



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	May 16, 2023
SUBJECT/REPORT NO:	Application for Zoning By-law Amendment for Lands Located at 81 Chatham Street, Hamilton (PED23103) (Ward 1)
WARD(S) AFFECTED:	Ward 1
PREPARED BY:	Jennifer Allen (905) 546-2424 Ext. 4672
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Zoning By-law Amendment Application ZAC-23-007 by GSP Group c/o Sarah Knoll) on Behalf of 81 Chatham Street LP c/o Will Edwards, Owner**, for a change in zoning from the Low Density Residential – Small Lot (R1a) Zone to a site specific Low Density Residential – Small Lot (R1a, 845, H148) Zone, Modified, to permit a three storey (10.3 metres) multiple dwelling containing six dwelling units with six parking spaces located at the rear of the subject lands for the lands located at 81 Chatham Street, as shown on Appendix “A” attached to Report PED23103, be **APPROVED** on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED23103, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That Schedule “D” – Holding Provisions, of Zoning By-law No. 05-200, be amended by adding a Holding Provision as follows:

H148. Notwithstanding Section 15.2 of this By-law, within lands zoned Low Density Residential (R1a, 845) Zone on Map No. 950 on Schedule “A” – Zoning Maps, and described as 81 Chatham Street, Hamilton, no development shall be permitted until such time as:

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- (i) A revised Hydrogeological Brief and Geotechnical Report has been submitted and approved to the satisfaction of the Director of Growth Management and Chief Development Engineer;
- (c) 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);
- (d) That the proposed change in zoning complies with the Urban Hamilton Official Plan.

EXECUTIVE SUMMARY

The Applicant GSP Group, c/o Sarah Knoll on behalf of 81 Chatham Street LP c/o Will Edwards, Owner, has applied for a Zoning By-law Amendment to permit a three storey, six unit multiple dwelling with six surface parking spaces located at the rear of the subject lands which are known municipally as 81 Chatham Street. The subject lands are currently occupied by a single detached dwelling which is proposed to be demolished.

The purpose of the Zoning By-law Amendment is to change the zoning from the Low Density Residential – Small Lot (R1a) Zone to a site specific Low Density Residential – Small Lot (R1a, 845, H148) Zone, Modified in the City of Hamilton Zoning By-law No. 05-200.

The following modifications to the R1a Zone are required to implement the proposal:

- Addition of a multiple dwelling with six units as a permitted use subject to the regulations of Section 15.2.2.1;
- Reduction in minimum front yard depth;
- Allowance for a portion of a required landscape strip to contain a retaining wall;
- Reduced minimum aisle width; and,
- Elimination of the requirement for a barrier free parking space.

Additionally, a Holding Provision has been included in the amending by-law to be lifted once a hydrogeological brief and geotechnical report has been approved by the Director of Growth Management and Chief Development Engineer. The proposed Holding Provision will ensure the existing soil / groundwater conditions are appropriate for the proposed use.

Residential developments consisting of less than ten dwelling units are currently not subject to site plan control in accordance with Bill 23. The Ministry of Municipal Affairs and Housing has proposed new regulations through Bill 97 which, amongst others,

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permits the use of site plan control for residential developments of less than ten units on lands located within 300 metres of a railway line. If Bill 97 is passed, the proposed development may be subject to site plan control in the future as the subject lands are located within 300 metres of the CP Railway.

The 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);
- It complies with the Urban Hamilton Official Plan (UHOP); and,
- The proposed multiple dwelling represents an appropriate level of intensification in this location, is compatible with and complementary with the immediate area, and provides an alternative housing form for the surrounding area which supports developing a complete community.

Alternatives for Consideration – See Page 20

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the Planning Act, Council shall hold at least one public meeting to consider a Zoning By-law Amendment application.

