



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	August 9, 2022
SUBJECT/REPORT NO:	Application for Official Plan Amendment and Zoning By-law Amendment for the Lands Located at 1842 King Street East, Hamilton (PED22139) (Ward 4)
WARD(S) AFFECTED:	Ward 4
PREPARED BY:	Daniel Barnett (905) 546-2424 Ext. 4445
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Urban Hamilton Official Plan Amendment Application UHOPA-21-009 by UrbanSolutions Planning & Land Development Consultant Inc. c/o Sergio Manchia, on behalf of 1842 King St E. Inc. c/o New Horizon Development Group, (Owner)**, to establish a Site Specific Policy Area within the Neighbourhoods designation, to permit a 13 storey, mixed use development, with a residential density of 500 units per hectare, to restrict the maximum height to 13 storeys, and to permit commercial uses below the ground floor, for 1842 King Street East, as shown on Appendix “A” attached to Report PED22139, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED22139, be adopted by Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to the Growth Plan for the Greater Golden Horseshoe 2019, as amended;
- (b) That **Revised Zoning By-law Amendment Application ZAC-21-021 by UrbanSolutions Planning & Land Development Consultant Inc. c/o Sergio Manchia, on behalf of 1842 King St E. Inc. c/o New Horizon Development**

**SUBJECT: Application for Official Plan Amendment and Zoning By-law
Amendment for the Lands Located at 1842 King Street East, Hamilton
(PED22139) (Ward 4) - Page 2 of 40**

Group, Owner, for a change in zoning from Major Institutional (I3) Zone to Mixed Use Medium Density (C5, 812, H76, H77) Zone, to permit four, 13 storey multiple dwellings with commercial uses below the ground floor and, four, four storey maisonette for a total of 1,341 dwelling units, and four commercial units, for lands located at 1842 King Street East, as shown on Appendix “A” attached to Report PED22139, be **APPROVED** on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED22139, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law attached as Appendix “C” to Report PED22139 be added to Map No. 1139 of Schedule “A” – Zoning Maps of Zoning By-law No. 05-200;
- (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Growth: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and complies with the City of Hamilton Official Plan upon approval of the Official Plan Amendment No. _____;
- (iv) 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 introducing the Holding symbol ‘H’ (H76) as a suffix to the proposed zoning for the following:
 - (1) The Owner submit and receive completion of a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MECP) or enters into a conditional building permit agreement with respect to completing a Record of Site Condition. This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MECP, and submission of the City of Hamilton’s current RSC administration fee;
 - (2) That the Owner submit a Functional Servicing Report to demonstrate the stormwater management, sanitary flow and water supply demand (Water Hydraulic Analysis) resulting from this development has adequate capacity in the existing municipal infrastructure system in accordance with City standards to accommodate the proposed development, to the satisfaction of the Director of Growth Management;
 - (3) That the Owner make satisfactory arrangements with City’s Growth Management Division and enter into an external works agreement with the City for the design and construction of any improvements to the

**SUBJECT: Application for Official Plan Amendment and Zoning By-law
Amendment for the Lands Located at 1842 King Street East, Hamilton
(PED22139) (Ward 4) - Page 3 of 40**

municipal infrastructure at the Owner's cost, should it be determined that upgrades are required to the infrastructure to support this development, according to the Functional Servicing Report, Traffic Impact Study (TIS) and Watermain Hydraulic Analysis Report, to the satisfaction of the Director of Growth Management;

- (4) A Documentation and Salvage Report in accordance with the City's Guidelines for Documentation and Salvage Reports has been submitted and implemented all to the satisfaction of the Director of Planning and Chief Planner prior to any demolition and the Owner shall demonstrate that a copy of this report is submitted to the Hamilton Public Library;
- (5) An updated Pedestrian Wind Study has been submitted and implemented to the satisfaction of the Director of Planning and Chief Planner;
- (v) 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 introducing the Holding symbol 'H' (H77) as a suffix to the proposed zoning for the following:

- (1) Regulations

For such time as the Holding Provision is in place, these lands shall be subject to the regulations of the (C5, 812) Zone except where in conflict with the following:

- (aa) No development exceeding 1,341 dwelling units;

- (2) Conditions for Holding Provision Removal

The Holding Provision shall, upon application by the landowner, be removed by way of an amending Zoning By-law, for all or part of the lands subject to this provision when the following conditions have been satisfied:

- (aa) That the Owner submit and receive approval of an updated Transportation Impact Study where greater than 1,341 dwelling units are proposed, to the satisfaction of the Director of Transportation Planning;
- (bb) That the Owner submit and receive approval of an updated Functional Servicing Report and Watermain Hydraulic Analysis Report where greater than 1,341 dwelling units are proposed, to the satisfaction of the Director of Growth Management.

EXECUTIVE SUMMARY

The subject property is municipally known as 1842 King Street East. The Owner, 1842 King St E. Inc. c/o New Horizon Development applied for an Official Plan Amendment and Zoning By-law Amendment to permit four, 13 storey multiple dwellings and four, four storey maisonettes with a total of 1,341 dwelling units and 358.4 square metres of commercial gross floor area in four commercial units, and 1,663 parking spaces.

The purpose of the Official Plan Amendment Application is to add a Site Specific Policy to the Neighbourhoods designation of the Urban Hamilton Official Plan to permit a maximum residential density of 500 units per hectare; to restrict the building to 13 storeys, and to permit commercial uses below the ground floor.

The purpose of the Zoning By-law Amendment is for a change in zoning from Major Institutional (I3) Zone to Mixed Use Medium Density (C5, 812, H76, H77) Zone, to allow for four, 13 storey multiple dwellings and four, four storey maisonettes with a total of 1,341 dwelling units; four commercial units and three levels of underground parking containing 1,663 parking spaces.

A revised approval is recommended by staff from what has been applied for by the applicant, to introduce additional setbacks for the proposed buildings along Lawrence Road to further refine the massing.

For the purpose of this report the four maisonettes buildings are referred to as the easterly or westerly maisonettes and the four, 13-storey multiple dwellings are referred to by the building numbers as identified on the plans attached as Appendix "D" to Report PED22139 outlined as follows:

- The north westerly building as Building A;
- The south westerly building as Building B;
- The north easterly building as Building C; and,
- The south easterly building as Building D.

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

- They are consistent with the Provincial Policy Statement (2020) (PPS);
- They conform to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended (Growth Plan);
- They comply with the general intent of the Urban Hamilton Official Plan, upon approval of the Official Plan Amendment; and,
- The proposed development is compatible with existing land uses in the immediate area and represents good planning by, among other things, providing commercial uses along an arterial road, increasing the supply of housing units, making efficient

**SUBJECT: Application for Official Plan Amendment and Zoning By-law
Amendment for the Lands Located at 1842 King Street East, Hamilton
(PED22139) (Ward 4) - Page 5 of 40**

use of existing infrastructure within the urban boundary, and supporting public transit.

Alternatives for Consideration – See Page 39

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider an Application for an amendment to the Official Plan and Zoning By-law.

