



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 1540 Upper Wentworth Street, Hamilton (PED22149) (Ward 7)
WARD(S) AFFECTED:	Ward 7
PREPARED BY:	Michael Fiorino (905) 546-2424 Ext. 4424
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-21-023 by T. Johns Consulting Group Ltd. c/o Katelyn Gillis on behalf of Hamilton East Kiwanis Non-Profit Homes Inc. c/o New Commons Development, owner**, for a change in zoning from "RT-20" (Townhouse - Maisonette) District to "RT-20/S-1823" (Townhouse - Maisonette) District, Modified (Block 1) and "E-2/S-1823-H" (Multiple Dwellings) District, Modified, Holding (Block 2) in order to permit the demolition of two blocks of existing townhouses for the development of an eight storey, 126 unit multiple dwelling on a portion of the lands located at 1540 Upper Wentworth Street, as shown on Appendix "A" attached to Report PED22149, be **APPROVED** on the following basis.
- (i) That the draft By-law, attached as Appendix "B" to Report PED22149, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding 'H' as a suffix to the proposed zoning for 1540 Upper Wentworth Street as shown on Schedule "A" of Appendix "B" attached to Report PED22149.

The Holding Provision "E-2/S-1823-H" (Multiple Dwellings) District, Modified, Holding, be removed conditional upon:

- 1) An acceptable tenant relocation and assistance plan addressing the right to return to occupy the replacement housing at similar rents, the provision of alternative accommodation at similar rents, and other assistance to lessen the hardship, is provided to the satisfaction of the Director of Housing Services and 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 (UHOP);
- (b) That upon finalization of the amending By-law, the subject lands be re-designated from "Attached Housing" to "High Density Apartments" in the Barnstown Neighbourhood Plan.

EXECUTIVE SUMMARY

The subject property is municipally known as 1540 Upper Wentworth Street and is located in the Barnstown neighbourhood at the south west corner of Upper Wentworth Street and Emperor Avenue. The owner has applied for an amendment to the City of Hamilton Zoning By-law No. 6593.

The purpose of the Zoning By-law Amendment is to rezone the subject lands from the "RT-20" (Townhouse - Maisonette) District to a site specific "RT-20" (Townhouse - Maisonette) District (Block 1) and a site specific "E-2" (Multiple Dwellings) District in order to permit the demolition of two blocks of existing townhouses for the development of an eight storey, 126 unit multiple dwelling for affordable housing.

The proposal has merit and can be supported as it is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) 2019, and complies with the Urban Hamilton Official Plan (UHOP). The proposed development is compatible with the existing development in the area and will make full use of available municipal services.

Alternatives for Consideration – See Page 19

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	
Owner:	T. Johns Consulting Group Ltd. c/o Katelyn Gillis
Applicant/Owner:	Hamilton East Kiwanis Non-Profit Homes Inc. c/o New Commons Development
File Number:	ZAC-21-023
Type of Application:	Zoning By-law Amendment
Proposal:	The Zoning By-law Amendment is to rezone the lands from the "RT-20" (Townhouse - Maisonette) District to "RT-20/S-1823" (Townhouse - Maisonette) District, Modified (Block 1) and "E-2/S-1823-H" (Multiple Dwellings) District, Modified, Holding (Block 2), in order to permit the demolition of two blocks of existing townhouses (15 units) for the development of an eight storey, 126 unit multiple dwelling as shown on Appendix "A" attached to Report PED22149. Seventy townhouses units will be retained on the remaining lands (Block 1 on Appendix "A" attached to Report PED22149). The proposal will provide a total of 63 parking spaces (13 surface parking spaces), 68 long term bike lockers and ground floor amenity area for the multiple dwelling.
Property Details	
Municipal Address:	1540 Upper Wentworth Street, Hamilton.
Lot Area:	1.94 hectares.
Servicing:	Existing full municipal services.
Existing Use:	Existing townhouse dwellings.
Documents	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS.