HISTORICAL BACKGROUND

Application Details	
Owner:	81 Chatham Street LP c/o Will Edwards
Applicant/Agent:	GSP Group (c/o Sarah Knoll)
File Number:	ZAC-23-007
Type of Application:	Zoning By-law Amendment
Application Details	
Proposal:	To permit a three storey (10.3 m) multiple dwelling containing six dwelling units with six parking spaces to the rear of the subject lands.
Property Details	
Municipal Address:	81 Chatham Street

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Property Details	
Lot Area:	580.0 square metres
Servicing:	Full municipal services.
Existing Use:	Existing single detached dwelling.
Documents	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS (2020).
A Place to Grow:	The proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019, as amended.
Official Plan Existing:	Urban Hamilton Official Plan "Neighbourhoods" on Schedule E – Urban Structure; and, Schedule E-1 – Urban Land Use Designations.
Zoning Existing:	Low Density Residential – Small Lot (R1a) Zone
Zoning Proposed:	Low Density Residential – Small Lot (R1a, 845, H148) Zone, Modified
Modifications Proposed:	<ul style="list-style-type: none"> • To add a multiple dwelling with six units as a permitted use subject to the regulations of Section 15.2.2.1; • To reduce the minimum front yard depth from 3.0 metres to 1.3 metres; • To permit a required landscape strip to contain a retaining wall for a maximum of 10.5 metres; • To reduce the minimum aisle width from 6.0 metres to 5.49 metres; and, • To remove the requirement for a barrier free parking space.
Processing Details	
Received:	November 30, 2022.
Deemed Complete:	December 14, 2022.
Notice of Complete Application:	Sent to 266 property owners within 120 metres of the subject lands on December 22, 2022.
Public Notice Sign:	Posted December 21, 2022 and updated with public meeting date on May 3, 2023.
Notice of Public Meeting:	Sent to 266 property owners within 120 metres of the subject property on May 12, 2023.

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Processing Details	
Public Comments:	Two letters expressing concern (see Appendix “E” attached to Report PED23103). The submissions received by the City identified concerns about the proposed impact to, and maintenance of, the adjacent alleyway, the proposed parking ratio, light trespassing, removal of existing mature trees on site, and damage, dust and dirt on adjacent properties due to construction
Processing Time:	182 days.

Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
Subject Lands:	Single detached dwelling	Low Density Residential – Small Lot (R1a) Zone

Surrounding Land Uses:

North	Single detached dwellings	Low Density Residential – Small Lot (R1a) Zone and “D/S-1822” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District.
South	Single detached dwellings	Low Density Residential – Small Lot (R1a) Zone
East	Single detached dwellings	Low Density Residential – Small Lot (R1a) Zone
West	Single detached dwellings and commercial uses	Low Density Residential – Small Lot (R1a) Zone, “H” (Community Shopping and Commercial, Etc.) District and Neighbourhood Commercial (C2) Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2020)

The Provincial Planning Policy Framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS 2020), and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended. The *Planning Act* requires that all municipal land use decisions affecting planning matters shall be consistent with the PPS (2020). The *Places to Grow Act* requires that all municipal land use decisions made under the *Planning Act* conform to the Growth Plan.

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest are reviewed and discussed in the UHOP analysis below.

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

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

Noise

“1.2.6.1 Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.”

The subject lands are within 100 metres of Dundurn Street South which is identified as a minor arterial road on Schedule C – Functional Road Classification in the UHOP and within 300 metres of the CP Railway. Accordingly, the applicant submitted a Noise Impact Study prepared by HGC Engineering, dated September 29, 2022 for the subject lands. The Noise Study evaluated road noise impacts from Dundurn Street South and rail traffic along the CP Spur lines which are the major noise sources for the site. The Study recommended noise control measures including warning clauses registered on title and mandatory central air conditioning.

Based on the above, the proposal is consistent with the policies of the PPS (2020).

Urban Hamilton Official Plan (UHOP)

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

Neighbourhoods

“E.2.7.4 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.2.7.7 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.”

Neighbourhoods 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.

E.3.2.7 The City shall require quality urban and architectural design. Development of lands within the Neighbourhoods designation shall be designed to be safe, efficient, pedestrian oriented, and attractive, and shall comply with the following criteria:

- (b) Garages, parking areas, and driveways along the public street shall not be dominant. Surface parking between a building and a public street (excluding a public alley) shall be minimized.
- (c) Adequate and direct pedestrian access and linkages to community facilities/services and local commercial uses shall be provided.
- (d) Development shall improve existing landscape features and overall landscape character of the surrounding area.
- (e) Development shall comply with Section B.3.3 – Urban Design Policies and all other applicable policies.

E.3.2.13 The City supports residential intensification on lands within the Neighbourhoods designation in accordance with Section B.2.4 – Residential Intensification Policies, F.1.14 – Division of Land, and other applicable policies.”

