



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 Zoning By-law Amendment for Lands Located at 221 and 223 Charlton Avenue East and 200 Forest Avenue, Hamilton (PED22144) (Ward 2)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Mark Kehler (905) 546-2424 Ext. 4148
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-21-020, by T. Johns Consulting Group on Behalf of Corktown Co-operative Homes Inc. and Charlton Housing Co-operative Homes, Owner**, to change the zoning from the “DE-3/S-970” (Multiple Dwellings) District, Modified (Block 1) and “D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District (Block 2) to the “DE-3/S-1819” (Multiple Dwellings) District, Modified, to permit a three storey, 17 unit multiple dwelling to be constructed on the same lot as an existing four storey, 51 unit multiple dwelling, on lands located at 221 and 223 Charlton Avenue East and 200 Forest Avenue, Hamilton, as shown on Appendix “A” attached to Report PED22144, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED22144, 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;

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

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

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

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- (b) That upon finalization of the amending By-law, that the lands located at 221 and 223 Charlton Avenue East be re-designated from “Single and Double” to “Medium Density Apartments” in the Corktown Neighbourhood Plan.

EXECUTIVE SUMMARY

The owners, Corktown Co-operative Homes Inc. and Charlton Housing Co-operative Homes have applied for a Zoning By-law Amendment to permit a three storey, 17 unit multiple dwelling to be constructed on the same lot as an existing four storey, 51 unit multiple dwelling. A total of 40 parking spaces are proposed. The new multiple dwelling is proposed on the southerly portion of the subject lands that is currently occupied by a surface parking lot and two semi detached dwellings (221 and 223 Charlton Avenue East) that are proposed to be demolished. The existing four storey multiple dwelling occupies the northerly portion of the lot and is known municipally as 200 Forest Avenue. The proposed development will contribute additional dwelling units to the existing non-profit housing cooperative.

The purpose of the proposed Zoning By-law Amendment is to rezone the subject lands from the “DE-3/S-970” (Multiple Dwellings) District, Modified (200 Forest Avenue) and the “D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District (221 and 223 Charlton Avenue East) to a site specific “DE-3/S-1819” (Multiple Dwellings) District, Modified. The existing “DE-3/S-970” District permits the existing multiple dwelling at 200 Forest Avenue and the existing “D” District zoning permits single detached and semi detached dwellings.

The Application has merit and can be supported as the proposal is consistent with the Provincial Policy Statement (2020), conforms with A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and complies with the Urban Hamilton Official Plan (UHOP). The proposed multiple dwelling represents an appropriate level of intensification at this location that respects and enhances the character of the neighbourhood and diversifies the housing type, form and tenure in the area.

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	
Applicant/Owner:	Corktown Co-operative Homes Inc. & Charlton Housing Co-operative Homes
Agent:	T. Johns Consulting Group (c/o Katelyn Gillis)
File Number:	ZAC-21-020
Type of Application:	Zoning By-law Amendment
Proposal:	<p>To permit the development of a three storey, 17 unit multiple dwelling on the same lot as an existing four storey, 51 unit multiple dwelling. A total of 40 parking spaces are proposed for the 68 units on the lot. The parking will be located behind and below the proposed multiple dwelling.</p> <p>The proposed multiple dwelling incorporates four ground floor units that have entrances directly from Charlton Avenue East. An outdoor amenity space is proposed on the roof of the proposed multiple dwelling.</p>
Property Details	
Municipal Address:	221 and 223 Charlton Avenue East and 200 Forest Avenue
Lot Area:	0.5061 ha (5,061 square metres)
Servicing:	Existing full municipal services.
Existing Use:	Four storey multiple dwelling and two semi detached dwellings.
Documents	
Provincial Policy Statement (PPS):	The proposed development is consistent with the PPS.
A Place to Grow:	The proposed development conforms to the Growth Plan.
Official Plan Existing:	<ul style="list-style-type: none"> • Schedule "E": Neighbourhoods • Schedule "E-1": Neighbourhoods