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Documents	
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:	"RT-20" (Townhouse - Maisonette) District
Zoning Proposed:	"RT-20/S-1823" (Townhouse - Maisonette) District, Modified (Block 1) and "E-2/S-1823-H" (Multiple Dwellings) District, Modified, Holding (Block 2) as shown on Appendix "A" attached to Report PED22149).
Modifications Proposed:	<p>The following modification to the "RT-20" (Townhouse - Maisonette) District, (Block 1) is required for the development:</p> <ul style="list-style-type: none"> To deem the external boundary of Blocks 1 and 2 to be the lot lines for the purposes of zoning. <p>The following modifications to the "E-2" (Multiple Dwellings) District (Block 2) are required for the development:</p> <ul style="list-style-type: none"> To identify front, side and interior lot lines; To permit a height of 27.0 metres whereas 26.0 metres is permitted; To reduce the minimum front yard depth to 5.0 metres; To reduce the minimum exterior side yard depth to 3.0 metres; To remove the requirement for maximum floor area ratio; To permit a parking stall size of 2.8 metres by 5.8 metres; For a reduction in parking to a rate of: <ul style="list-style-type: none"> 0.59 parking spaces per Class A dwelling unit greater than 50.0 square metres in gross floor area, 0.29 parking spaces per Class A dwelling unit less than 50.0 square metres in gross floor area; and, 8.5% of total required parking shall be dedicated visitor parking. To permit a maximum of 8.5% of the required parking to have a parking stall size of 2.6 metres x 5.5 metres; and, To permit one loading space with a minimum size of 9.0 metres in length, 3.7 metres in width, and 4.3 metres in height. To permit an unenclosed porch to be a minimum of 1.0 metre from the nearest street line; To permit a canopy projection to be not more than 2.0 metres into a required side yard; and, To permit a reduction in distance from the multiple dwelling to other buildings: <ul style="list-style-type: none"> by at least of 6.0 metres, except, by at least of 4.5 metres from the exterior wall of the multiple dwelling.

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Processing Details	
Received:	June 14, 2021.
Deemed complete:	June 21, 2021.
Notice of Complete Application:	Sent to 165 property owners within 120 metres of the subject property on July 8, 2021.
Public Notice Sign:	Posted July 13, 2021 and updated with public meeting date on June 8, 2022.
Notice of Public Meeting:	Sent to 165 property owners within 120 metres of the subject property on June 17, 2022.
Public Consultation:	<p>A micro website was created on the T. Johns Consulting Group Community Portal page (https://tjohnsconsulting.com/project/1540-upper-wentworthregeneration/).</p> <p>The micro website provided information on the proposed redevelopment, updates on project milestones, provides a Frequently Asked Questions section and gives the opportunity to provide comments and ask questions.</p> <p>A virtual Neighbourhood Open House was hosted by the Owner on April 6, 2021. There were 443 open house invitations sent out to the public via a mail out letter within a 120 metre radius of the site. A total of 87 people virtually attended the event. Presentations were made by Hamilton East Kiwanis Non-Profit Homes and T. Johns Consulting Group followed by a question-and-answer period.</p>
Public Comments:	Fourteen emails were received expressing concern for the proposed Zoning By-law Amendment (attached as Appendix “G” to Report PED22149 and summarized on page 16 of this Report).
Processing Time:	353 days from date of receipt of initial Application.

Existing Land Use and Zoning:

	Existing Land Use	Existing Zoning
Subject Property:	Townhouse dwellings	“RT-20” (Townhouse – Maisonettes) District

Surrounding Land Uses:

North	Single detached dwellings	“C” (Urban Protected Residential, etc.) District
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Surrounding Land Uses Continued:

East	Townhouse dwellings	“RT-20/1156” (Townhouse – Maisonettes) District, Modified
	Townhouse dwellings	“DE-3” (Multiple Dwellings) District
South	Street Townhouses	“RT-30” (Street – Townhouses) District
West	Single detached dwellings	“C” (Urban Protected Residential, etc.) District

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial 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 shall be consistent with the PPS (2020). The Places to Grow Act requires that all municipal land use decisions made under the *Planning Act* conform to the Growth Plan.

