



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	October 3, 2023
SUBJECT/REPORT NO:	Application for a Zoning By-law Amendment for Lands Located at 1177, 1183 and 1187 West 5th Street, Hamilton (PED23179) (Ward 8)
WARD(S) AFFECTED:	Ward 8
PREPARED BY:	Mark Michniak (905) 546-2424 Ext. 1224
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Zoning By-law Amendment Application ZAC-22-047, by UrbanSolutions Planning & Land Development Consultants Inc. c/o Matt Johnston on behalf of 1333664 Ontario Ltd. c/o Mike Valvasori, owner**, for a change in zoning from the “AA” (Agricultural) District (Block 1) and the “RT-20-H” (Townhouse-Maisonette) District, Modified, Holding (Block 2) to the “E-3/S-1830-H” (High Density Multiple Dwellings) District, Modified, Holding, to permit the development of a 10 storey multiple dwelling containing 206 dwelling units and 229 parking spaces, on lands located at 1177, 1183, and 1187 West 5th Street, Hamilton, as shown on Appendix “A” attached to Report PED23179, be **APPROVED** on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED23179, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject property by introducing the Holding symbol ‘H’ to the proposed “E-3/S-1830” (High Density Multiple Dwellings) District, Modified;

The Holding Provision ‘H’ is to be removed, conditional upon:

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- (i) That the Owner confirms that the construction of the municipal storm sewer along West 5th Street has been completed and is fully operational to provide a stormwater outlet for the subject site, to the satisfaction of the Director of Development Engineering;
 - (ii) That the Owner confirms that the municipal sanitary sewer along West 5th Street has been upgraded to support the proposed development, to the satisfaction of the Director of Development Engineering;
 - (iii) That the Owner submit and receives approval of a Functional Servicing Report that addresses the required fire flow, to the satisfaction of the Director of Development Engineering;
- (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), and complies with the Urban Hamilton Official Plan.

EXECUTIVE SUMMARY

The subject lands are municipally known as 1177, 1183, and 1187 West 5th Street, Hamilton and are located on the east side of West 5th Street between Rymal Road West and Stone Church Road West. The owner has applied for an amendment to the City of Hamilton Zoning By-law No. 6593 to rezone the lands from the “AA” (Agricultural) District (Block 1) and the “RT-20-H” (Townhouse-Maisonette) District, Modified, Holding (Block 2) to the “E-3/S-1830-H” (High Density Multiple Dwellings) District, Modified, Holding, to permit the development of a 10 storey multiple dwelling containing 206 dwelling units and 229 parking spaces, 24 of which are surface parking spaces, as shown on Appendix “D” attached to Report PED23179. Site-specific modifications to the “E-3” District are required to accommodate the proposed development, which are discussed in detail in Appendix “C” attached to Report PED23179.

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

- It is consistent with the Provincial Policy Statement (2020);
- 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, in particular, the function, scale and design of the “Neighbourhoods” designation, Residential Infill, and Urban Design policies; and,

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- The development is compatible with the existing land uses in the immediate area, represents good planning by, among other things, providing a compact and efficient urban form, adding to the range of housing types by introducing one and two bedroom multiple dwelling units, and supporting the development of a complete community.

Alternatives for Consideration – See Page 10

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold a Public Meeting to consider an application for an amendment to the Zoning By-law.

HISTORICAL BACKGROUND

Report Fact Sheet

Application Details	
Owner:	1333664 Ontario Inc. (c/o Mike Valvasori).
Applicant:	UrbanSolutions Planning & Land Development Consultants Inc. (c/o Matt Johnston).
File Number:	ZAC-22-047.
Type of Application:	Zoning By-law Amendment.
Proposal:	To permit development of a 10 storey multiple dwelling containing 206 dwelling units and 229 parking spaces. 206 parking spaces are residential parking spaces, of which 24 are located on the surface and the remainder underground, 15 visitor parking spaces, and eight barrier free parking spaces with access from West 5 th Street. In total, 3,896 square metres of indoor amenity space and 1,303 square metres of outdoor amenity space will be provided.
Property Details	
Municipal Address:	1177, 1183, and 1187 West 5 th Street.
Lot Area:	0.51 ha.
Servicing:	Existing full municipal services.

