



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	November 29, 2022
SUBJECT/REPORT NO:	Application for a Zoning By-law Amendment for Lands Located at 1020 Upper James Street, Hamilton (PED22199) (Ward 8)
WARD(S) AFFECTED:	Ward 8
PREPARED BY:	James Van Rooi (905) 546-2424 Ext. 4283
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Zoning By-law Amendment Application ZAC-19-017 by Wellings Planning Consultants Inc. on behalf of Royal Living Development Group c/o Alex Arbab, owner**, for a change in zoning from the Mixed Use Medium Density (C5) Zone to the Mixed Use Medium Density (C5, 822, H131) Zone, to permit the lands to be developed for an eight storey mixed use building on lands located at 1020 Upper James Street, as shown on Appendix “A” attached to Report PED22199, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED22199, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) and complies with the Urban Hamilton Official Plan (UHOP);
- (b) That the amending By-law apply the Holding Provision of Section 36(1) of the Planning Act, R.S.O. 1990 to the subject lands by adding the Holding symbol H131

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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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to Schedule D of City of Hamilton Zoning By-law No. 05-200; and, that it shall be lifted upon completion of the following:

- (i) That the Owner submit 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 in accordance with City standards to accommodate the proposed development, to the satisfaction of the Director of Growth Management;
- (ii) That the Owner enter into an external works agreement with the City for the design and construction of any improvements to the municipal infrastructure at 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 Water Hydraulic Analysis Report, to the satisfaction of the Director of Growth Management;

EXECUTIVE SUMMARY

The subject property is located on the west side of Upper James Street between Jameston Avenue and Aldridge Street. The Owner, Royal Development Living Inc., c/o Alex Arbab has applied for an amendment to City of Hamilton Zoning By-law No. 05-200 to permit an eight storey multiple dwelling containing 116 dwelling units supported with 121 parking spaces and 150 bicycle parking spaces.

The purpose of the Zoning By-law Amendment application is for a further modification to the Mixed Use Medium Density (C5) Zone to permit an eight storey multiple dwelling.

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

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

The proposed development 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 existing infrastructure within the urban boundary, and supporting public transit.

Alternatives for Consideration – See Page 17

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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

Application Details	
Owner:	Royal Living Development Inc. c/o Alex Arbab
Applicant:	Wellings Planning Consultants Inc. c/o Glenn Wellings
File Number:	ZAC-19-017
Type of Application:	Zoning By-law Amendment.
Proposal:	<p>The original application was for the development of an eight storey mixed use building with 99 dwelling units and 98.66 square metres of ground floor commercial area with 107 parking spaces (41 at grade and 66 below grade).</p> <p>The proposal was amended four times. The final proposal is for an eight storey building with 116 dwelling units and 121 parking spaces (48 at grade and 73 below grade), 150 bicycle parking spaces and 100 square metres of ground floor commercial area. The revised proposal includes increased side yard setbacks above the third storey on the north side from 3.3 metres to 3.5 metres and increased the side yard setback above the third story on the south side from 2.3 metres to 2.8 metres.</p>

Property Details	
Municipal Address:	1020 Upper James Street
Lot Area:	3,623 square metres (0.3623 hectares).
Servicing:	Existing full municipal services.

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Property Details	
Existing Use:	Vacant building, previously used for a funeral home that is to be demolished.
Documents	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS.
A Place to Grow:	The proposal conforms to the Growth Plan, as amended.
Official Plan Existing:	Urban Hamilton Official Plan Schedule "E-1" – Land Use Designations: Mixed Use – Medium Density
Official Plan Proposed:	N/A
Zoning Existing:	Mixed Use Medium Density (C5) Zone
Zoning Proposed:	Mixed Use Medium Density (C5, 822, H131) Zone
Modifications Proposed:	The following modification has been requested by the Applicant: <ul style="list-style-type: none"> • To increase the maximum height from 22 metres to 28.5 metres.
Processing Details	
Received:	February 28, 2019.
Deemed Complete:	March 11, 2019.
Notice of Complete Application:	Sent to 139 property owners within 120 metres of the subject property on April 5, 2019.
Public Notice Sign:	Posted April 5, 2019 and updated with public meeting date on November 2, 2022.
Notice of Public Meeting:	Sent to 82 property owners within 120 metres of the subject property on November 11, 2022.
Public Consultation:	The Applicant held a virtual Public Open House meeting on May 7, 2020, with invitations sent to residents within 120 metres of the subject lands. No comments were provided or indicated at the time of the virtual Public Open House
Public Comments:	One email and one letter of objection have been received by staff to date.
Processing Time:	1370 days from date of receipt of initial application. 133 days from receipt of revised development proposal.