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 located adjacent to an existing noise source being Upper Wentworth Street, which is a “Minor Arterial” road in Schedule C – Functional Road Classification of the UHOP. An Environmental Noise Impact Study by dBA Acoustical Consultants Inc. dated April 2021, has been submitted in support of the Application.

The report predicts that it is feasible to mitigate noise for the proposed development as sound levels on the site will meet Ministry of Environment, Conservation and Parks (MECP) sound level limits. At Site Plan Control, the Applicant will be required to provide a detailed Noise Study confirming the recommendations outlined in the report and to include analysis of any rooftop mechanical equipment required for this building.

As the Application for a Zoning By-law Amendment complies with the Official Plan, it is staff’s opinion that the Application is:

- Consistent with Section 3 of the *Planning Act*;
- Consistent with the Provincial Policy Statement (PPS, 2020); and,
- Conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);

Urban Hamilton Official Plan (UHOP):

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated as “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the UHOP. In addition, Upper Wentworth Street is considered a Minor Arterial road per Schedule “C” of Volume 1 in the Urban Hamilton Official Plan. The following UHOP policies, amongst others, apply to the proposal.

Neighbourhoods

- “E.3.6.1 High density residential areas are characterized by multiple dwelling forms on the periphery of neighbourhoods in proximity to major or minor arterial roads;
- E.3.6.2 Uses permitted in high density residential areas include multiple dwellings, except street townhouses;
- E.3.6.4 High density residential uses shall be located within safe and convenient walking distance of existing or planned community facilities/services,

including public transit, schools, and active or passive recreational facilities;

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

- a) Greater than 100 units per hectare and not greater than 200 units per hectare in all other Neighbourhoods designation areas;

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

- a) Development should have direct access to a collector or major or minor arterial road. If direct access to such a road is not possible, the development may be permitted indirect access to a collector or major or minor arterial roads from a local road upon which only a small number of low density residential dwellings are fronting on the local road; (OPA 109)
- b) High profile multiple dwellings shall not generally be permitted immediately adjacent to low profile residential uses. A separation distance shall generally be required and may be in the form of a suitable intervening land use, such as a medium density residential use. Where such separations cannot be achieved, transitional features such as effective screening and/or design features shall be incorporated into the design of the high density development to mitigate adverse impact on adjacent low profile residential uses;
- d) Development shall:
 - i) Provide adequate landscaping, amenity features, on-site parking, and buffering where required;
 - ii) Be compatible with existing and future uses in the surrounding area in terms of heights, massing, and an arrangement of buildings and structures; and,
 - iii) Provide adequate access to the property, designed to minimize conflicts between traffic and pedestrians both on-site and on surrounding streets;
- e) In accordance with the policies of Section B.3.3 – Urban Design Policies, development shall contribute to an attractive public realm by

minimizing the view of the following elements from the abutting public streets (excluding public alleys):

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

The subject lands are located at the periphery of the neighbourhood at the southwest corner of Upper Wentworth Street, a minor arterial road and Emperor Avenue, a collector road, and the site is accessed from Emperor Avenue. The proposal introduces a multiple dwelling close to public transit which services the area via the arterial street system. Upper Wentworth Street is serviced by Bus Routes 26 and 43 which provide connections north and south through the city. The bus stops are located in proximity to the intersection of Upper Wentworth Street and Emperor Avenue at the northwest and southeast corners. In addition, the Bus Routes do connect to Lime Ridge Mall, a transit hub, which provides further connection to additional routes being 25, 41 and 41A.

The neighbourhood is predominantly residential and is well supported with community facilities, local commercial and institutional land uses to serve the neighbourhood. Such facilities range from a Neighbourhood Park (Elmar Park), two elementary schools (St. Margarette D'youville Elementary School and Helen Detwiler Elementary) as well as local commercial facilities at the northeast corner of Rymal Road East and Upper Wentworth Street.

The proposed eight-storey L-shaped multiple dwelling is permitted within the High Density Residential designation having a total proposed density for the overall subject lands (1.94 ha) of 102 units per hectare, representing a form of residential intensification at the lower range of the High Density Residential designation range.