Residential Uses – General Policies

“E.3.3.1 Lower density residential uses and building forms shall generally be located in the interiors of neighbourhood areas with higher density dwelling forms and supporting uses located on the periphery of neighbourhoods on or in close proximity to major or minor arterial roads.

E.3.3.2 Development or redevelopment adjacent to areas of lower density shall ensure the height, massing, and arrangement of buildings and structures are compatible with existing and future uses in the surrounding area.”

Low Density Residential

“E.3.4.1 The preferred location for low density residential uses is within the interior of neighbourhoods.

E.3.4.2 Low density residential areas are characterized by lower profile, grade-oriented built forms that generally have direct access to each unit at grade.

E.3.4.3 Uses permitted in low density residential areas:

- (a) May include multiple dwellings containing a maximum of 6 units for lots in proximity to collector roads or arterial roads (OPA 167)

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- E.3.4.4 For low density residential areas the maximum net residential density for the purpose of estimating unit yield and/or population growth, as part of the preparation of Secondary Plans, Special Policy Areas, Infrastructure Master Plans and Community Plans shall be 60 units per hectare. (OPA 167)
- E.3.4.5 For low density residential areas, the maximum height shall be three storeys.
- E.3.4.6 Development in areas dominated by low density residential uses shall be designed in accordance with the following criteria:
- (c) A mix of lot widths and sizes compatible with streetscape character; and a mix of dwelling unit types and sizes compatible in exterior design, including character, scale, appearance and design features; shall be encouraged. Development shall be subject to the Zoning By-law regulations for appropriate minimum lot widths and areas, yards, heights, and other zoning regulations to ensure compatibility.
 - (e) For multiple dwellings described by policy E.3.4.3 b), development should have access to a collector or arterial road from a local road where only a small number of low density residential dwellings are located on that portion of the local road.” (OPA 167)

The subject property is located within the Kirkendall Neighbourhood and the surrounding area consists primarily of low density residential uses and built forms (Policy E.3.4.1). The proposed multiple dwelling will consist of six dwelling units and maintain a height of three storeys in accordance with policies E.3.2.3, E.3.4.3 b) and E.3.4.5. The proposed multiple dwelling is on the periphery of the immediate neighbourhood with only five dwelling units between the subject lands and Dundurn Street South, a Minor Arterial Road on Schedule C of the UHOP (E.3.3.1, E.3.4.3 b) and E.3.4.6 e)).

The proposed three storey multiple dwelling is an appropriate scale and massing for the subject lands, consisting of a low profile built form with building setbacks consistent with the low density residential uses in the area. Each dwelling unit will have direct access to grade from the stairs at the rear of the site (Policies E.2.7.7, E.2.3.4, E.3.3.2, E.3.4.2 and E.3.4.6 c)).

Parking will be provided at the rear of the subject lands and the entire front yard, with the exception of the pedestrian walkway, will be landscape to contribute to an enhanced streetscape (Policy E.3.2.7 b) and E.3.2.7 d)). Pedestrian connections are provided between the building entrances and Chatham Street to link the subject lands with

various community facilities such as schools, places of worship and a library, and various local commercial uses in the area (E.3.2.7 c).

The proposed development has a residential density of approximately 104 units per hectare. In accordance with Policy E.3.4.4, the overall residential density targeted for low density residential areas is 60 units per hectare. This target is intended for estimating overall unit yields and population growth and is not intended to be calculated for a specific site. This allows for a range in residential density to allow for a variety in dwelling types and tenures in accordance with Section B.2.4 - Residential Intensification Policies of the Urban Hamilton Official Plan (Policy E.2.7.4 and E.3.2.13).

The proposed development complies with Section B.3.3 – Urban Design Policies of the UHOP as further discussed below (Policy E.3.2.7 e)).

Residential Intensification

“B.2.4.1.1 Residential intensification shall be encouraged throughout the entire built-up area, in accordance with the policies of Chapter E – Urban Systems and Designations and Chapter F – Implementation.