HISTORICAL BACKGROUND

Report Fact Sheet

Application Details	
Applicant/Owner:	1842 King St E. Inc. c/o New Horizon Development Group
File Number:	UHOPA-21-009 and ZAC-21-021
Type of Application:	Urban Hamilton Official Plan Amendment and Zoning By-law Amendment.
Proposal:	<p>The original Applications consisted of four, 12-storey multiple dwellings and four, maisonettes for a total of 1,407 dwelling units with 1,688 parking spaces. The original proposal did not include any commercial uses.</p> <p>In response to feedback from staff to provide for a better transition to the adjacent properties and improve the overall massing, the proposal was revised to increase the height of the four multiple dwellings to 13 storeys and decrease the number of dwelling units to 1,341. The revised proposal consists of 1,080 one bedroom units, 236 two bedroom units and 25 three bedroom units, and include four commercial units in the north eastern building (Building C) with a total gross floor area of 358.4 square metres. The number of parking spaces was reduced to 1,663 parking spaces.</p>

**SUBJECT: Application for Official Plan Amendment and Zoning By-law
Amendment for the Lands Located at 1842 King Street East, Hamilton
(PED22139) (Ward 4) - Page 6 of 40**

Application Details	
Proposal Continued:	<p>The revised proposal altered the design of the proposed four, 13-storey multiple dwellings in the following manner:</p> <p>King Street East</p> <ul style="list-style-type: none"> • Increased the height of the base of the building from one to two storeys, with the subsequent floors above being stepped back between 1.5 metres to 2.5 metres; • Increased the height of the western section of Building A and the eastern section of Building C from six to seven storeys; • Decreased the middle section of Buildings A and C from 10 to nine storeys; • Lowered the eastern section of Building A and the western section of Building C from 12 to nine storeys; • Relocate the portion of the building exceeding nine storeys towards the middle of the subject lands with a setback of 18 metres from King Street East; and, • Increased the building height from 12 to 13 storeys. <p>Lawrence Road East</p> <ul style="list-style-type: none"> • Increased the height of the base of the building from one to two storeys, with the subsequent floors above being stepped back between 1.5 metres to 2.5 metres; • Increased the height of the western section of Building B and the eastern section of Building D from six to seven storeys; • Increased the height of the middle section of Buildings B and D from 10 to 11 storeys; and, • Increased the height of the eastern section of Building B and the western section of Building D from 12 to 13 storeys. <p>Furthermore, staff recommended that the proposal be removed by establishing Zoning By-law provisions that will require the massing for Buildings B and D to be laid out in a manner that would be similar to what is being proposed for Buildings A and C.</p>
Property Details	
Municipal Address:	1842 King Street East, Hamilton
Lot Area:	26,825.47 square metres (2.68 hectares)
Servicing:	The property is serviced by municipal services.
Existing Use:	Former Educational Establishment (Brock University), now currently vacant.

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.

**SUBJECT: Application for Official Plan Amendment and Zoning By-law
Amendment for the Lands Located at 1842 King Street East, Hamilton
(PED22139) (Ward 4) - Page 7 of 40**

Documents	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS (2020).
A Place to Grow:	The proposal conforms to the Growth Plan, as amended.
Official Plan Existing:	Urban Hamilton Official Plan Schedule "E" - Urban Structure: Primary Corridor Schedule "E-1" – Land Use Designations: Neighbourhoods
Official Plan Proposed:	"Neighbourhoods" designation, Site Specific Policy Area
Zoning Existing:	Major Institutional (I3) Zone, Zoning By-law No. 05-200
Zoning Proposed:	Mixed Use Medium Density (C5, 812, H76, H77) Zone, Special Figure 31
Modifications Proposed:	<p>The following modifications have been requested by the applicant:</p> <ul style="list-style-type: none"> • To permit a maximum 9.5 metre setback from the King Street East lot line and a maximum 4.5 metre setback from Lawrence Road; • To require a minimum 7.5 metre side yard setback from the easterly and westerly side lot lines; • To require a minimum 9.0 metre side yard setback from the easterly and westerly side lot lines for any portion of the building exceeding 7.5 metres in height, except for the maisonettes; • To increase the maximum building height from 22.0 metres (6 storeys) to 44.0 metres (13 storeys); and, • To require a minimum 40% on-site landscape area. <p>The following modifications have been included by staff:</p> <ul style="list-style-type: none"> • A minimum of 0.5 long term bicycle parking spaces per unit will be required (for a total of 670 based on 1,341 units); • A minimum of 0.05 short term bicycle parking spaces per unit will be required (for a total of 67 based on 1,341 units); • To not require the finished floor of a dwelling unit to be 0.9 metres above grade; and, • To require a minimum 3.0 metre wide planting strip and 1.8 metre high visual barrier along the easterly and westerly side lot lines.

**SUBJECT: Application for Official Plan Amendment and Zoning By-law
Amendment for the Lands Located at 1842 King Street East, Hamilton
(PED22139) (Ward 4) - Page 8 of 40**

Documents	
Modifications Proposed Continued:	<p>The following modifications have been included by staff that revise the proposed development:</p> <ul style="list-style-type: none"> • To require a minimum 6.0 metre setback from the King Street East and Lawrence Road lot lines for any portion of the building exceeding 7.5 metres in height; • To require a minimum 18.0 metre setback from the King Street East and Lawrence Road lot lines for any portion of the building exceeding 28.0 metres in height; • To require a minimum 25.5 metre westerly side yard setback for any portion of the building exceeding 22.0 metres in height; • To require a minimum 18.0 metre easterly side yard setback for any portion of the building exceeding 22.0 metres in height; • To require a minimum 65.0 metre westerly side yard setback for any portion of the building exceeding 28.0 metres in height; and, • To require a minimum 55.0 metre easterly side yard setback for any portion of the building exceeding 28.0 metres in height.
Processing Details	
Received:	April 19, 2021.
Deemed Complete:	May 13, 2021.
Notice of Complete Application:	Sent to 128 property owners within 120 metres of the subject property on May 21, 2021.
Public Notice Sign:	Posted May 20, 2021 and updated with public meeting date on July 13, 2022.
Notice of Public Meeting:	Sent to 128 property owners within 120 metres of the subject property on July 22, 2022.
Public Consultation:	The Applicant held a virtual Public Open House meeting on September 23, 2021, with invitations sent to 125 properties within the area. A total of 41 interested parties participated in the Public Open House meeting, and comments were provided to the applicant. The comments received during the Public Open House are provided in Appendix "F-2" attached to Report PED22139.
Public Comments:	<p>Letters of objection were submitted by 28 interested parties expressing concern for the proposed Official Plan Amendment and Zoning By-law Amendment applications.</p> <p>Public comments are summarized in the table below and are provided in Appendix "F-1" attached to Report PED22139.</p>
Processing Time:	477 days from date of receipt of initial Application. 106 day from receipt of revised development proposal.

Existing Land Use and Zoning:

	Existing Land Use	Existing Zoning
Subject Property:	Educational Establishment (Brock University) - Vacant	Major Institutional (I3) Zone

Surrounding Land Uses:

North	Commercial use, Places of Worship	Neighbourhood Commercial (C2) Zone and "H" (Community Shopping and Commercial, Etc.) District
East	Commercial uses and Residential	Neighbourhood Commercial (C2) Zone, "H" (Community Shopping and Commercial, Etc.) District, "C" (Urban Protected Residential, Etc.) District and "C/S-1164" (Urban Protected Residential, Etc.) District, Modified
South	Residential Multiple Dwelling and Single detached dwelling	"DE-2" (Multiple Dwelling) District and "C" (Urban Protected Residential, Etc.) District
West	Residential, Commercial use	"C" (Urban Protected Residential, Etc.) District and Community Commercial (C3) Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

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

- "1.1.3.1 *Settlement areas* shall be the focus of growth and development.
- 1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses:
 - a) Efficiently use land and resources;

- b) Are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomic expansion;
- e) Support active transportation; and,
- f) Are transit-supportive, where transit is planned, exists or may be development;

1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.”

