal, to the satisfaction of the Director of Growth Management.

ALTERNATIVES FOR CONSIDERATION

Should the Application be denied, the subject property can be used in accordance with the Community Institutional (I2) Zone in 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.

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 PED22143 – Location Map

Appendix “B” to Report PED22143 – Amendment to Zoning By-law No. 05-200

Appendix “C” to Report PED22143 – Zoning Modification Table

Appendix “D” to Report PED22143 – Concept Plan

Appendix “E” to Report PED22143 – Public Comments

JVR:sd