B.2.4.1.4 *Residential intensification* developments shall be evaluated based on the following criteria:

- (a) A balanced evaluation of the criteria in b) through l), as follows;
- (b) The relationship of the proposed development to existing neighbourhood character so that it builds upon desirable established patterns and built form;
- (c) The contribution of the proposed development to maintaining and achieving a range of dwelling types and tenures;
- (d) The *compatible* integration of the proposed 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 contribution of the proposed development to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;
- (f) Existing and planned water, wastewater and stormwater capacity;

- (g) the incorporation and utilization of green infrastructure and sustainable design elements in the proposed development;
- (h) The contribution of the proposed development to supporting and facilitating active transportation modes;
- (i) The contribution of the development to be *transit-supportive* and supporting the use of existing and planned local and regional transit services;
- (j) The availability and location of existing and proposed public community facilities / services;
- (k) The ability of the development to retain and/or enhance the natural attributes of the site and surrounding community including, but not limits to native vegetation and trees; and,
- (l) Compliance of the proposed development with all other applicable policies. (OPA 167)

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; and,
- (i) Infrastructure and transportation capacity and impacts.”

This proposal represents a form of residential intensification which respects the established neighbourhood character, streetscape patterns and setbacks of the surrounding area (Policies B.2.4.1.4 d) and B.2.4.2.2 g)). The proposal will also contribute to a range of dwelling types and tenures.

The proposed multiple dwelling is generally consistent with the built form envisioned by the parent R1a Zone, noting that no modifications are required for the minimum side and rear yard setbacks or maximum building height. The scale of the proposed three storey building is suitable for the subject lands and maintains an appropriate transition in scale to the adjacent one and two storey dwellings (Policy B.2.4.1.4 d), B.2.4.2.2 c) and d)). The balconies proposed for the multiple dwelling only facing the front yard and there is minimal glazing shown on the side facades to help address any perceived overlook or privacy concerns related to the proposed land use. There are no concerns related to shadow or access to sunlight as a result of the proposed land use (Policy 2.4.1.4 b)).

The provision of additional residential units will complement the existing functions of the neighbourhood by providing additional housing opportunities for residents in proximity to various commercial uses along Dundurn Street South and Locke Street South, and various public facilities including schools, places of worship and a public library in the neighbourhood. The subject lands are serviced by existing local and regional public transit and are in proximity to the future LRT corridor (Policy B.2.4.2.1 i) and j) and B.2.4.2.2 h)). Private amenity area is provided as balconies facing Chatham Street and indoor common amenity area within the basement of the multiple dwelling. The subject property is also in walking distance to various parks (Policy B.2.4.2.2 f)).

The applicant is not proposing any pole lighting for the parking area at the rear and design techniques have been utilized to direct light within the subject lands away from adjacent properties (B.2.4.2.2. b)). A permeable surface will be utilized for the rear parking area to contribute to sustainable design elements on site (Policy B.2.4.1 4 g)).

The subject property is serviced by municipal sewer and water infrastructure and can adequately service the proposed development. The existing road network can accommodate the minimal increase in vehicular traffic. (Policy B.2.4.1.4 f) and B.2.4.2.2 j)).

Trees

The following policy provides direction regarding tree and woodland protection:

“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.”

Trees have been identified on the subject lands and adjacent properties, which may be impacted by development activity. Accordingly, a Tree Management Plan (TMP) has been prepared by GSP Group, dated November 4, 2022, in support of the applications.

A total of two Black Walnut trees which are greater than 10cm DBH are proposed to be removed between the subject lands and adjacent property to the west. Cash-in-lieu for the trees being removed has been provided by the applicant as there is insufficient space to accommodate two new trees on site to allow for one for one compensation.

The existing Colorado spruce tree on the adjacent property to the west will be protected. Natural Heritage staff have requested a Verification of Tree Protection letter to ensure the required tree protection measures have been installed to the satisfaction of a qualified professional (Landscape Architect, Registered Professional Forester or Certified Arborist). The applicant has advised they will be providing a Verification of Tree Protection letter once these measures have been installed.

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

The subject lands are currently zoned Low Density Residential – Small Lot (R1a) Zone.

In order to permit the proposed multiple dwelling on the subject lands the applicant has applied to change the zoning to a site specific Low Density Residential – Small Lot (R1a, 845, H148) Zone, Modified. Modifications to the Low Density Residential – Small Lot (R1a) Zone will be required to implement the proposal which are outlined in the Report Fact Sheet above and are discussed in detail in Appendix “C” attached to Report PED23103.