The development is located within a settlement area and the development represents a compatible form of intensification which promotes efficient use of land, existing infrastructure, and existing public transit. The proposed development is appropriate in scale for the area.

Cultural Heritage and Archaeology

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

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

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

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

3) Along historic transportation routes.

Notwithstanding current surface conditions, the criteria define the property as having archaeological potential. A Stage 1 and 2 archaeological report was submitted to the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries and received approval from the Province for compliance with licensing requirements in a letter dated October 4, 2021. Staff are of the opinion that the municipal interest in the archaeology of the site has been satisfied.

The subject property is the site of a former high school constructed in 1963 and designed in the modernist architectural style. Buildings A and C are adjacent to cultural resources (1831 and 1883 King Street East) included in the City's Inventory of Heritage Buildings which are identified as candidates for listing on the Municipal Heritage Register and Part IV designation under the *Ontario Heritage Act* and were reviewed by the Inventory and Research Working Group as part of their Places of Worship Review on October 26, 2020. The subject property is also located within the Bartonville Established Historical Neighbourhood. The proposed changes in massing on Buildings A and C along King Street East implements setbacks and repositions height towards the centre of the site to minimize impact on the adjacent cultural heritage resources.

A Documentation and Salvage Report prepared by LHC Inc. dated April 2021 and updated in September 2021 was submitted to the City of Hamilton. The report was reviewed by staff and found to be complete and satisfactory. The implementation of the Documentation and Salvage Report will be through the detailed design and construction phase of the proposed development. To ensure the implementation of the Documentation and Salvage Report, staff are recommending the inclusion of a condition for the Documentation and Salvage Report a part of the 'H' Holding Provision and will need to be completed prior to lifting the 'H' Holding Provision.

Noise

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

The subject lands are located close to existing noise sources, which are primarily from the surrounding roads, specifically King Street East and Lawrence Road. An Environmental Noise Impact Study (Study) prepared by dBA Acoustical Consultants Inc. dated March 2021 and updated on October 2021 and on January 2022, were prepared in support of the applications.

**SUBJECT: Application for Official Plan Amendment and Zoning By-law
Amendment for the Lands Located at 1842 King Street East, Hamilton
(PED22139) (Ward 4) - Page 12 of 40**

The Study identified a number of potential transportation noise sources including King Street East, Lawrence Road, Rosedale Avenue, Kenilworth Avenue South, and the CP Railway Principal Main Line. Rosedale Avenue was determined not to have an impact due to low traffic volumes, low speed limit, distance from the development and existing buildings and therefore not evaluated. Kenilworth Avenue South was determined not to have an impact on the proposed development due to the distance and existing shielding.

The evaluation of the remaining noise sources determined that apart from the first floor of the maisonettes, all other locations exceed the Ministry of the Environment, Conservation and Parks (MECP) daytime and night time noise levels. The Study identified that multiple proposed terraces exceed a depth of 4.0 metres and therefore are defined as an outdoor living area (OLA) and that calculated noise levels exceed 55 dBA.

The Study indicated mitigation measures that would need to be undertaken to comply with MECP criteria including:

- Higher Sound Transmission Classification (STC) ratings for the proposed buildings;
- The inclusion of centralized air conditioning to allow for windows and doors to remain closed;
- Inclusion of noise warning clauses;
- Establishment of a 0.91 metre high safety railing with a minimum surface density of 20 kg/m² for the OLAs;
- Certification of the noise mitigation measures prior to building permit; and,
- Certification of the implementation of the noise mitigation measures prior to occupancy permit.

The Study did not evaluate the impact of any mechanical equipment or loading areas proposed in respect to the noise impact that the development will have on both itself and surrounding sensitive land uses. An addendum to the noise study will be required through the Site Plan Control application and if impacts are determined they will be addressed through the Site Plan Control application.

Site Condition

The PPS provides the following policy direction:

- “3.2.2 Sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects.”

**SUBJECT: Application for Official Plan Amendment and Zoning By-law
Amendment for the Lands Located at 1842 King Street East, Hamilton
(PED22139) (Ward 4) - Page 13 of 40**

The subject land is currently zoned Major Institutional (I3) Zone which permits a range of community uses including an educational establishment and the proposal is for the establishment of sensitive residential uses. As there is potential for site contamination an assessment through a Record of Site Condition (RSC) needs to be undertaken. An 'H' Holding Provision will be applied to the Zoning By-law Amendment requiring completion of an RSC or for the applicant to enter into a conditional building permit and must be satisfied prior to final Site Plan approval.

Given the foregoing, staff are of the opinion that the applications are consistent with the PPS.

Growth Plan for the Greater Golden Horseshoe 2019, as amended

The Growth Plan directs the majority of growth to settlement areas that have access to municipal water and wastewater systems and can support the achievement of complete communities. The following policies, amongst others, apply to the proposal.

“2.2.1.2 a) Forecasted growth to the horizon of this Plan will be allocated based on the following:

- a) The vast majority of growth will be directed to *settlement areas* that:
 - i. Have a *delineated built boundary*;
 - ii. Have existing or planned *municipal water and wastewater systems*; and,
 - iii. Can support the achievement of *complete communities*;

2.2.1.2 c) Within *settlement areas*, growth will be focused in:

- i. Delineated built-up areas;
- ii. Strategic growth areas;
- iii. Locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and,
- iv. Areas with existing or planned public service facilities;

2.2.1.4 Applying the policies of this Plan will support the achievement of *complete communities* that:

- c) Provide a diverse range and mix of housing options, including second units and *affordable* housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes.”

The subject lands are located within the Hamilton urban boundary and are fully serviced by municipal water and wastewater infrastructure but additional analysis is required to ensure there is adequate servicing capacity for the proposed development, the development will be required to demonstrate that there is adequate servicing capacity prior to the lifting of the 'H' Holding Provision. The proposal contributes toward providing a mix of housing options and makes use of existing municipal services. The proposal represents a form of residential intensification within the built-up area, in proximity to existing transit routes along King Street East.

Based on the foregoing, the proposal conforms with the policies of the Growth Plan.

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

- "E.2.6.2 Neighbourhoods shall primarily consist of residential uses and complementary facilities and services intended to serve the residents. These facilities and services may include parks, schools, trails, recreation centres, places of worship, small retail stores, offices, restaurants, and personal and government services.
- E.2.6.4 The Neighbourhoods element of the urban structure shall permit and provide the opportunity for a full range of housing forms, types and tenure, including affordable housing and housing with supports.
- E.2.6.7 Neighbourhoods shall generally be regarded as physically stable areas with each neighbourhood having a unique scale and character. Changes compatible with the existing character or function of the neighbourhood shall be permitted. Applications for development and residential intensification within Neighbourhoods shall be reviewed in consideration of the local context and shall be permitted in accordance with Sections B.2.4 – Residential Intensification, E.3.0 – Neighbourhoods Designation, E.4.0 – Commercial and Mixed Use Designations, and E.6.0 – Institutional Designation.
- E.3.2.3 The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations:
- a) Residential dwellings, including second dwelling units and housing with supports;

E.3.2.4 The existing character of established Neighbourhoods designated areas shall be maintained. Residential intensification within these areas shall enhance and be compatible with the scale and character of the existing, residential neighbourhood in accordance with Section B.2.4 – Residential Intensification and other applicable policies of this Plan.