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Documents	
Zoning Existing:	<ul style="list-style-type: none"> • 200 Forest Avenue: “DE-3/S-970” (Multiple Dwellings) District, Modified • 221 and 223 Charlton Avenue East: “D” (Urban Protected Residential – One and Two Family Dwellings) District
Zoning Proposed:	Multiple Dwellings “DE-3/S-1819” District, Modified
Modifications Proposed:	<ul style="list-style-type: none"> • To deem the land one lot for the purposes of applying the provisions of the By-law; • Recognize the height of the existing four storey multiple dwelling; • Modified lot line definitions and front, side and rear yard requirements to permit; <ul style="list-style-type: none"> ○ A minimum front yard depth of 1.0 metres abutting Charlton Avenue East; ○ A minimum rear yard depth of 6.0 metres abutting Forest Avenue; ○ A minimum exterior side yard width of 6.8 metres abutting Aurora Street; and, ○ A minimum interior side yard width of 6.3 metres, except 1.5 metres where no window of a habitable room overlooks the side yard. • Eliminate floor area ratio requirement, whereas a maximum floor area ratio of 0.90 is permitted; • Eliminate front yard projection requirements to permit eave, gutter, canopy and / or porch projections up to 0.0 metres from the Charlton Avenue East lot line, whereas projections are required to be at least 1.5 metres from a front lot line; • Reduced parking rate from 0.8 to 0.55 per unit; • Eliminate visitor parking requirement, whereas 0.16 per unit is required; • Reduced loading space length from 18.0 metres to 9.0 metres; • Provision to allow reduced parking stall dimensions of 2.6 metres by 5.5 metres (small car parking) for up to 10% of the required parking; and, • Reduced separation distance to permit an access driveway to be located 1.5 metres from a residential district that does not permit a multiple dwelling, whereas a minimum 3.0 metre is required.

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Documents	
Application Received:	April 20, 2021
Processing Details	
Deemed Complete:	May 6, 2021
Notice of Complete Application:	Sent to 102 property owners within 120 metres of the subject property on May 21, 2021.
Public Notice Sign:	Sign posted: May 20, 2021 Sign updated: June 8, 2022
Notice of Public Meeting:	Sent to 102 property owners within 120 metres of the subject property on June 17, 2022
Public Consultation:	<ul style="list-style-type: none"> On June 2, 2021, the Applicant circulated an information letter to the Corktown Neighbourhood Association and residents within 120 metres of the subject lands providing details of the proposed development, including a link to a microsite containing Application documents; and, The Applicant held a virtual open house on August 17, 2021.
Public Comments:	Two letters of concern / opposition were submitted. The letters are attached as Appendix “E” to Report PED22144 and discussed on page 18 of this Report.
Processing Time:	441 days

Existing Land Use and Zoning:

	Existing Land Use	Existing Zoning
Subject Property:	Four storey multiple dwelling (200 Forest Avenue) and Semi detached dwellings (221 and 223 Charlton Avenue East)	“DE-3/S-970” (Multiple Dwellings) District, Modified and “D” (Urban Protected Residential – One and Two Family Dwellings) District

Surrounding Land Uses:

North	Corktown Park	Community Park (P2) Zone
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Surrounding Land Uses (Continued):

East	Single detached and semi detached dwellings	“D” (Urban Protected Residential – One and Two Family Dwellings) District
South	Single detached dwellings and a six storey multiple dwelling	“D” (Urban Protected Residential – One and Two Family Dwellings) District and “E” (Multiple Dwellings, Lodges, Clubs, Etc.) District
West	Single detached, semi detached and street townhouse dwellings	“J” (Light and Limited Heavy Industry, Etc.) District and “J/S-920” and “J/S-409” (Light and Limited Heavy Industry, Etc.) District, Modified

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Policy Framework

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

Staff note that the Cultural Heritage policies have not been updated within the UHOP in accordance with the PPS (2020). The following policy of the PPS (2020) also applies:

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“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”

The existing semi detached dwellings at 221 and 223 Charlton Avenue East are included in the City’s Inventory of Buildings of Architectural and / or Historical Interest. The subject lands are also adjacent to the following properties included in the City’s Inventory of Buildings of Architectural and / or Historical Interest:

- 206, 208 and 21 Charlton Avenue East;
- 191-201 and 209 Ferguson Avenue South;
- 90 and 95 Aurora Street; and,
- 192 Forest Avenue.

In addition, the subject lands are adjacent to the following properties that are designated under Part IV of the *Ontario Heritage Act* and are protected heritage properties under the PPS:

- 207, 211, 213, 215, 219, 221, 223, 225, 227 and 231 Ferguson Avenue South.