The use is within a compact midrise multiple dwelling form that allows for a range of housing options that would support the neighbourhood. The form of development also allows for a mix of one, two and three-bedroom units, including ground floor amenity space and services for the residents.

Although multiple dwellings shall not generally be permitted immediately adjacent to low profile residential uses, the proposed design and site organization addresses the contextual fit and site functionality by providing adequate setbacks, amenity areas and pedestrian connectivity. The development screens surface parking by the placement of the building closer to the street, activating the street and public realm. Landscape buffers are also proposed internal to the site to screen surface parking from the existing residential. In addition, waste collection will occur internal to the proposed building and also screened from the public realm.

The proposal includes stepbacks on the fifth and sixth storey to ensure an appropriate transition is provided to the surrounding low rise built form. The setbacks provide an additional 8.9 metres to 27.3 metres of separation to the existing townhouses to the west and a 6.2 metre separation to the existing townhouses to the south. The proposed multiple dwelling is a compact L-shaped dwelling and is of similar width to adjacent existing townhouses being (12.8 metres) whereas the existing townhouses are ± 10.5 metres wide.

A Shadow Study was required and prepared by SRM Architects Inc. (May 2021) to demonstrate the impact of the proposed building height on the surrounding neighbourhood. The proposed building and site layout has been designed to be compatible with the adjacent land uses with respect to matters such as shadowing, overlook, noise, lighting, and traffic. The submitted Shadow Study exceeds the minimum requirements for sun through March 21 to September 21, demonstrating compliances with a 45° angular plane. In addition, the Applicant complies with the guidelines for angular plane Application to the right-of-way to the existing detached dwellings fronting Corina Court. Staff concur that the sun shadow requirements are met where nearby private amenity areas receive more than the required minimum sun duration of three hours. In addition, there are no shadow impacts on public open spaces or parks in the immediate area. Matters of overlook have been addressed as limited Juliet balconies for aboveground residential units are proposed, and the fifth and sixth floors are stepped back from the existing residential.

A traffic study was also submitted that demonstrated that the road network can accommodate the trips and the forecasted future conditions indicate no significant affect on the surrounding road and transportation network.

Demolition/Redevelopment of Rental Housing Units

“B.3.2.5.6 To protect the adequate provision of a full range of housing, development or redevelopment that would have the effect of removing all or part of rental apartment or townhouse buildings or groups of buildings comprised of six or more units, and would result in the loss of six or more rental

housing units shall be permitted if any one of two general criteria are met, outlined as a) and b) below:

- a) All of the following criteria are met:
 - i) The rental vacancy rate by dwelling unit and structure type for the City and the respective local housing market zone, as identified on Schedule G – Local Housing Market Zones and based on CMHC data, has been at or above 2.0% for the preceding twenty-four months; and,
 - ii) The proposed removal shall not reduce the rental vacancy rate by dwelling unit and structure type to below 2.0% for the City and the respective local housing market zone; and,
 - iii) The existing market rent levels for the units proposed to be removed are not significantly (approximately 10%) below the average market rent levels for the City and the respective local housing market zone for rental units of a similar dwelling unit and structure type and size; and,
 - iv) For vacant rental units, the last market rent levels charged prior to vacancy for the units proposed to be removed were not significantly (approximately 10%) below the average market rent levels at the time for the City and the respective local housing market zone for rental units of a similar dwelling unit and structure type and size; or,
- b) The building (or buildings) is determined to be structurally unsound, confirmed by the submission of a structural audit, prepared by a qualified professional with the conclusions of such audit deemed acceptable by the City.”

The proposed development will retain 70 townhouse units, while 15 of the townhouse units will be removed. Therefore, the proposed development complies with Policy B.3.2.5.6 as the loss of 15 units is mitigated by the contribution of an additional 126 units within the multiple dwelling on the subject lands. The Applicant has indicated that housing will support independent living within the community and this development will contribute to housing for all ages within the community. Hamilton East Kiwanis Non-Profit Homes will be relocating current residents living in units scheduled for demolition of the 15 townhouse units to a comparable unit which meets their needs. A Holding Provision has been added to implement a tenant relocation and assistance plan to be implemented as a condition for lifting the Holding symbol to provide assistance to those displaced as a result of this development.