High Density Residential

E.3.6.1 High density residential areas are characterized by multiple dwelling forms on the periphery of neighbourhoods in proximity of major or minor arterial roads.

E.3.6.2 Uses permitted in high density residential areas include multiple dwellings, except street townhouses.

E.3.6.3 Local commercial uses may also be permitted on the ground floor of buildings containing multiple dwellings, provided the provisions of Section E.3.8 – Local Commercial are satisfied.

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

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

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

- c) High profile development may be considered appropriate, subject to the other policies of this Plan, where it would result in the preservation of natural heritage system features or public view corridors which may otherwise be compromised by more dispersed, lower profile development;
- 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.
- g) The orientation, design and massing of a building or structure higher than six storeys shall take into account the impact on public view corridors and the general public views of the area of the Niagara Escarpment, waterfront, and other parts of the City as identified through secondary plans or other studies.

**SUBJECT: Application for Official Plan Amendment and Zoning By-law
Amendment for the Lands Located at 1842 King Street East, Hamilton
(PED22139) (Ward 4) - Page 17 of 40**

E.3.8.2 The following uses shall be permitted:

- a) Retail and service uses such as a craftsperson shop, day nursery, commercial school, financial establishment, office, motor vehicle service station, personal service, place of worship, repair service, restaurant, studio, art gallery, tradesperson shop, and veterinary service;
- b) Medical office or clinic, provided it has direct access to an arterial road and is adjacent to other local commercial uses; and,
- c) Residential uses, in accordance with Policy E.3.8.10;

E.3.8.4 Local Commercial uses may be permitted in the following forms:

- d) Multiple storey buildings with the local commercial uses on the ground floor and residential uses above.”

Residential uses including multiple dwellings and maisonettes are permitted on lands designated “Neighbourhoods” and are permitted in High Density Residential areas as per policies E.2.6.2, E.3.2.3 and E.3.6.2. Local commercial uses are permitted within multiple dwellings but are required to be located on the ground floor as per policy E.3.8.4. The topography of the subject lands is situated in a way that the building level that accesses King Street East is not considered the ground floor. The Parking (P1) Level would be considered the ground floor and therefore, an Official Plan Amendment is required.

For high density residential areas located outside of Central Hamilton the permitted net residential density shall be greater than 100 units per hectare and not greater than 200 units per hectare as per policy E.3.6.6. The development is proposing a net residential density of 500 unit per hectare which exceeds the maximum density of 200 units per net hectare as indicated in the Urban Hamilton Official Plan. An Official Plan Amendment will be required to increase the net density for the development.

Local commercial uses are permitted within the proposed north east building (Building C) but due to the topography of the site the use is not located at the ground floor but is located below the ground floor and therefore does not comply with the policies requiring local commercial uses be located on the ground level of a multi-storey building, as per policies E.3.8.2 and E.3.8.4. Therefore, an Official Plan Amendment is required.

The subject property is located adjacent to single detached dwellings and commercial buildings. On the south side of Lawrence Road dwellings range from three to seven storeys, and the zoning permits multiple dwellings at a maximum height of eight storeys

**SUBJECT: Application for Official Plan Amendment and Zoning By-law
Amendment for the Lands Located at 1842 King Street East, Hamilton
(PED22139) (Ward 4) - Page 18 of 40**

and 26.0 metres. There are no existing buildings greater than seven storeys in the immediate area. Twelve (12) storey buildings are located approximately 350 metres to the east along King Street East. A 13 storey building would not be out of character for the area, since it includes appropriate massing while maintaining a proper transition and is compatible with the adjacent lands, as per policy E.3.6.7.

The proposed buildings (Buildings A and C) along King Street East will include the following provisions to assist with the transition and the massing of the building:

- 7.5 metre setback between the side lot lines and the base of the proposed buildings;
- 9.0 metre side yard setback for the third through seventh storeys;
- 18.0 metre eastern side yard setback and 25.5 metre western side yard setback for the eighth and ninth storeys;
- 55.0 metre eastern side yard setback and 65.0 metre western side yard setback for the 10th through 13th storeys;
- .5 to 2.5 metre stepback above the second storey along King Street East façade;
- 18.0 metres front yard setback for the 10th through 13th storeys;
- Inclusion of design elements to break up the building massing of Buildings A and C); and,
- Planting strips along the west and east side lot lines.

The provisions will provide a separation and transition to the adjacent low rise buildings while ensuring that the massing of the building in relation to the street will not impact the character of the neighbourhood. Limiting the height of Buildings A and C, in relation to the street by centralizing taller portions of the building internally in the site will provide a transition and separation. Buildings A and C, along King Street East comply with policies in the UHOP with respect to compatibility with the existing neighbourhoods; providing separation and transition for high profile multiple dwellings and are compatible with existing and future uses for the area.

Buildings B and D, along Lawrence Road as proposed by the applicant do include a 7.5 metre side yard setback for the building base, 9.0 metre side yard setback for the third through seventh storeys and 1.5 metre to 2.5 metre stepback above the second storey along Lawrence Road. However, the design proposed by the applicant does not provide any additional front yard setbacks for the upper floors along Lawrence Road and provides smaller setbacks from the side lot lines or provides the setbacks at a higher building height. The massing for the buildings along Lawrence Road as proposed by the Applicant does not centralize the taller portions of the building internally in the site thereby resulting in encroachment of the building into the 45 degree build to plane, including:

**SUBJECT: Application for Official Plan Amendment and Zoning By-law
Amendment for the Lands Located at 1842 King Street East, Hamilton
(PED22139) (Ward 4) - Page 19 of 40**

- An encroachment of approximately five storeys for approximately 50% of the length of the building;
- A further encroachment of approximately three storeys for an additional 25% of the length of the building; and,
- Approximately 25% of the length of the building does not encroach into the build to plane.

The massing and scale of the buildings as proposed by the applicant is not compatible with building height and building length relative to what exists in the area. The height of the building being proposed in proximity to the street represents a departure from the existing planned context with respect to building height as laid out in the applicable Zoning By-law.

The proposal revised by staff for Buildings B and D along Lawrence Road would include setbacks and stepbacks similar to the buildings along King Street East, which limits the massing of the building to the Lawrence Road street line and centralizes the taller portions of the building internal to the site. The reduction in massing along Lawrence Road would limit the encroachment into the 45 degree build to plane to approximately one storey for the nine storey component of the building and 1.5 storeys for the central tower component. The nine storey building proposed along King Street East would represent a building height of approximately 28.0 metres which is consistent with the existing planned area.

Residential Intensification

- “B.2.4.1.4 Residential intensification development 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.”

As mentioned, the scale and massing of the proposed development along King Street East is consistent with the established character of the area and will allow for the compatible integration of the development with the surrounding area in respect to use, scale, form and character as per Policy B.2.4.1.4 d). The development will provide

separation and transition from adjacent residential buildings, which will ensure that the proposed development will not create shadowing and overlook impacts. Noise mitigation measures and detailed site lighting plans will be required through the Site Plan Control process and will need to ensure that the development does not create noise impacts or lighting impacts on adjacent lands as per policy B.2.4.2.2 b) and d). A Traffic Impact Study was submitted and the proposed development of 1,341 units will not create adverse traffic impacts as per policies B.2.4.1.4 f) and B.2.4.2.2 j).