The Applicant submitted a Scoped Cultural Heritage Impact Assessment (CHIA) dated October 5, 2021 and prepared by WSP Canada Inc. The CHIA assessed the impact of the proposed demolition of the existing dwellings at 221 and 223 Charlton Avenue East and the redevelopment of the subject lands on adjacent cultural heritage resources and concluded that the proposed development will not directly impact adjacent heritage properties and will have a negligible impact on the character of the area. Staff have reviewed the CHIA and consider it complete for the purposes of the Zoning By-law Amendment review. At the Site Plan Control stage, staff will require further confirmation on material types and colours for the proposed building and will require a Construction Management Plan to address the mitigation of construction and vibration impacts on adjacent heritage buildings.

The CHIA was reviewed by the Policy and Design Working Group of the Hamilton Municipal Heritage Committee on November 15, 2021. The Working Group commented that they were pleased to see the use of red brick in the development and recommended that vibration monitoring occur during construction to address impacts on adjacent designated heritage buildings.

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

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1. In the vicinity of distinctive or unusual landforms; and,
2. In areas of pioneer EuroCanadian settlement.

Staff will require that an acknowledgement note be added at the Site Plan Control stage notifying the Applicant of their responsibilities should any deeply buried archaeological materials be found on the property during construction.

As the Application for 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 (2020); and,
- Conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

Urban Hamilton Official Plan

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

High Density Residential

- “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.3.6.4 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.3.6.5 Proximity to the Downtown Urban Growth Centre, Sub-Regional Nodes or Community Nodes, and designated Employment Areas shall be considered desirable for high density residential uses; and,
- 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 500 units per hectare in Central Hamilton”

The subject lands are included in the Central Hamilton area in accordance with Appendix G – Boundaries Map of the UHOP. In total, the proposed 17 unit multiple dwelling and existing 51 unit multiple dwelling will result in a net residential density of 134 units per hectare. Therefore, as per Policy E.3.6.6 a), the proposed density falls within the High Density Residential policies of the Neighbourhoods designation.

Consistent with Policy E.3.6.1, the subject lands are located at the southeast periphery of the portion of the Corktown neighbourhood located to the south of the Canadian National (CN) railway tracks and north of the Niagara Escarpment. The subject lands are in proximity (approximately 475 metres) to John Street South, a minor arterial road.

With regards to Policies E.3.6.4 and E.3.6.5, the subject lands are located two blocks south of the Downtown Urban Growth Centre and are within walking distance of Hamilton Street Railway (HSR) transit on John Street South, Hunter Street East, and at the Hunter Street Bus Terminal. Inter-city transit is available at the nearby Hunter Street GO Centre. The site is within safe convenient walking distance of Queen Victoria Public School, Corktown Park, Woolverton Park and Shamrock Park.

In accordance with the High Density Residential policies of the UHOP, the subject lands are located at an appropriate location within the neighbourhood to accommodate a High Density Residential use and have convenient access to services, commercial uses and employment opportunities.

- “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 direct access to a collector or major or minor arterial road via a local road upon which abut only a small number of low density residential category dwellings;
 - 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;
 - iii) Utility and service structures such as garbage enclosures; and,
 - iv) Expanses of blank walls.”

In accordance with Policy E.3.6.7 a), the proposed multiple dwelling will have direct access to Charlton Avenue East, a collector road. The proposed three storey multiple dwelling is a low rise building and therefore is not considered high profile as per Policy E.3.6.7 b). Therefore, in the opinion of staff, a separation distance or intervening land use is not required. The proposal incorporates a building height of three storeys and design features such as setbacks, planting strips and visual barriers to mitigate adverse impacts on adjacent low profile residential uses.

As per Policy E.3.6.7 d), the proposal provides 1.5 metre landscape strips adjacent to the surface parking area and access driveway to buffer adjacent residential uses along the east and west property lines. Outdoor amenity space is proposed on the roof of the proposed three storey multiple dwelling and there is existing landscaped open space on the north, east and west sides of the existing multiple dwelling at 200 Forest Avenue.

A total of 40 parking spaces are proposed for the site to be utilized by both the existing 51 unit multiple dwelling and the proposed 17 unit multiple dwelling representing a parking rate of 0.59 parking spaces per unit. To provide for greater flexibility in the final design, the Applicant is proposing a minimum required parking rate of 0.55 parking spaces per unit in the amending By-law. The proposed parking rate represents a reduction from the existing required parking rate of 0.8 parking spaces per unit (55 parking) spaces in Zoning By-law No. 6593 and the Applicant has proposed to eliminate

the requirement of 0.16 visitor parking spaces per unit. Staff are satisfied that the proposed parking reduction is appropriate based on the location of the site in proximity to public transit with convenient access to jobs, services and amenities in Downtown Hamilton. Temporary visitor parking is available on the north side of Forest Avenue across from the development and on area streets that are not subject to “permit only” parking restrictions.