Existing Land Use and Zoning:

	Existing Land Use	Existing Zoning
Subject Property:	Vacant building, formerly used as a funeral home	Mixed Use Medium Density (C5) Zone

Surrounding Land Uses:

North	Commercial uses	Mixed Use Medium Density (C5) Zone
East	Commercial uses (Motor Vehicle Dealerships)	Mixed Use Medium Density (C5) Zone
South	Commercial uses (Retail and Office) and Single detached dwellings	Mixed Use Medium Density (C5) Zone
West	Single detached dwellings	“C” (Urban Protected Residential, etc.) District

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Policy Framework

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

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

Noise

The PPS provides the following policy direction:

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

The subject lands are adjacent to existing noise sources being Upper James Street, which is a “Major Arterial” road and in proximity to the Lincoln M. Alexander Parkway, which is a “Parkway” in Schedule C – Functional Road Classification of the UHOP. A Noise Impact Study by dBA Acoustics Consultants dated August 2018, has been submitted in support of the application.

Overall, staff generally agree with the findings of the report which recommends air conditioning for all residential units, warning clauses for all residential units, specific window door and wall construction, and an acoustical consultant confirming noise control measures have been adhered to prior to building permit and properly installed prior to an occupancy permit. An updated Noise Study will be required to be prepared and implemented at the Site Plan Control stage.

Cultural Heritage and Archaeology

- “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 five of the 10 criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism, and Culture Industries (MHSTCI) for determining archaeological potential:

- 1) Within 250 metres of known archaeological sites;

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- 2) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
- 3) Local knowledge associate areas with historic events/activities/occupations;
- 4) In areas of pioneer EuroCanadian settlement; and,
- 5) Along historic transportation routes.

Staff will require that a written caution note be added to the site plan drawings as part of a future Site Plan Control Application.

The subject property was built in the early 20th century (circa 1920). The existing brick structure is proposed to be demolished. A Cultural Heritage Impact Assessment for the subject property was completed by Detritus Consulting Ltd. in November 2017. The report assessed the impact of the proposed development on the existing built heritage resources. Cultural Heritage staff have reviewed the Cultural Heritage Impact Assessment (CHIA) and have found it to be comprehensive and complete.

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

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

Urban Hamilton Official Plan

The subject property is designated “Mixed Use – Medium Density” on Schedule “E-1” – Urban Land Use Designations in the UHOP. The following policies, amongst others, apply to the proposal.

Mixed Use – Medium Density

“E.4.6.5 The following uses shall be permitted on lands designated Mixed Use – Medium Density on Schedule E-1 – Urban Land Use Designations:

- a) Commercial uses such as retail stores, auto and home centres, home improvement supply stores, offices, medical clinics, personal services, financial establishments, live-work units, artist studios, restaurants, gas bars, and drive-through facilities;
- c) Institutional uses such as hospitals, places of worship, and schools;
- d) Arts, cultural, entertainment, and recreational uses;

- e) Hotels;
 - f) Multiple Dwellings; and,
 - g) Accessory uses;
- E.4.6.7 Lands designated Mixed Use – Medium Density shall contain a range of densities and building heights to a maximum of six storeys, which shall be set out in the implementing zoning by-law. The specific permitted heights and densities shall depend on the area and be established through secondary plans where one exists and the zoning by-law;
- E.4.6.8 Additional height up to a total of eight storeys may be permitted without an amendment to this plan, provided the Applicant demonstrates:
- a) There are no adverse shadow impacts created on existing residential uses within adjacent lands designated Neighbourhoods;
 - b) Buildings are progressively stepped back from adjacent areas designated Neighbourhoods. The Zoning By-law may include an angular plane requirement to set out an appropriate transition and stepping back of heights; and,
 - c) Buildings are stepped back from the street to minimize the height appearance from the street, where necessary;
- E.4.6.16 New development shall be designed and oriented to create comfortable, vibrant and stimulating pedestrian oriented streets within each area designated Mixed Use – Medium Density; and,
- E.4.6.24 New development shall respect the existing built form of adjacent neighbourhoods by providing a gradation in building height and densities, and by locating and designing new development to minimize the effects of shadowing and overview on properties in adjacent neighbourhoods.”