The development contributes to maintaining and achieving a range of dwelling types by providing one, two and three bedroom units as per policy B.2.4.1.4 c). Indoor and outdoor amenity areas will be provided to meet the needs of the residents of the proposed development as per policy B.2.4.2.2 f). The development will be required to demonstrate prior to the lifting of the 'H' Holding Provision that adequate infrastructure capacity is available or will be made available to service the needs of the proposed development, as per policies B.2.4.1.4 f) and B.2.4.2.2 j).

Urban Design Policies

"B.3.3.2.3 Urban design should foster a sense of community pride and identity by:

- a) Respecting existing character, development patterns, built form, and landscape;
- b) Promoting quality design consistent with the locale and surrounding environment;
- c) Recognizing and protecting the cultural history of the City and its communities;
- d) Conserving and respecting the existing built heritage features of the City and its communities;
- e) Conserving, maintaining, and enhancing the natural heritage and topographic features of the City and its communities;
- f) Demonstrating sensitivity toward community identity through an understanding of the character of a place, context and setting in both the public and private realm;
- g) Contributing to the character and ambiance of the community through appropriate design of streetscapes and amenity areas;
- h) Respecting prominent sites, views, and vistas in the City; and,

**SUBJECT: Application for Official Plan Amendment and Zoning By-law
Amendment for the Lands Located at 1842 King Street East, Hamilton
(PED22139) (Ward 4) - Page 22 of 40**

- i) Incorporating public art installations as an integral part of urban design.

B.3.3.3.2 New development shall be designed to minimize impact on neighbouring buildings and public spaces by:

- a) Creating transitions in scale to neighbouring buildings;
- b) Ensuring adequate privacy and sunlight to neighbouring properties; and,
- c) Minimizing the impacts of shadows and wind conditions.

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

B.3.3.3.5 Built form shall create comfortable pedestrian environments by:

- a) Locating principal facades and primary building entrances parallel to and as close to the street as possible;
- b) Including ample glazing on ground floors to create visibility to and from the public sidewalk;
- c) Including a quality landscape edge along frontage where buildings are set back from the street;
- d) Locating surface parking to the side or rear of sites or buildings, where appropriate; and,
- e) Using design techniques, such as building step-backs, to maximize sunlight to pedestrian areas.”

The development would be massed to respect the existing and planned street proportions along both King Street East and Lawrence Road. The proposed setback of the buildings and stepbacks of the upper levels from both the easterly and westerly side lot lines will provide a transition in scale between the development and neighbouring buildings.

A Sun Shadow Impact Study prepared by R. Bouwmeester & Associates dated April 7, 2021 was provided and updated January 24, 2022 to reflect the change in the proposed design. The study demonstrated that at the spring and fall equinox that a minimum of three hours of sun access are provided between 10 a.m. and 4 p.m. for the King Street

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**SUBJECT: Application for Official Plan Amendment and Zoning By-law
Amendment for the Lands Located at 1842 King Street East, Hamilton
(PED22139) (Ward 4) - Page 23 of 40**

East right of way. Additionally, the rear yards of the existing low rise residential dwellings located to the east and west on Lawrence Road and Rosedale Avenue will maintain a minimum of three hours of sun access between 10:00 a.m. and 4:00 p.m. which aligns with the City's best practices. An updated Sun Shadow Study has not been provided to reflect the revised design, however as the proposed changes pertain to the proposed building on the north side of Lawrence Road and the recommended changes pertain to a reduction in massing of the buildings, it is not anticipated that the changes will create additional shadow impacts.

A Pedestrian Wind Assessment prepared by RWDI Inc. dated April 16, 2021 was submitted, and updated March 3, 2022 to reflect the changes in the proposed design. The study demonstrated that in the summer the wind conditions on-site, as well as the wind conditions on both the public realm and adjacent lands, fall within the levels comfortable for sitting and standing. For the winter the wind conditions on-site, as well as the wind conditions in both the public realm and on adjacent lands, fall within levels comfortable for sitting, standing, strolling and walking. A Pedestrian Wind Assessment was not provided to reflect the changes proposed by staff, as the recommended changes pertain to a reduction in massing and it is not anticipated that it will create additional wind impacts. A 'H' Holding Provision is to be established to ensure that an updated Wind Assessment is undertaken.

Infrastructure

"C.5.3.5 All new development and redevelopment within the urban areas shall be connected to the City's water and wastewater system.

C.5.3.11 The City shall ensure that any change in density can be accommodated within the municipal water and wastewater system."

The proposed development is to be connected to the City water and wastewater system. As previously noted, an 'H' Holding Provision is to be established to ensure that adequate services are available and any required infrastructure improvements are established.

Based on the foregoing, the proposed development as revised by staff complies with the policies of the Urban Hamilton Official Plan, subject to approval of the Official Plan Amendment.

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

The subject property is zoned Major Institutional (I3) Zone. The zoning does not permit a standalone multiple dwelling, and only permits a multiple dwelling that is on the same

**SUBJECT: Application for Official Plan Amendment and Zoning By-law
Amendment for the Lands Located at 1842 King Street East, Hamilton
(PED22139) (Ward 4) - Page 24 of 40**

lot as an Education Establishment, Retirement Home or Long Term Care Facility.
Commercial retail uses are not permitted on lands zoned Major Institutional (I3) Zone.

The Major Institutional (I3) Zone restricts the maximum building height to 18.0 metres. To implement the proposed development a change in zoning will be required to a site specific Mixed Use Medium Density (C5) Zone. The site specific modifications to accommodate the proposal are outlined in the Report Fact Sheet and discussed in detail in Appendix “E” attached to Report PED22139.

RELEVANT CONSULTATION

Departments and Agencies		
The following departments and agencies had no comments:		
<ul style="list-style-type: none"> • Alectra Utilities; • Canada Post; and, • Landscape Architectural Services, Public Works Department. 		
	Comment	Staff Response
Development Engineering Approval Section, Planning and Economic Development Department	<p>Development Engineering staff requested a Functional Servicing Report to demonstrate the storm water management, sanitary flow and water supply demand (Water Hydraulic Analysis) resulting from this development has adequate capacity in the existing municipal infrastructure system.</p> <p>Development Engineering staff require that the applicant enter into an External Works Agreement with the City for the design and construction of any improvements to the municipal infrastructure at the owner’s cost, should it be determined that upgrades are required to the infrastructure to support this development, according to the Functional Servicing Report, Traffic Impact Study and Water Hydraulic Analysis Report.</p>	<p>The requested Functional Servicing Report and any required External Works Agreement will be included as a condition of the ‘H’ Holding Provision.</p> <p>The right-of-way dedications have been identified on the concept plan, however the dedications will be undertaken through the Site Plan Control Application.</p>

**SUBJECT: Application for Official Plan Amendment and Zoning By-law
Amendment for the Lands Located at 1842 King Street East, Hamilton
(PED22139) (Ward 4) - Page 25 of 40**

	Comment	Staff Response
Development Engineering Approval Section, Planning and Economic Development Department Continued	The existing right-of-way width along Lawrence Road is 20.1 metres, whereas a required right-of-way width of 26.213 metres is required. The existing right-of-way width along King Street East is 19.2 metres, whereas a required right-of-way width of 36.576 metres is required.	Full detailed civil engineering plans and reports will be required through the Site Plan Control Application.
Growth Planning Section, Planning and Economic Development, Department	Note that confirmation on the tenure of the subject proposal should be provided and whether the subject proposal will be a Condominium. The proposed address for this development will be assigned once conditional Site Plan approval has been granted. A mailing address unit number for each floor and each building will be required. The Owner will need to agree to physically affix the municipal number to each building.	The municipal address and mailing address unit numbers will be finalized through the Site Plan Control application. The tenure of the proposed development is to be determined at a later stage. The establishment of the units as condominium units would be undertaken through an application for Draft Plan of Condominium.
Forestry and Horticulture Section, Public Works Department	Forestry and Horticulture staff noted that there are no municipal tree assets on site and therefore no Tree Management Plan is required. A Landscape Plan is required to depict the street tree planting scheme. Payment for the provision of street trees will be required.	A detailed Landscape Plan and payment for street trees will be required at the Site Plan Control stage.