RELEVANT CONSULTATION

Departments and Agencies	
Canada Post Corporation; and, Planning and Economic Development Department, Economic Development Division, Commercial Districts and Small Business Section and Corporate Real Estate Office Section.	No Comment

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	Comment	Staff Response
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none"> • A hydrogeological brief and geotechnical report is required to be submitted and approved as a Holding Provision to ensure existing soil and groundwater conditions are appropriate for the proposed use; • The applicant shall demonstrate that no long term dewatering will be conveyed to the municipal sewer infrastructure. Foundation / subsurface structures shall be designed / waterproofed accordingly; and, • If the proposed development is planning to process the building permit application under 10 units or less, the applicant must obtain a Sewer and Water Servicing Permit from the Growth Management prior to submitting the Building Permit Application. 	<p>A Holding Provision requiring the submission of a hydrogeological brief and geotechnical report has been added to the amending by-law.</p> <p>The proposal consists of less than ten dwelling units and therefore the proposal will not be subject to Site Plan Control.</p>
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	<ul style="list-style-type: none"> • Amendments to the submitted Landscape Plan dated 2022-11-04 are required to show two street trees in front of the subject lands. 	<p>There are no municipal tree assets on site.</p> <p>The proposal consists of less than ten dwelling units therefore the proposal will not be subject to Site Plan Control.</p> <p>The applicant is proposing two street trees within the municipal right-of-way to be selected and planted by the City of Hamilton.</p>
Growth Planning Section, Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none"> • It should be determined if the proposed development will be condominium tenure; and, • Addressing will need to be assigned after the Zoning By-law Amendment is finalized and prior to the submission of Building Permit application. 	<p>The proposed tenure has not been confirmed at this time.</p>

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	Comment	Staff Response
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department	<ul style="list-style-type: none"> Minimal traffic will be generated by this development and no impacts on the existing road network is anticipated; Transportation Planning have reviewed the Parking Study for the proposed development and generally agrees with the findings of the Study, that six on-site parking spaces can support the proposed six-unit residential building and provided these spaces are offered to be purchased separately (unbundled) from each unit; For two-way operation onto municipal road, the driveway access width(s) must be 7.5 metres at the ultimate property line and curve radii minimum 6.0 metres; and, 3.0 metres x 3.0 metres visibility triangles must be provided for each driveway access. 	<p>The proposal consists of less than ten dwelling units therefore the proposal will not be subject to Site Plan Control.</p> <p>The applicant has provided a Letter of Intent stating the parking will be unbundled from the cost of purchasing / renting a residential unit.</p> <p>Transportation Planning has clarified the comment related to the driveway access width is not applicable as access is provided onto a municipal alleyway.</p> <p>Transportation has advised a reduced visibility triangle of 1.5 metres by 1.5 metres can be accepted.</p>
Waste Management Operations Section, Environmental Services Division, Public Works Department	<ul style="list-style-type: none"> The development is eligible for municipal waste collection and will be required to follow the requirements under the Waste Management System By-law No. 21-221. 	<p>Waste staff have indicated the applicant has satisfied the requirements for municipal waste collection.</p>

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	Comment	Staff Response
Canadian Pacific Rail	<ul style="list-style-type: none"> Canadian Pacific Rail recommends that a condition be inserted in all property and tenancy agreements and offers of purchase and sale for all dwelling units in the proposed building(s): “Canadian Pacific Railway and/or its assigns or successors in interest has or have a railway right-of-way and/or yard located adjacent to the subject land hereof with operations conducted 24 hours a day, 7 days a week, including the shunting of trains and the idling of locomotives. There may be alterations to, or expansions of, the railway facilities and/or operations in the future, which alterations or expansions may affect the living environment of the residents in the vicinity. Notwithstanding the inclusion of any noise and/or vibration attenuating measures in the design of the development and individual dwellings, Canadian Pacific Railway will not be responsible for complaints or claims arising from the use of its facilities and/or its operations on, over, or under the aforesaid right-of-way and/or yard.” 	The noted condition will be included as a warning clause for future owners or tenants as per the recommendations of the submitted Noise Study.
Public Consultation		
Issue	Comment	Staff Response
Light Trespassing due to rear parking	There is concern about the lighting from the proposed parking area trespassing to the rear yard of the adjacent properties.	The applicant has provided information about the proposed lighting for the rear parking area which has been designed to direct the light onto the subject lands.