The proposed three storey (11.0 metre) multiple dwelling is compatible with existing and future uses in the area as the building height is consistent with the existing maximum building height in the “DE-3” District and the maximum building height in the existing “D” District zoning that exists to the south and east of the subject lands. There is one proposed vehicle access to the proposed parking area from Charlton Avenue East and pedestrian access at the front of the proposed building. There are no proposed vehicle accesses from Forest Avenue or Aurora Street, limiting conflicts between traffic and pedestrians. In the opinion of staff, the features of the proposed development satisfy Policy E.3.6.7 d).

With respect to Policy E.3.6.7 e), the proposed multiple dwelling contributes to the public realm by locating parking behind and underneath the building. The front façade features glazing and there are no expanses of blank walls facing the public realm. Staff will review the landscape plan at the Site Plan Control stage to ensure any utility structures or outdoor garbage facilities are adequately screened.

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;

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

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

The proposed multiple dwelling contributes to the range of dwelling types and tenures by developing an underutilized site with an appropriately scaled residential building that provides co-op tenure, as per Policy B.2.4.1.4 c). The proposal complements the

existing function of the neighbourhood as per Policy B.2.4.2.2 h) as the proposed high density development is located at the periphery of the neighbourhood with direct access to a collector road, and has convenient access to public transit, services and the Downtown Hamilton Urban Growth Centre. As per Policy B.2.4.1.4 e), the Neighbourhoods policies of the Urban Structure encourage a range of dwelling types and tenures and development that complements the form and function of the neighbourhood as described above.

The proposed development respects and enhances the existing neighbourhood character as required by Policy B.2.4.1.4 b). It provides an appropriately designed building on an underutilized portion of the lot in a neighbourhood that features a mix of residential dwelling types, including multiple dwellings located mid-block on local and collector roads. In accordance with Policies B.2.4.1.4 d) and B.2.4.2.2 b), c) and d), the proposal is designed to ensure compatibility with the surrounding area, including limiting nuisance effects such as shadowing, noise, lighting, traffic and overlook, and provides appropriate setbacks and visual barriers to adjacent low rise residential buildings. No windows are proposed along the west facade of the multiple dwelling, further limiting overlook where the building is closest to adjacent residential uses. Minimum 1.5 metre wide landscape strips and visual barriers are proposed along the east and west property lines to mitigate noise and light impacts of the surface parking area on adjacent residential uses.

Proposed amenity areas include a rooftop patio on the proposed three storey multiple dwelling and a landscaped open space that wraps around the existing multiple dwelling at 200 Forest Avenue. As per Policy B.2.4.2.2 f), the proposed amenities will complement the existing public parks within walking distance of the subject site, including Corktown Park located on the other side of Forest Avenue across from the subject lands.

The lot pattern in the neighbourhood features a mix of smaller lots containing single detached and semi detached dwellings and larger lots containing multiple dwellings. The proposed multiple dwelling will be developed on an existing lot and will enhance the existing streetscape by occupying lands formerly containing a surface parking lot with an appropriately designed three storey building facing Charlton Avenue East. Based on the foregoing, the proposal complies with Policies B.2.4.2.2 e) and g).

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

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As discussed in the Provincial Policy section of this report, the Applicant submitted a CHIA in response to Policy B.2.4.2.2 i). The CHIA concluded that the proposed development will not directly impact adjacent heritage resources. Staff will require construction and vibration monitoring and appropriate façade materials at the Site Plan Control stage to further conserve adjacent heritage resources.

Noise

- “B.3.6.3.1 Development of noise sensitive land uses, in the vicinity of provincial highways, parkways, minor or major arterial roads, collector roads, truck routes, railway lines, railway yards, airports, or other uses considered to be noise generators shall comply with all applicable provincial and municipal guidelines and standards; and,
- B.3.6.3.7 A noise feasibility study, or detailed noise study, or both, shall be submitted as determined by the City prior to or at the time of Application submission, for development of residential or other noise sensitive land uses on lands in the following locations:
- b) 400 metres if a major arterial road, as identified on Schedule C – Functional Road Classification; and,
 - e) 400 of a railway line.”

The proposed residential development would be located approximately 100 metres from the CP railway line to the north, 150 metres from the Claremont Access (a major arterial road) to the south and is a noise sensitive use.