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**SUBJECT: Application for Official Plan Amendment and Zoning By-law
Amendment for the Lands Located at 1842 King Street East, Hamilton
(PED22139) (Ward 4) - Page 26 of 40**

	Comment	Staff Response
Transportation Planning Section, Planning and Economic Development, Department	<p>A Transportation Impact Study (TIS) was submitted and reviewed by Transportation Planning and the TIS is approved based on the current residential density proposed.</p> <p>The TIS indicated that the total unit count may be increased closer to construction due to market conditions and demand. Transportation Planning does not endorse this statement, if the unit count were to increase an additional TIS would be required. The driveway access to King Street East shall be limited to restrict northbound left-turning movement by way of a diverter island.</p> <p>A Transportation Demand Management and Transit Oriented Design indicates that long term bicycle parking and short term bicycle parking are required.</p> <p>A right-of-way dedication of approximately 3.1 metres is to be dedicated to the Lawrence Road right-of-way.</p> <p>A right-of-way dedication of approximately 3.6 metres is to be dedicated to the King Street East right-of-way.</p>	<p>The revisions to the proposed development have reduced the number of dwelling units from what was identified in the TIS. An 'H' Provision that would apply should the development exceed 1,341 dwelling units would require that an updated TIS be submitted and approved prior to lifting the Holding Provision.</p> <p>The design of the driveway access on King Street East to restrict left turning movement will be established through the Site Plan Control Application.</p> <p>Minimum requirements for long term and short term bicycle parking will be included in the Site Specific Zoning By-law.</p> <p>Right-of-way dedications along both King Street East and Lawrence Road will be required to be undertaken through the Site Plan Control Application.</p>

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**SUBJECT: Application for Official Plan Amendment and Zoning By-law
Amendment for the Lands Located at 1842 King Street East, Hamilton
(PED22139) (Ward 4) - Page 27 of 40**

	Comment	Staff Response
Transportation Planning Section, Planning and Economic Development, Department Continued	A 5.0 metre x 5.0 metre visibility triangle shall be required for each driveway access. Transportation Planning identified the require minimum access driveway width, maximum ramp grade and required turning plans.	At the Site Plan Control stage compliance with the required visibility triangles, minimum driveway access width, maximum ramp grade and required turning plans amongst others will be required to be demonstrated and implemented.
Recycling and Waste Disposal, Operations Division, Public Works Department	Recycling and Waste Disposal staff advised that the application has been reviewed for municipal waste collection service and as currently designed the development is not serviceable. Recycling and Waste Disposal staff outline the issues with respect to the serviceability of the proposed development by way of municipal waste collection services. If the development is not designed according to specifications for municipal waste disposal services the developer must arrange for a private waste hauler for removal of all waste materials and as part of the Purchase and Sale Agreement the development must advise prospective buyers that the property is not serviceable for municipal waste collection.	The Applicant will be required through the Site Plan Control application to demonstrate that the proposed development complies with municipal waste collection criteria or will need to provide service by way of a private waste hauler and include a warning clause in all offers of purchase and sale and lease and rental agreements.

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**SUBJECT: Application for Official Plan Amendment and Zoning By-law
Amendment for the Lands Located at 1842 King Street East, Hamilton
(PED22139) (Ward 4) - Page 28 of 40**

	Comment	Staff Response
Recycling and Waste Disposal, Operations Division, Public Works Department Continued	If the development is not designed according to specifications for municipal waste disposal services the developer must arrange for a private waste hauler for removal of all waste materials and as part of the Purchase and Sale Agreement the development must advise prospective buyers that the property is not serviceable for municipal waste collection.	
Canadian Pacific Railway	Canadian Pacific Railway (CP) approach to development in the vicinity of rail operations is encapsulated by the recommended guidelines developed through collaboration between the Railway Association of Canada and Federation of Canadian Municipalities. CP advised of their guidelines and that if the development proposal receives approval that CP guidelines be followed.	The CP rail line is located approximately 80 metres to the south separated by Lawrence Road and the existing development on the south side of Lawrence Road. CP guidelines will be implemented through the Site Plan Control Application.
Enbridge Gas Inc. (Union Gas)	Union Gas has service lines running within the area which may or may not be affected by the proposed Site Plan. Should the proposed development impact the services, any termination and relocation of gas services will be at the cost of the property owner.	A note respecting union gas service lines being in the area and that any change in service lines will be at the owner's expense will be included in the Site Plan Control application.

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**SUBJECT: Application for Official Plan Amendment and Zoning By-law
Amendment for the Lands Located at 1842 King Street East, Hamilton
(PED22139) (Ward 4) - Page 29 of 40**

Public Consultation		
Issue	Comment	Staff Response
Traffic Impacts	Concern that the proposed development will create negative traffic impacts.	A Traffic Impact Study (TIS) was submitted in support of the applications and was reviewed by staff. The TIS concluded that the proposed development can be supported by the surrounding transportation network without significant concerns.
Over Intensification / Density	Concern that the proposed development represents an over intensification of the subject lands and that the proposed density of the development is too high.	<p>The subject property is located along King Street East and Lawrence Road which are minor arterial roads and existing transit routes. These factors make the subject property appropriate for intensification.</p> <p>The total number of dwelling units has been decreased from the 1,407 dwelling units to 1,341 dwelling units.</p> <p>The development has been evaluated in respect to potential traffic impacts and it has been determined that the development can be supported by the existing and planned transportation infrastructure. Any increase in the number of dwelling units would be restricted and would require updated studies be submitted for review and approval.</p>
Building Height	Concern that the height of the proposed development is not in keeping with the character of the area, and the height will create negative impacts on the area.	Buildings of a comparable height exist in the surrounding area and the proposed 13 storey building will not be out of character. The staff proposed revisions will require that the tallest portions of the proposed development be focused toward the interior of the site.

