



# INFORMATION REPORT

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	September 6, 2022
<b>SUBJECT/REPORT NO:</b>	Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-006 and Zoning By-law Amendment Application ZAC-22-014 to the Ontario Land Tribunal (OLT) for Lack of Decision for Lands Located at 186 Hunter Street East, Hamilton (PED22190) (Ward 2)
<b>WARD(S) AFFECTED:</b>	Ward 2
<b>PREPARED BY:</b>	Alaina Baldassarra (905) 546-2424 Ext. 7421
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

## Council Direction

In accordance with Subsections 34(11) and 51(34) of the *Planning Act*, an Official Plan Amendment application and a Zoning By-law Amendment application may be appealed by the Applicant to the Ontario Land Tribunal (OLT) after 120 days, if Council has not made a decision on the respective applications.

A motion to direct staff to advise the Planning Committee on matters relating to appeals of Council's non-decision, pursuant to the *Planning Act*, was passed by City Council on May 18, 2010. This Information Report has been prepared in accordance with Council's policy for staff to advise the Planning Committee and City Council of appeals for non-decision to the OLT.

The following information is provided to Planning Committee with regards to Urban Hamilton Official Plan Amendment application UHOPA-22-006 and Zoning By-law Amendment application ZAC-22-014, which have been appealed by the proponent for non-decision.

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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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The appeal of the Urban Hamilton Official Plan Amendment and Zoning By-law Amendment, filed by Russell D. Cheeseman, counsel for Wellington Hamilton Non-Profit Housing Inc., was received by the City Clerk's Office on June 21, 2022, 152 days after the receipt of the initial applications (refer to Appendix "D" attached to Report PED22190).

## **Background**

The subject property is municipally known as 186 Hunter Street East (refer to Appendix "A" attached to Report PED22190). The Applicant, UrbanSolutions Planning & Land Development Consultants Inc., on behalf of Wellington Hamilton Non-Profit Housing Inc. (Owner), applied for an Urban Hamilton Official Plan Amendment (application UHOPA-22-006) and Zoning By-law Amendment (application ZAC-22-014) to permit a 12 storey multiple dwelling with 104 residential units. The proposed development includes driveway accesses on Ferguson Avenue South and Liberty Street for the proposed parking spaces (46 spaces underground and four spaces at grade).

The subject property is rectangular shaped with a lot area of  $\pm 0.18$  ha and is located on the south side of Hunter Street East, west side of Liberty Street and east side of Grange Street. A vacant building with at grade surface parking is currently located on the subject lands.

The Urban Hamilton Official Plan and Zoning By-law Amendment applications were received on December 22, 2021 and deemed complete on January 21, 2022.

## **Urban Hamilton Official Plan**

The subject lands are designated "Neighbourhoods" on Schedule E-1 – Urban Land Use Designations. The proposed Urban Hamilton Official Plan Amendment is to increase the proposed density to permit 595 units per hectare.

## **Neighbourhood Plan**

The property is identified as "Medium Density Apartments" in the Corktown Neighbourhood Secondary Plan.

## **Zoning By-law Amendment Application**

The subject property is currently zoned Community Commercial (C3) Zone in Zoning By-law No. 05-200, as shown on Appendix "A" attached to Report PED22190. The proposed Zoning By-law Amendment application is to change the zoning from the

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Community Commercial (C3) Zone to a site specific High Density Multiple Dwellings “E-3” District in Hamilton Zoning By-law No. 6593. The Zoning By-law Amendment would require the removal of the property from Zoning By-law No. 05-200.

The proposed modifications to the High Density Multiple Dwellings “E-3” District include definition of the front lot line, increase in maximum building height, reductions to minimum yards (front yard, side yard and rear yard), add minimum setback requirements above two storeys in height for the front yard, side yard and rear yard, increase in the floor area ratio factor, reduction in the minimum required parking, and reduction in the minimum landscaped area.

The requested site specific modifications are shown conceptually on the Concept Plan in Appendix “B” attached to Report PED22190.

Issues/concerns identified through the circulation include:

- Lack of transition to the stable residential neighbourhood adjacent to the subject lands;
- Lack of landscape buffer along the south side and overall lack of landscaping on site;
- Reduction in number of parking spaces and location of parking within the podium;
- Podium design for the south elevation;
- Incomplete Functional Servicing Study and Stormwater Management Report;
- Tree protection; and,
- Driveway width and radii and lack of required daylight triangles.

### **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 for the applications were sent to 229 property owners within 120 m of the subject lands on February 3, 2022.

To date staff have received a total of 25 written submissions by residents expressing concerns with the proposed development. Issues raised by the public relate to increased traffic, concern with parking spaces on the street, pedestrian safety in the neighbourhood, increase in the maximum height, increase in the residential density and trust and transparency of the project submission in relation to the project being identified as affordable housing but shared through public consultation that the affordable housing component would only be a percentage of the proposed development.

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The appeal of both applications was received by the City Clerk's Office on June 21, 2022, 152 days after the receipt of the application (refer to Appendix "C" to Report PED22190).

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report PED22190 - Location Map  
Appendix "B" to Report PED22190 - Concept Plans  
Appendix "C" to Report PED22190 - Letter of Appeal

AB:sd