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 54 trees have been inventoried on the subject property. Forty-nine trees are proposed to be removed from the subject lands and 26 are proposed to be planted. The City of Hamilton requires one for one compensation for any tree (10 cm DBH or greater) that is proposed to be removed. Tree protection and cash-in-lieu compensation for the removal of trees will be addressed at Site Plan Control.

Neighbourhood Plan

The subject lands are designated “Attached Housing” in the Barnstown Neighbourhood Plan. The Barnstown Neighbourhood Plan directs multiple dwellings (multiple family dwellings) to the periphery of the neighbourhood. Staff concur that the Zoning By-law Amendment complies with the overall objectives to direct high density developments to the periphery of the neighbourhood. A redesignation from “Attached Housing” to “High 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. 6593

The subject lands are currently zoned “RT-20” (Townhouse – Maisonette) District, in the Hamilton Zoning By-law No. 6593. The “RT-20” (Townhouse – Maisonette) District permits various forms of townhouse and maisonette dwellings.

The Application is to rezone the subject lands from the “RT-20” (Townhouse – Maisonette) District to “RT-20/S-1823” (Townhouse - Maisonette) District, Modified (Block 1) and “E-2/S-1823-H” (Multiple Dwellings) District, Modified, Holding (Block 2) with site specific modifications to reflect the proposed development. An analysis of the proposed modifications is provided in the Zoning By-law Site Specific Modifications Table contained in Appendix “C” attached to Report PED22149.

RELEVANT CONSULTATION

Departments and Agencies		
<ul style="list-style-type: none">• Canada Post;• French Public School Board;• Urban Renewal Commercial Districts and Small Business Section, Planning and Economic Development Department;• Public Works Department, Strategic Planning Section.		No Comment
Department	Comment	Staff Response
Forestry and Horticulture, Public Works Department.	Staff advise that they do not have any concerns with the proposed Zoning By-law Amendment for the above development and are supportive of the Tree Management Plan and Landscaping Plan.	The Tree Protection Plan and a Landscape Plan will be further reviewed through the Site Plan Control stage.
Development Engineering Approvals Section, Planning and Economic Development Department	<p>Development Engineering staff have no objection with respect to the proposed Zoning By-law Amendment.</p> <p>The proponent has sufficiently demonstrated that there is adequate fire flow available within the municipal system to meet the required demand for the proposed development.</p> <p>The proponent has further demonstrated that the 100-year storm discharge from the site has been controlled to the five-year pre-development storm discharge rate. It has also been adequately demonstrated that peak sanitary flow generated by the proposed development will not have a negative impact on the municipal sanitary system.</p>	At the Site Plan Control stage further review of the detailed plans including grading, storm water management, servicing plans, shoring plans, amongst others, will be required.

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Department	Comment	Staff Response
Transportation Planning, Planning and Economic Development, Department.	<p>A Transportation Impact Study (TIS) prepared by Salvini Consulting dated May 2021 was submitted with the Application for a Zoning By-law Amendment. The TIS was reviewed by Transportation Planning staff and approved in August 2021.</p> <p>Transportation Planning found that the road network can accommodate the additional site generated traffic of 38 trips during the AM peak hour and 47 trips during the PM peak hour, which is relatively low compared to larger residential sites.</p>	Further review of detail design and Transportation Demand Management Measures will be reviewed in detail at the Site Plan Control stage.
Growth Planning Section, Growth Management Division, Planning and Economic Development Department.	It should be confirmed if tenure for the subject proposal will be a Condominium.	The development will be rental housing, with rents ranging from from subsidized Rent Geared to Income (RGI) to 120% of the Average Market Rent (AMR).
Waste Management Division, Public Works Department	<p>The existing property located at 1540 Upper Wellington Street includes townhouses which receives municipal curbside waste collection.</p> <p>The proposed eight storey multiple dwelling will require a different waste collection service level as outlined (front end loader).</p> <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>	Staff will require further design details (dimensioning) to be provided at the Site Plan Control stage.