The proposed eight storey mixed use building is permitted in the Mixed Use – Medium Density designation. In response to Policy E.4.6.8, the proposed development incorporates setbacks from the rear lot line which is adjacent to a Neighbourhoods designation. The setbacks from the rear lot line begin after the third storey, and setback a second time above the fifth storey and step back again a third time at the seventh storey. The stepping back of the upper floors will reduce the potential for privacy overlook impacts on the adjacent lands to the west. In addition, a visual barrier will be required along the rear lot line to provide a buffer to the adjacent lands and

reduce privacy overlook impacts. The southern half of the building does not encroach into the 45 degree angular plane from the neighbouring residential properties to the west. There are minor portions of the northern portion of the building that encroach into the 45 degree angular plane (Appendix "D" attached to Report PED22199). The proposed development also includes a stepback above the third storey along Upper James Street, which will reduce the height appearance from the street level.

A Sun Shadow Impact Study by KNYMH Inc, was submitted with the third submission of a nine storey building and showed that the rear yards of the dwellings adjacent and west of the subject lands would receive sunlight between the hours of 11:00 a.m. and 5:00 p.m. during the fall and spring equinoxes.

With respect to the public sidewalk, the study demonstrates that during the spring and fall equinox, the proposed building will only cast shadows on the sidewalk on the west side of Upper James Street after 2:00 p.m. and the sidewalk on the east side of Upper James Street will only be impacted between the hours of 4:00 p.m. and sunset. The proposed development will not create adverse shadow impacts on the public realm.

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; and,
- b) Ensuring adequate privacy and sunlight to neighbouring properties;

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

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 by create visibility to and from the public sidewalk;
- c) Including a quality landscape edge along frontages where buildings are set back from the street;
- d) Locating surface parking to the sides 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 subject lands are neighbored by residential uses to the west, a commercial plaza to the north, and a four-storey office/retail building to the south. The proposal offers a stepback design from the neighbouring residential uses to the west creating an appropriate transition in scale from low-rise buildings to a mid-rise building. The setbacks from the southern portion of the building’s fourth to eighth storeys was increased from 2.38 to 2.53 metres from the office building to the south. The northern portion of the building’s fourth to eighth storeys will be setback 3.5 metres from the northern property line.

As previously noted, an analysis of shadow impacts was undertaken as part of the application and the findings of the study demonstrated that adequate sun access will be achieved for the neighbouring properties and the public realm. Therefore, the proposed development will not create negative shadow impacts on the surrounding area. It is also noted that the privacy of the existing dwellings to the west will be protected by being separated by the proposed parking lot and visual barrier which will provide privacy for the rear amenity areas of the dwellings.

The ground floor to third storey will be setback 0.7 metres from Upper James Street and achieves the objective of bringing the building as close to the street as possible. The proposed development and primary building entrances are also to be located close to and parallel to the street. Ample glazing will be incorporated into the ground floor facades facing Upper James Street. In response to Policy B.3.3.3.5 c), opportunity for landscaped areas along the frontage of the building will be limited due to the building’s setback from the front property line. Parking is to be located below grade and to the rear of the building the proposed building.

Trees

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

A Tree Protection Plan (TPP) has not been submitted with the Zoning By-law Amendment application. In order to accommodate the construction of the building and underground parking, it is assumed that all trees will be required to be removed, and the City requires compensation for any tree greater than 10 cm DBH.

A Tree Protection Plan and a Landscape Plan will be required to be prepared and implement at the Site Plan Control stage to ensure compensation for the trees to be removed.

Yeoville Neighbourhood Plan

The subject lands are designated “Commercial” in the Yeoville Neighbourhood Plan which was adopted on February 11, 1969.

The following UHOP policy, as per OPA No. 167, related to Neighbourhood Plans applies:

“F.1.2.7 Neighbourhood plans were policies adopted by council resolution and do not form part of the Official Plan, and no longer reflect either municipal or provincial policy.”

As the Neighbourhood Plan does not form part of the Official Plan, an amendment is not required.

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

The subject property is currently zoned Mixed Use Medium Density (C5) Zone in Zoning By-law No. 05-200. The Mixed Use Medium Density (C5) Zone permits a range of uses such as Retail, Restaurants, and Multiple Dwellings. The current zone only permits a maximum height of 22 metres, as such, an amendment to the Zoning By-law is required to permit a maximum height of 28.5 metres.