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Issue	Comment	Staff Response
		The applicant is not proposing any pole lighting and therefore no Site Lighting Plan has been requested by staff.
Damage, dirt and dust due to construction	There is concern about damage, and dirt and dust on adjacent properties with access to the adjacent alleyway during construction.	Should this application be approved, these matters will be addressed at the Building Permit stage.
Maintenance of Alleyway	There is concern about increasing the number of vehicles utilizing the alleyway and the maintenance of the alleyway.	<p>The proposal will establish six new parking spaces with access to the rear alleyway.</p> <p>Staff do not anticipate a significant increase to traffic volumes on the alleyway based on the limited number of parking spaces.</p> <p>The alleyway is assumed and maintenance of the alleyway will not be affected by the proposed development.</p>
Number of Parking Spaces	There is concern about the proposed parking ratio for the multiple dwelling.	<p>A Parking Study prepared by Paradigm Transportation Solutions Limited was submitted in support of the proposed parking ratio.</p> <p>The subject property is serviced by a number of existing local and regional transit routes and in walking distance to a planned LRT stop.</p>

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Issue	Comment	Staff Response
Number of Parking Spaces (Continued)		The subject property is also located within walking distance to a number of commercial uses and community facilities and services. Staff do not have concerns with the proposed parking ratio as it is consistent with Zoning By-law requirements for dwelling units.
Removal of Trees	There is concern about the loss of mature trees on the subject lands.	Two black walnut trees are proposed to be removed, one on the subject lands and one on the adjacent property to the west (83 Chatham Street). The existing Colorado spruce tree will be protected. Cash-in-lieu for the two trees being removed has been provided by the applicant.

PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, a Notice of Complete Application and Preliminary Circulation was sent to 266 property owners within 120 metres of the subject lands on December 22, 2022. A Public Notice Sign was installed on the property on December 21, 2022 and updated on May 3, 2022. A Notice of the Public Meeting was given on May 12, 2022 in accordance with the requirements of the *Planning Act*.

To date, two submissions have been received by the City expressing concern about the proposed impact to and maintenance of the adjacent alleyway, the proposed parking ratio, light trespassing, removal of mature trees on site and damage, dust and dirt due to construction as shown on Appendix “F” attached to Report PED23103.

Public Consultation Strategy

The applicants Public Consultation Strategy created a website for the proposed development and also met with the Kirkendall Development Committee on February 8, 2023. The applicant has advised the Kirkendall Development Committee had positive comments about the proposed development related to the design and location of the building and intensification in the neighbourhood. The Committee also suggested gating the access to the laneway and discussed the existing and proposed trees on the property.

The applicant received two letters of support from residents. In summary, the two residents are supportive of intensification in the neighbourhood to address the lack of housing in Hamilton. They are supportive of the proposed design and feel it is appropriately sized to fit with the character of the neighbourhood. One resident is supportive of the front balconies to continue to animate the street.

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 is compatible with existing land uses in the immediate area and represents good planning by, among other things, increasing the supply of housing units, supporting public transit, and making efficient use of lands and existing infrastructure.

2. Zoning By-law Amendment

The application for Zoning By-law Amendment is to rezone the subject lands from the Low Density Residential – Small Lot (R1a) Zone to a site specific Low Density Residential – Small Lot (R1a, 845, H148) Zone, Modified.

The proposed Zoning By-law Amendment meets the intent of the “Neighbourhoods” designation of the UHOP and the residential intensification policies, with some modifications required to establish the proposed multiple dwelling. The modifications are identified on page 4 of Report PED23103 and discussed in detail in Appendix “D” attached to Report PED23103.

Therefore, staff support the proposed Zoning By-law Amendment.

The Ministry of Municipal Affairs and Housing has proposed new regulations through Bill 97 which, amongst others, permits the use of site plan control for residential developments of less than ten units on lands located within 300 metres of a railway line. If Bill 97 is passed, the proposed development may be subject to site plan control in the future as the subject lands are located within 300 metres of the CP Railway.

ALTERNATIVES FOR CONSIDERATION

Should the applications be denied, the subject lands could be used in accordance with the Low Density Residential – Small Lot (R1a) Zone in the City of Hamilton Zoning By-law 05-200 which permits low density residential uses.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

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

Economic Prosperity and Growth

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

Healthy and Safe Communities

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

Clean and Green

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

Built Environment and Infrastructure

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

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.

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.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED23103 – Location Map
Appendix "B" to Report PED23103 – Draft Zoning By-law Amendment
Appendix "C" to Report PED23103 – Zoning Chart
Appendix "D" to Report PED23103 – Concept Plan
Appendix "E" to Report PED23103 – Public Submissions

JA:sd