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**SUBJECT: Application for Official Plan Amendment and Zoning By-law
Amendment for the Lands Located at 1842 King Street East, Hamilton
(PED22139) (Ward 4) - Page 30 of 40**

Issue	Comment	Staff Response
<p>Building Height Continued</p>		<p>The resulting building massing along both King Street East and Lawrence Road will include building massing that includes a two storey podium, a seven storey building height toward the westerly and easterly side lot lines, and an overall height of nine storeys for the portion of the building façade located in proximity to the streetlines.</p> <p>The building setbacks will achieve a building design which will reflect the existing scale of development in the area which is predominately one to two storeys.</p> <p>The proposed increase in building height will not create shadow impacts on adjacent lands or the public realm and will not create negative privacy overlook impacts.</p>
<p>Massing and Scale</p>	<p>Concern that the massing and scale of the proposed development is not in keeping with the character of the area</p>	<p>The massing of the buildings along King Street East was revised by the applicant to reduce the massing in proximity to the street and locating the taller portion of the buildings towards the centre of the subject lands.</p> <p>In response to feedback from staff respecting the massing of the buildings along Lawrence Road was revised to reduce the massing in proximity to the street and locating the taller portions of the buildings toward the centre of the subject lands.</p>

**SUBJECT: Application for Official Plan Amendment and Zoning By-law
Amendment for the Lands Located at 1842 King Street East, Hamilton
(PED22139) (Ward 4) - Page 31 of 40**

Issue	Comment	Staff Response
Servicing Capacity	Concern that the proposed development will negatively impact existing municipal service capacity.	The proposed development will be required to demonstrate adequate servicing capacity and if necessary, to expand municipal infrastructure to ensure that adequate servicing capacity is provided. The inclusion of the 'H' Holding Provision will not allow for the development to proceed to building permit prior to satisfying the applicable servicing conditions and the lifting of the 'H' Holding Provision.
View Impact on Niagara Escarpment	Concern that the proposed development will negatively impact the view of the Niagara Escarpment.	The changes in the building design proposed by the applicant and revised by staff will reduce the overall height of the building which will improve the views of the Niagara Escarpment.
Tenure (Condo)	Question of the Tenure of the proposed development rental / condominium.	The Applications for Official Plan Amendment and Zoning By-law Amendment address the principal of the land use. The tenure of the dwelling units as either rental units or condominium units would be addressed through a subsequent Application.
Shadow Impacts	Concern that the proposed development will create negative shadow impacts.	A sun shadow study was submitted with the applications and demonstrated that the proposed development will not create a sun shadow impact on the adjacent lands.
Construction Impacts	Concern that the proposed development will create negative construction impacts.	A Construction Management Plan will be required to be undertaken through the Site Plan Control application which would address matters such as material storage, equipment storage, construction vehicle access, amongst other and will be required to be completed prior to the issuance of any building permit.

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**SUBJECT: Application for Official Plan Amendment and Zoning By-law
Amendment for the Lands Located at 1842 King Street East, Hamilton
(PED22139) (Ward 4) - Page 32 of 40**

Issue	Comment	Staff Response
Loss of Trees / Greenspace	Concern that the proposed development will result in a loss of trees and greenspace.	<p>A Tree Protection Plan was submitted with the proposed development. The plan has been reviewed by staff and it has been determined that the plan is satisfactory and meets all the guidelines set out by City policies.</p> <p>Tree compensation is required at a one for one compensation for trees that are to be removed and will be undertaken through the Site Plan Control Application.</p>
Capacity of Schools	Concern that there is insufficient capacity in area schools to accommodate the proposed development.	The proposed development application was circulated to the various school boards. No comments were provided from the school boards.
Parking	Concern that there is insufficient parking for the proposed development.	The proposed development meets the minimum parking requirements in the Zoning By-law.
Traffic Site Lines	Concern that the proposed development will create negative impacts with respect to traffic site lines.	<p>The Applications were reviewed by Transportation Planning staff and no concerns were raised.</p> <p>A 5.0 metre by 5.0 metre visibility triangle will be required to be provided for each driveway access.</p>
Noise Impacts	Concern that the proposed development will create negative noise impacts on the surrounding area.	<p>Upon completion of construction, the proposed development is not likely to generate noise impacts on the surrounding area in respect to loading areas, parking areas, and communal amenity spaces.</p> <p>The proposed loading areas are centrally located on the site and are setback approximately 50 metres from the adjacent lands and are buffered by the proposed buildings.</p>

**SUBJECT: Application for Official Plan Amendment and Zoning By-law
Amendment for the Lands Located at 1842 King Street East, Hamilton
(PED22139) (Ward 4) - Page 33 of 40**

Issue	Comment	Staff Response
Noise Impacts Continued		Parking is primarily located underground within a structured parking garage. There are a small number of visitor parking spaces being provided at grade which are located in the middle of the subject lands which is buffered by the proposed buildings.
Provide Commercial	Concern with respect to the lack of commercial uses being provided.	The revised proposal has introduced commercial uses at the street level within Building C located along King Street East.
Impact on Air Quality	Concern that the proposed development will create negative impacts with respect to air pollution.	<p>Intensification within built up areas which has to access alternative transportation options will assist with addressing impacts on air quality.</p> <p>The proposed development is not requesting 100% lot coverage and is proposing to incorporate plantings, and landscaping in various parts of the development including the proposed courtyards, roof top and along the streets.</p>
Capacity of Parks	Concern that there is insufficient capacity in area parks to accommodate the proposed development.	The proposed development is required to provide cash-in-lieu of parkland as part of the proposed development.
Privacy Impacts	Concern that the proposed development will create overlook impacts.	<p>The proposed development will maintain a minimum 7.5 metre setback from the existing residential to the east and west and, additional stepbacks of the upper floors will be required from the side lot lines.</p> <p>Landscape buffers will also be implemented between the proposed development and the adjacent residential uses.</p>

Design Review Panel

The proposal was heard by the Design Review Panel (DRP) on August 12, 2021 for a development consisting of four, 12-storey multiple dwellings and four, four storey maisonettes, for a total of 1,407 dwelling units, 1,688 parking spaces and 750 bicycle parking spaces.

The comments of the DRP included:

- The proposed mid-rise development is appropriate and the proposed stepbacks are appropriate for terracing and transition in scale to the surrounding neighbourhood;
- Additional stepbacks to the buildings along the frontages on King Street East and Lawrence Road are recommended to improve compatibility with the existing neighbourhood height;
- Landscaping is recommended along the east and west property lines;
- Commercial uses are recommended so to benefit the residential on-site and in the surrounding community;
- The Panel had varying opinions on whether the proposed density should be reduced or was appropriate for the area;
- Consideration for including family sized units (three plus bedroom) within the development;
- Mechanical penthouse should be setback from street view to deemphasize the height of the proposal;
- Concern with respect to shadow impacts on heritage buildings on the north side of King Street East;
- Recommended reducing the number of parking spaces provided at grade;
- Provision of bicycle parking spaces close to King Street East and Lawrence Road;
- Improve the streetscape on both King Street East and Lawrence Road by having units that exit at grade, encourage active uses, minimize the amount of vehicle entrances, and eliminate blank walls;
- Wind and shadow studies should be reviewed as part of the application for impacts on the neighbourhood; and,
- Look for opportunities to reuse components of the existing building on-site as part of the development.

Subsequent to the DRP meeting the applicant has amended the design which included the following:

- Reduction in the number of dwelling units;
- Increase in the number of three bedroom units from 24 to 25 units;
- Introduction of street oriented commercial uses in Building C;

**SUBJECT: Application for Official Plan Amendment and Zoning By-law
Amendment for the Lands Located at 1842 King Street East, Hamilton
(PED22139) (Ward 4) - Page 35 of 40**

- Small reduction in the number of on-site parking spaces;
- Increase in the maximum building height from 12 to 13 storeys for Buildings A through D;
- Reduced building massing along King Street East by way of providing additional setbacks and stepbacks for the upper floors;
- Increased the building massing of the buildings along Lawrence Road (Buildings B and D) by way of increasing the height of all sections of the buildings; and,
- Revised Sun Shadow and Wind Impact Studies were submitted demonstrating that the development will not have adverse shadow or wind impacts.

No additional setbacks for the upper floors for Buildings B and D were proposed, whereas DRP recommended that additional stepbacks be incorporated along the frontages of both King Street East and Lawrence Road to improve compatibility with the existing neighbourhood heights. Staff are recommending a revised approval to require stepbacks for the upper floors of the buildings along Lawrence Road to ensure that the upper floors are more centralized on the site and consistent with the direction provided by DRP.