The proposed Zoning By-law Amendment is intended to change the zoning from the Mixed Use Medium Density (C5) Zone to the Mixed Use Medium Density (C5, 822, H131) Zone to permit an eight storey mixed use building. The modification to the Mixed Use Medium Density (C5) Zone which is required to facilitate the development is summarized in the report Fact Sheet above and further discussed in Appendix “C” attached to Report PED22199.

RELEVANT CONSULTATION

Departments and Agencies	
<ul style="list-style-type: none">• Canada Post;• Hamilton Conservation Authority; and,• Ministry of the Environment, Conservation and Parks.	No Comment.

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	Comment	Staff Response
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	<p>The Development Engineering section is unable to support this application until such time that the Functional Servicing Report is revised and resubmitted to address the updated domestic and fire flow calculations and the sanitary peak flow rate calculation.</p> <p>The Stormwater Management Report shall be revised to show that the two-year post- development stormwater peak will match the existing two-year peak flow to Upper James Street.</p>	<p>It is recommended that a Holding Provision be included for the necessary updated Functional Servicing Report and Stormwater Management Reports and related drawings.</p> <p>The Holding Provision is to be lifted by the Applicant following confirmation that adequate servicing is available.</p> <p>If it is determined that municipal infrastructure will require upgrades as a result of the development, a Holding Provision is also in place for the requirement of an external works agreement.</p>
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department	<p>Transportation Planning does not support the Zoning By-law Amendment (ZAC-19-017) until key revisions have been made to the site plan including providing more transportation options for residents (bike parking) and requiring 5 metre by 5 metre visibility triangles at the driveway access.</p>	<p>The applicant has increased the amount of bicycle parking spaces on the site from 56 to 150 and has provided 5 metre by 5 metre visibility triangles. Through the Site Plan Control Application process, these details will be reconfirmed.</p>
Growth Planning Section, Growth Management Division, Planning and Economic Development Department	<p>It should be confirmed if tenure for the subject proposal will be a Condominium.</p>	<p>A future Standard condominium application is expected for the proposed development.</p>

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	Comment	Staff Response
Waste Management Division, Public Works Department	<p>This development may require collection on private property. The following are the requirements for on-site waste collection:</p> <p>(a) The waste collection area shall be constructed with access to the municipal road that does not require the collection vehicle to back onto a municipal road or back into a private property from a municipal road; and,</p> <p>(b) Prior to Occupancy, An Agreement for On-Site Collection of Municipal Solid Waste must be executed and submitted to the City in order to receive waste collection on private property. A site visit by Public Works staff is required prior to the start of waste collection service.</p>	Noted.
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	<p>Forestry does not have any concerns with the Zoning By-law Amendment for this proposed development. Forestry will require Street Tree Planting fees and Loss of Tree Canopy fees.</p>	Through the Site Plan Control Application, the street tree planting fee and loss of canopy fees will be provided to the City.
Public Consultation		
	Comment	Staff Response
Traffic, parking, and safety	<p>The proposed development will cause an increase in traffic.</p> <p>Concern that there is speeding on Jameston Street creating a safety issue.</p> <p>Concern that vehicular access to the site would not be from Upper James Street.</p>	<p>A variety of alternative transportation options including public transit, bicycle parking are available/will be provided.</p> <p>Vehicular access is from Upper James Street.</p>

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	Comment	Staff Response
Construction	<p>The work needs to be conducted in a diligent and secure manner to avoid any structural damage to surrounding properties.</p> <p>Proper steps must be taken to ensure that the impact of dust and noise are minimized.</p> <p>Those supervising the project must at all times ensure that construction work will not negatively impact traffic or cause congestion.</p>	<p>Should the application be approved, plans or procedures for dealing with issues concerning construction management will be reviewed at the Site Plan Control stage to mitigate impacts of construction activities.</p>

Design Review Panel

The Applicant went before the Design Review Panel (DRP) on May 9, 2019 for an eight storey mixed use building with a total of 99 dwelling units, 98.6 square metres of commercial space at grade and 107 parking spaces.