An Environmental Noise Feasibility Study dated November 14, 2019 was prepared by Valcoustics Canada Ltd. and submitted with the Application. The Report analysed noise levels in the area and recommended noise control measures including warning clauses, mandatory central air conditioning and sound barrier parapets for the rooftop amenity area. Staff are satisfied with the report for rezoning purposes and will require that the noise control measures be implemented at the Site Plan Control stage.

Neighbourhood Plans

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

- “F.1.2.7 Neighbourhood plans are policies adopted by council resolution and do not form part of the Official Plan. Any proposal for development or

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redevelopment must conform to the designations, and policies in the Neighbourhood Plan; and,

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

The subject property is designated “Medium Density Apartments” (200 Forest Avenue) and “Single and Double” (221 and 223 Charlton Avenue East) within the Corktown Neighbourhood Plan and is located within a Neighbourhood Residential Area. The “Single and Double” designation applicable to 221 and 223 Charlton Avenue East does not permit the proposed three storey multiple dwelling including accessory vehicle access and parking. Therefore, staff recommend that the Neighbourhood Plan be amended to designate 221 and 223 Charlton Avenue East “Medium Density Apartments.”

The policies of the Corktown Neighbourhood Plan permit infill residential development within the Neighbourhood Residential Area. The Plan encourages predominantly street townhouses with some semi detached and single detached dwellings. Staff are of the opinion that the scale and design of the proposed three storey multiple dwelling that includes ground floor units with entrances facing the street is consistent with the built form envisioned in the plan. Therefore, the proposed amendment to the Corktown Neighbourhood Plan is appropriate and is supported by staff.

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

City of Hamilton Zoning By-law No. 6593

The subject property is zoned the “DE-3/S-970” (Multiple Dwellings) District, Modified (200 Forest Avenue) and the “D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District (221 and 223 Charlton Avenue East). The “DE-3/S-970” District permits only the existing multiple dwelling at 200 Forest Avenue and is proposed to be repealed and replaced with the proposed new site specific zoning by-law. The “D” District zoning permits single detached and semi detached dwellings. To implement the proposed development, the Owner has requested a change in zoning to a site specific “DE-3/S-1819” (Multiple Dwellings) District, Modified. The site specific modifications required to accommodate the proposal are outlined in the Report Fact Sheet and discussed in detail in Appendix “C” attached to Report PED22144.

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RELEVANT CONSULTATION

Departments and Agencies		
<ul style="list-style-type: none"> • Planning and Economic Development Department, Commercial Department District and Small Business Section and Corporate Real Estate Office; and, • Canada Post. 		No Comment
	Comment	Staff Response
Forestry and Horticulture Section, Public Works Department	<ul style="list-style-type: none"> • Forestry and Horticulture staff approved the revised Vegetation Management Plan dated March 29, 2022 and prepared by GSP Group; and, • Fees are required for a total of 5 street trees to be installed by Forestry and Horticulture. 	<ul style="list-style-type: none"> • The final landscape plan and street tree planting fees will be required at the Site Plan Control stage.
Transportation Planning Section, Planning and Economic Development Department	<ul style="list-style-type: none"> • Transportation Planning supports the proposed development with minor revisions required at the Site Plan Control stage; • A 5.182 metre right of way dedication along Charlton Avenue West is required and has been accommodated for on the Concept Plan; • Notwithstanding standard requirements, the proposed 6.0 metre access driveway width and 2.0 metre by 2.0 metre visibility triangles at the property line can be supported for the proposed development; and, • Pedestrian walkways to individual units from the sidewalk should be increased from 1.1 metres in width to 1.5 metres. 	<ul style="list-style-type: none"> • The required right of way dedication, access driveway design and pedestrian walkway design will be implemented at the Site Plan Control stage.