The detailed design respecting materials, wall treatments, landscaping, and additional revisions respecting the detailed design of the building will be further evaluated and refined at the Site Plan Control stage.

PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and the Council approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 128 property owners within 120 metres of the subject property on May 21, 2021. A Public Notice sign was posted on the property on May 20, 2021 and updated on July 13, 2022. Finally, the Notice of the Public Meeting was given on July 22, 2022 in accordance with the requirements of the *Planning Act*.

To date, letters from 28 interested parties expressing concerns with the proposed development were received. These are attached as Appendix “F-1” to Report PED22139 and summarized in the table above.

Public Consultation Strategy

The Public Consultation Strategy included a virtual Public Open House meeting on September 23, 2021, as discussed on page 9 of Report PED22139, and the questions, comments and concerns raised as part of the virtual Public Open House meeting were summarized by the applicant and are attached as Appendix “F-2” of Report PED22139.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal as revised by staff has merit and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended;
 - (ii) It complies with the general intent of the Urban Hamilton Official Plan, subject to the Official Plan Amendment; and,
 - (iii) The proposed development as revised is compatible with existing land uses in the immediate area and represents good planning by, among other things, increasing the supply of housing units, making efficient use of land and existing infrastructure, and supporting public transit.

2. Official Plan Amendment

The proposed Official Plan Amendment is to add a Site Specific Policy Area within the “Neighbourhoods” designation, to permit a maximum residential density of 500 units per hectare, to restrict the maximum permitted building height to 13 storeys, and to permit commercial uses below grade.

As discussed, the revised proposal is compatible with the scale and character of the area. The subject lands are appropriately suited for the proposal due to proximity to two arterial roads, existing transit routes, and being located approximately 1 km from the future Kenilworth Avenue LRT station at Main Street East and Kenilworth Avenue, and proximity to existing commercial uses along King Street East.

The proposal as revised by staff is appropriate for the subject lands since it is located along King Street East and Lawrence Road which are minor arterial roads. The subject lands can accommodate an increase in density due to the following:

- The size of the subject lands ensures that the proposed density can be accommodated in a built form which maintains a height and massed that respect existing and planned street proportions and development incorporates appropriate transitions to adjacent lands;
- The increase in density can be accommodated on-site without creating negative shadow, wind noise or privacy overlook impacts;
- The increase in density can be accommodated on-site without creating negative traffic impacts for the area; and,

**SUBJECT: Application for Official Plan Amendment and Zoning By-law
Amendment for the Lands Located at 1842 King Street East, Hamilton
(PED22139) (Ward 4) - Page 37 of 40**

- The availability of existing and planned transit in proximity to the proposed development.

The current in force and effect UHOP high density residential policies do not restrict the maximum building height, as such, the inclusion of a maximum building height of 13 storeys in the Site Specific Policy Area provisions will facilitate the proposed development and will limit any further increase in building height beyond what is being proposed.

Multiple dwellings with local commercial uses on the ground floor and residential uses above are permitted, however the grading of the proposed development is elevated towards the interior of the site, resulting in the ground level being elevated and the level below to be aligned with the grade of the street. Therefore, the proposed commercial uses will be located at street level and therefore the general intent of permitting street oriented commercial is being maintained. The Site Specific Policy is to facilitate the establishment of the proposed street oriented commercial units.

In the opinion of staff, the proposed Official Plan Amendment can be supported.

3. Zoning By-law Amendment

The Application for Zoning By-law Amendment is for a change in zoning from the Major Institutional (I3) Zone to a Site Specific Mixed Use Medium Density (C5) Zone.

The maximum building height along with the minimum setbacks for the upper floors as revised by staff complies with the general intent of the UHOP and will ensure a development that is compatible with the existing and planned character of the area.

Staff have reviewed the site-specific modifications that are being requested and are of the opinion that the site-specific modifications are suitable for the proposed development and support the revised proposal. The modifications are identified on page 7 of Report PED22139 and discussed in detail in Appendix "E" attached to Report PED22139.

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

4. Holding Provision (H76)

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

- The Owner submit and receive completion of a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MECP) or enters into a conditional building permit agreement with respect to completing a Record of Site Condition. This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MECP, and submission of the City of Hamilton's current RSC administration fee;
- That the Owner submit a Functional Servicing Report to demonstrate the stormwater management, sanitary flow and water supply demand (Water Hydraulic Analysis) resulting from this development has adequate capacity in the existing municipal infrastructure system in accordance with City standards to accommodate the proposed development, to the satisfaction of the Director of Growth Management;
- That the Owner make satisfactory arrangements with City's Growth Management Division and enter into an external works agreement with the City for the design and construction of any improvements to the municipal infrastructure at the Owner's cost, should it be determined that upgrades are required to the infrastructure to support this development, according to the Functional Servicing Report, Traffic Impact Study (TIS) and Watermain Hydraulic Analysis Report, to the satisfaction of the Director of Growth Management;
- A Documentation and Salvage Report in accordance with the City's Guidelines for Documentation and Salvage Reports has been submitted and implemented all to the satisfaction of the Director of Planning and Chief Planner prior to any demolition and the Owner shall demonstrate that a copy of this report is submitted to the Hamilton Public Library; and,
- An updated Pedestrian Wind Study has been submitted and implemented to the satisfaction of the Director of Planning and Chief Planner.

Development will not be able to proceed until the 'H' Holding Provision is lifted.

5. Holding Provision (H77)

Holding Provision (H77) will restrict the maximum number of dwelling units to 1,341 units, any increase in the number of units above 1,341 dwelling units will require successful completion of the following studies:

- i) That the Owner submit and receive approval of an updated Transportation Impact Study where greater than 1,341 units are proposed, to the satisfaction of the Director of Transportation Planning; and,
- ii) That the Owner submit and receive approval of an updated Functional Servicing Report and Watermain Hydraulic Analysis Report where greater than 1,341 units are proposed, to the satisfaction of the Director of Growth Management.

6. The proposed development includes a central thoroughfare from King Street East to Lawrence Road, located between Buildings A and C and Building B and D. At the Site Plan Control and / or Draft Plan of Condominium stage, staff will ensure that appropriate conditions will be included to ensure this central pedestrian connection through the site remains open and accessible to pedestrians.

ALTERNATIVES FOR CONSIDERATION

Should the applications be denied, the subject property can be used in accordance with the Major Institutional (I3) Zone, in the City of Hamilton Zoning By-law No. 05-200.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Healthy and Safe Communities

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

Clean and Green

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

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.

**SUBJECT: Application for Official Plan Amendment and Zoning By-law
Amendment for the Lands Located at 1842 King Street East, Hamilton
(PED22139) (Ward 4) - Page 40 of 40**

Built Environment and Infrastructure

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

Culture and Diversity

Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED22139 – Location Map

Appendix "B" to Report PED22139 – Draft Official Plan Amendment

Appendix "C" to Report PED22139 – Draft Amendment to Zoning By-law No. 05-200

Appendix "D" to Report PED22139 – Amended Concept Plan (Applicant)

Appendix "E" to Report PED22139 – Zoning By-law Site Specific Modification – Chart

Appendix "F-1" to Report PED22139 – Public Submissions

Appendix "F-2" to Report PED22139 – Summary of Public Open House

DB:sd