The comments of the DRP on the original proposal included:

- Exploring alternative options like a 'T' or 'C' shape building with courtyard space and the opportunity for townhouse units at the rear;
- Increasing the amount of the underground parking to free up some space at grade for a more flexible building footprint and site layout;
- Revising the design to better address Upper James Street;
- Having the central corridor expressed on the front and rear elevations as a vertical strip window;
- Concerns with proximity to future neighbouring buildings;
- The panel agrees that the step-backs at the rear of the building achieve a good transition to the existing residences and that the proposed planters at the edge of each terrace helps with privacy and overlook. However, due to the grade change across the site, there will be an approximately 3.0 m wall (including fence) very close to the rear property line and this condition needs to be improved;

- Recommended exploring alternative materials, windows and window patterns so that there is more transparency; and,
- Improving the design of the commercial component of the building by shifting the commercial part of the building closer to Upper James Street and adding a step-back at the third or fourth storey, and also suggested including balconies on the front of the building above the commercial element to positively contribute to the public realm and create a usable space for the residents.

Subsequent to the DRP meeting the Applicant revised the design of the proposed development by changing the rectangular building to a 'T' shape. The revised design also resulted in an increased number of underground parking spaces. As previously discussed, there is a stepback from Upper James Street at the third storey, and the building has been brought closer to the street line. Although a vertical strip window has not been provided, the proposal increased the number of windows, that were first shown before the DRP. With respect to proximity between neighbouring properties, on the north side of the building, the revised design sets back the walls with balconies and or primary rooms (such as a living room/ kitchen) 5.5m from the northern property line, and bedrooms with windows are 3.5 metres from the northern property line. On the south side, the walls with balconies and or primary rooms are also setback 5.5m to the property line, and there are three suites with bedroom windows setback 3.5m from the southern property line.

PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to residents within 120 metres of the subject lands on April 5, 2019. A Public Notice sign was posted on the property on April 5, 2019 and updated with the Public Meeting date on November 2, 2022. A Notice of Public Meeting was sent to property owners within 120 metres of the site on November 11, 2022, in accordance with the requirements of the *Planning Act*.

Public Consultation Strategy

In addition to the requirements of the *Planning Act*, the Applicant provided a Public Consultation Strategy and hosted a virtual information session on May 7, 2020. Staff attended the virtual information session, and no comments or concerns were brought forward by the residents in attendance.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:

- (i) It is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended;
- (ii) It complies with the policies of the Urban Hamilton Official Plan; and,
- (iii) The proposed development of an eight storey mixed use building is supportable as the built form is compatible with the character of the area and the proposal 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.

1. Zoning By-law Amendment

The subject lands are zoned Mixed Use Medium Density (C5) Zone in Zoning By-law No. 05-200. The Zoning By-law Amendment application proposes to change the zoning to the Mixed Use Medium Density (C5, 822, H131) Zone with the modification outlined on page four of this Report.

The proposal is for an eight storey mixed use building, on a Primary Corridor served by HSR and intended to be served by a potential rapid transit line, the A-Line (BLAST network). The proposed built form contributes to a complete community, adds an alternative housing type and provides for a range and mix of uses and makes efficient use of land. Staff are satisfied that the proposal meets the intent of the “Mixed Use Medium Density” designation policies and applicable intensification policies of the Urban Hamilton Official Plan. In addition, the proposed amendments meet the general intent of the Zoning By-law. An analysis of the requested modification is provided in Appendix “C” attached to Report PED22199. Therefore, staff support the proposed Zoning By-law Amendment.

- 2. An “H” Holding Provision is included in the amending Zoning By-law. The Holding Provision may be removed conditional upon the proponent providing an updated Functional Servicing Report that further considers storm water management, sanitary flow and water supply demand capacities. Additionally, the proponent shall 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 Water Hydraulic Analysis Report.
- 3. The Site Plan Control Application will ensure setbacks are used in the design of the building to provide an appropriate transition in height to the adjacent single detached dwellings. The Site Plan process will also be used to review

landscaping, pedestrian and vehicular movement, grading and stormwater management.

ALTERNATIVES FOR CONSIDERATION

Should the application be denied, the subject property can be used in accordance with the Mixed Use Medium Density (C5) Zone in City of Hamilton Zoning By-law No. 05-200.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

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

Economic Prosperity and Growth

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

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 PED22199 – Location Map

Appendix “B” to Report PED22199 – Amendment to Zoning By-law No. 05-200

Appendix “C” to Report PED22199 – Zoning Modification Table

Appendix “D” to Report PED22199 – Concept Plan

Appendix “E” to Report PED22199 – Public Comments

JVR:sd