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	Comment	Staff Response
Environmental Services Division, Public Works Department	<ul style="list-style-type: none"> • Advised that the proposed development is eligible for municipal waste collection via front-end garbage bin service and cart collection for recycling and organic material; and, • Further details are requested related to waste storage and waste collection vehicle movement to determine if the site is serviceable for municipal waste collection. 	<ul style="list-style-type: none"> • Full details related to waste storage and collection will be required at the Site Plan Control stage; and, • Should the proposal not be designed according to municipal waste collection specifications, the Owner will be required to arrange for a private waste hauler for the removal of all waste materials.
CP Rail	<ul style="list-style-type: none"> • Advised that the development should adhere to the Federation of Canadian Municipalities and the Railway Association of Canada Guidelines for New Development in Proximity to Railway Operations (FCM – RAC Guidelines). 	<ul style="list-style-type: none"> • Staff are satisfied that the proposed development addresses the FCM – RAC Guidelines, including by assessing the noise impact of CP Rail operation on the proposed residential dwellings and identifying necessary mitigation measures.
Development Engineering Section, Growth Management Division	<ul style="list-style-type: none"> • The Development Engineering section is able support the proposed Application; • The proponent has adequately demonstrated that the sum of the 100-year post-development storm discharge and peak sanitary discharge has been controlled to below the 2-year pre-development storm discharge rate in accordance with City standards; and, • The proponent has further demonstrated that there is adequate fire flow available within the municipal system to meet the required fire flow demand for the proposed development. 	<ul style="list-style-type: none"> • Details of the civil engineering design will be implemented at the Site Plan Control stage.

SUBJECT: Application for Zoning By-law Amendment for Lands Located at 221 and 223 Charlton Avenue East and 200 Forest Avenue, Hamilton (PED22144) (Ward 2) - Page 18 of 20

Public Consultation		
	Comment	Staff Response
Tree removal	A resident expressed concern with the proposed tree removal on site and the loss of tree canopy associated with the development.	A total of 33 trees have been inventoried on site of which nine trees have been proposed to be removed. The decision to retain trees is based on vigour, aesthetics, age and species, and staff recognize that as many trees as possible have been proposed to be retained. To ensure existing tree cover is maintained, compensation plantings will be required on the final Landscape Plan to be implemented at the Site Plan Control stage.
Access to rear yard parking space	A resident expressed concern that access to a rear yard parking space at 225 Charlton Avenue East via the existing driveway at 223 Charlton Avenue East will be lost because of the proposed development.	Access to the existing parking space in the rear yard of 225 Charlton Avenue East is not formalized by way of a right of way or easement and is not regulated by the Zoning By-law. The Owner has chosen not to continue to provide access to the rear yard of 225 Charlton Avenue East via their private property and is not legally required to continue to provide this access.

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 102 property owners within 120 metres of the subject property on May 21, 2021. A Public Notice sign was posted on the property on May 9, 2019 and updated with the Public Meeting date on June 8, 2022. A Notice of Public Meeting was mailed to 102 property owners on June 17, 2022, in accordance with the requirements of the *Planning Act*.

Public Consultation Strategy

In accordance with their submitted Public Consultation Strategy, the Applicant circulated an information letter to the Corktown Neighbourhood Association and residents within 120 metres of the subject lands on June 2, 2021 and held a virtual open house on August 17, 2021.

To date, two public submissions expressing concerns has been received (see Appendix “E” attached to Report PED22144). A summary of the comments received is provided in the above chart.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the PPS (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019), as amended;
 - (ii) It complies with the UHOP, in particular the function, scale and design of the High Density Residential use category of the Neighbourhoods designation; and,
 - (iii) It provides appropriately designed and scaled residential intensification at an appropriate location within the neighbourhood and will diversify the types of housing available in the area, contributing to a more complete community.
2. Zoning By-law Amendment

The subject lands are zoned “DE-3/S-970” (Multiple Dwellings) District, Modified (200 Forest Avenue) and “D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District (221 and 223 Charlton Avenue East). A change in zoning to a site specific “DE-3/S-1819” (Multiple Dwellings) District, Modified is required to permit the proposed three storey multiple dwelling. Modifications to the development standards of the “DE-3” District are required to facilitate the proposal and are summarized in the Report Fact Sheet above and discussed in detail in Appendix “C” attached to Report PED22144.

The proposed development complies with the UHOP and contributes to a complete community by providing additional housing opportunities within a built form that is compatible with the scale and character of the neighbourhood. Therefore, staff support the proposed Zoning By-law Amendment.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Zoning By-law Amendment Application be denied, the property could be utilized in accordance with the existing “DE-3/S-970” (Multiple Dwellings) District, Modified and “D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District zoning which permit the existing multiple dwelling at 200 Forest Avenue and the existing semi detached dwellings at 221 and 223 Charlton Avenue East.

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 PED22144 – Location Map

Appendix “B” to Report PED22144 – Amendment to Zoning By-law No. 6593

Appendix “C” to Report PED22144 – Zoning Modification Table

Appendix “D” to Report PED22144 – Concept Plan

Appendix “E” to Report PED22144 – Public Submissions