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Department	Comment	Staff Response
Waste Management Division, Public Works Department (Continued)	<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> <ul 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.	
Alectra	<p>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.</p>	Noted.

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Public Consultation		
	Comment	Staff Response
Traffic, parking, safety	<p>Proposed development will cause an increase in traffic and that daily traffic congestion will occur.</p> <p>Concerns regarding the amount of parking spaces being insufficient.</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 Emperor Avenue and parking will be even more difficult.</p>	<p>A variety of alternative transportation options including public transit and 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>Parking Operations staff have advised that there are no concerns pertaining to on street parking along Emperor Avenue.</p>
Decrease Property Values	Concern regarding a reduction in property value.	Staff are not aware of any empirical evidence to suggest property values will decrease.
Density	Concerns were received with respect to the proposal being too dense.	<p>The proposal complies with the Official Plan. The UHOP encourages intensification throughout the built-up area, with higher densities located along or in proximity to Secondary Corridors such as Rymal Road.</p> <p>In addition, the proposed density is 102 units per hectare on the 1.94 ha parcel, which represents a form of residential intensification at the lower range of the high density residential designation.</p>

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Public Consultation		
	Comment	Staff Response
Character	Concerns that the proposal at eight storeys does not integrate with the existing neighbourhood.	<p>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”.</p> <p>The proposed L-shaped multiple dwelling and site layout has been designed to be compatible with the adjacent land uses with respect to matters such as shadowing, overlook, noise, lighting, and traffic.</p> <p>Staff are satisfied that the proposal is compatible with the adjacent area.</p>
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 eight storey multiple dwellings would create overlook concerns.	The proposed development includes setbacks and step-backs to reduce the impacts on the surrounding area and will not create negative overlook or privacy impacts on the surrounding properties.
Construction	Concern was received that the construction would create excessive debris and mud throughout the neighbourhood.	Staff will require a Construction Management Plan at the Site Plan Control stage.

Public Consultation		
	Comment	Staff Response
Servicing	Concern was raised that the existing infrastructure was not capable of supporting the additional units.	Development Engineering staff have advised that there is sufficient capacity for the proposed development.

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 8, 2021. A Public Notice sign was posted on the property on July 13, 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 a virtual information session on April 6, 2021 in which 87 members of the public were in attendance. Area residents expressed concerns about height, density, parking, crime, property value, traffic, and privacy.

In response to the preliminary Public Notice, 14 public submissions in opposition to the proposal have been received to date. These submissions are summarized in the chart above and included in Appendix “E” attached to Report PED22149.

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 eight storey multiple dwelling can be supported 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 help to diversify the housing types in the neighbourhood.

2. Zoning By-law Amendment

The subject lands are zoned "RT-20" (Townhouse - Maisonette) District in Zoning By-law No. 6593. The Zoning By-law Amendment proposes to change the zoning for the subject lands to the "RT-20/S-1823" (Townhouse - Maisonette) District, Modified (Block 1) and "E-2/S-1823-H" (Multiple Dwellings) District, Modified, Holding (Block 2) with the modifications outlined on pages four and five of this Report.

Staff are satisfied that the proposal meets the intent of the High Density Residential "Neighbourhoods" policies and applicable intensification policies of the Urban Hamilton Official Plan. In addition, due to the removal of the fifteen existing townhouse units and relocation of tenants a Holding Provision has been added to implement a tenant relocation and assistance plan to be implemented as a condition for lifting the Holding symbol to provide assistance to those displaced as a result of this development. Staff are in support of the proposed Zoning By-law Amendment.

ALTERNATIVES FOR CONSIDERATION

Should the Application be denied, the subject property can continue to be used in accordance with the "RT-20" (Townhouse - Maisonette) District in City of Hamilton Zoning By-law No. 6593.

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.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED22149 – Location Map
Appendix "B" to Report PED22149 – Amendment to Zoning By-law No. 6593
Appendix "C" to Report PED22149 – Zoning Modification Table
Appendix "D" to Report PED22149 – Concept Plan
Appendix "E" to Report PED22149 – Public Comments

MF:sd