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Property Details	
Existing Use:	1177 West 5 th Street – Single detached dwelling; 1183 West 5 th Street – Single detached dwelling; and, 1187 West 5 th Street – Vacant.
Proposed Use:	Multiple dwelling.
Documents	
Provincial Policy Statement:	The proposal is consistent with the Provincial Policy Statement (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:	“Neighbourhoods” on Schedule “E” – Urban Structure and “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations.
Official Plan Proposed:	No amendment proposed.
Zoning Existing:	1177 West 5 th Street – “AA” (Agricultural) District. 1183 West 5 th Street – “AA” (Agricultural) District. 1187 West 5 th Street – “RT-20-H” (Townhouse-Maisonette) District, Modified, Holding.
Zoning Proposed:	“E-3/S-1830-H” (High Density Multiple Dwellings) District, Modified, Holding.
Modifications Proposed:	<ul style="list-style-type: none"> • To establish a maximum height of 35.0 metres (10 storeys); • To establish a minimum front yard of 2.5 metres; • To establish a minimum setback of 4.3 metres from the front lot line for any portion of a building exceeding 20.0 metres in height; • To establish a minimum side yard of 5.4 metres from the southerly lot line; • To establish a minimum side yard of 20.0 metres from the northerly lot line; • To establish a minimum setback of 25.0 metres from the northerly lot line for any portion of a building exceeding 23.5 metres in height; • To establish a minimum setback of 30.0 metres from the northerly lot line for any portion of a building exceeding 30.0 metres in height; • To establish a minimum rear yard of 6.5 metres; • To reduce the landscaped area requirement from 40% to 25% of the lot area; and, • To remove the floor area ratio requirement.

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Documents	
Modifications Proposed Continued:	<ul style="list-style-type: none"> • To establish a 3.0 metre planting strip along the northerly lot line; • To increase canopy projection into a required yard to 1.6 metres; • To increase stairway projection into a side yard or rear yard to 2.9 metres; • To increase balcony projection into a required yard to 1.8 metres; • To allow structures used for parking purposes within a required yard above curb level or ground level; • To reduce the parking requirement for multiple dwellings from 1.25 spaces per unit to 1.0 spaces per unit; • To reduce the visitor parking requirement for multiple dwellings from 0.25 spaces per dwelling to a minimum of 0.07 spaces per dwelling; • To reduce the loading space requirement from two loading spaces to one loading space with dimensions not less than 3.7 metres wide and 9.0 metres long; and, • To reduce the parking space dimensions from 2.7 metres wide and 6.0 metres long to 2.8 metres wide and 5.8 metres long. <p>A complete analysis of the proposed modifications is attached as Appendix "C" to Report PED23179.</p>
Processing Details	
Received:	June 30, 2022.
Deemed Complete:	July 13, 2022.
Notice of Complete Application:	Sent to 111 property owners within 120 metres of the subject property on July 28, 2022.
Public Notice Sign:	Posted on July 27, 2022 and updated with Public Meeting date September 6, 2023.
Notice of Public Meeting:	Sent to 111 property owners within 120 metres of the subject property on September 15, 2023.
Staff and Agency Comments:	Staff and agency comments have been summarized in Appendix "F" attached to Report PED23179.

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Processing Details	
Public Consultation:	A virtual Neighbourhood Information Meeting was held on April 17, 2023. Four area residents attended and noted concerns regarding increased traffic, timing of the future development and the potential for increased crime in the area. The applicant provided a summary of the concerns and responses received at the information meeting which is attached as Appendix “H” to Report PED23179.
Public Comments:	Ten emails from the public were received expressing concern with the proposed Zoning By-law Amendment (attached as Appendix “G” to Report PED23179). Comments include, but are not limited to, the proposed height and density, the potential for increased crime, additional traffic that cannot be supported by the existing road network, insufficient sanitary sewer infrastructure to support the development, and that the amount of parking is insufficient.
Processing Time:	460 days from date of receipt of the application.

Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
Subject Lands:	1177 West 5 th Street – Single detached dwelling.	“AA” (Agricultural) District.
	1183 West 5 th Street – Single detached dwelling.	“AA” (Agricultural) District.
	1187 West 5 th Street – Vacant.	“RT-20-H” (Townhouse-Maisonette) District, Modified, Holding.
Surrounding Lands:		
North	Townhouse dwellings.	“RT-30/S-1667” (Street – Townhouse) District, Modified.
South	Commercial plaza.	Mixed Use Medium Density (C5) Zone.

Surrounding Lands Continued:

East	Surface parking lot.	Mixed Use Medium Density (C5) Zone.
West	Single detached dwelling and vacant land.	“B” (Suburban Agriculture and Residential, etc.) District, “R-4-H/S-1715” (Small Lot Single Family Detached) District, Modified, Holding, and “R-4/S-1822” (Small Lot Single Family Detached) District, Modified.

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 (2020). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the Provincial Policy Statement (2020) and conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (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 approval of the City of Hamilton Official Plan, 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 (i.e. efficiency of land use) are discussed in the Official Plan analysis that follows.

As the application for Zoning By-law Amendment complies with the Urban Hamilton Official Plan, it is staff’s opinion that the application is:

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

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the Urban Hamilton Official Plan.

The intent of the “Neighbourhoods” designation is to develop neighbourhoods as complete communities. As such, the proposal meets the intent by adding to the range of residential dwelling types and supporting residential intensification in an appropriate location. The proposed development will contain 206 units. Of these units, 66% are one-bedroom and 34% are two-bedroom. This represents a mix of unit types that support various household sizes.

The Urban Hamilton Official Plan describes Medium Density Residential as multiple dwellings on the periphery of neighbourhoods adjacent to minor arterial roads with a maximum height of 12 storeys, subject to several criteria including: providing a mix of unit sizes, incorporation of sustainable building and design features, demonstrating lack of shadow impacts, and provision of step backs. West 5th Street is classified as a minor arterial road. The applicant has satisfactorily demonstrated that this proposal meets the criteria to support the proposed height of 35.0 metres (10 storeys).

To meet the sustainable building and design features criteria, the proposed development will incorporate the following features: use of locally sourced building materials, the installation of a stormwater management tank to reduce impacts during storm events, inclusion of top down pedestrian lighting to limit light pollution, tree planting along the northern property line, and consideration for future electric vehicle charging stations. Further details of sustainable building and design features will be addressed through the future Site Plan Control process.

To meet the shadow impact criteria, the applicant submitted a Shadow Impact Analysis prepared by KNYMH Inc. dated May 24, 2022 in support of the development. The study found that the shadow impact on residential amenity spaces on March 21 and September 21 will experience long periods of continuous sunlight with minimal shading, which meets the guideline criteria of three hours of sunlight between 10:00 a.m. and 4:00 p.m. The report concluded that the proposed massing and site orientation mitigated the sun/shadow impact on the neighbouring residential properties north of the subject lands and that the proposed development meets or exceeds the City of Hamilton’s guidelines.

The applicant also submitted an Angular Plane drawing prepared by KNYMH Inc. dated March 9, 2023, in support of the development that demonstrates how the stepback criteria is achieved. To address the residential uses to the north, a stepback of 5.0 metres is proposed above 23.5 metres (seven storeys) and an additional stepback of

5.0 metres is proposed above 30.0 metres (nine storeys). To address the streetscape, a stepback of 1.8 metres above 20.0 metres (six storeys) is proposed. As such, the proposal meets the intent of the “Medium Density Residential” policies.

Holding “H” Provisions are proposed to be added to the subject lands for the purpose of requiring the completion of a municipal storm sewer along West 5th Street, completion of municipal sanitary sewer upgrades along West 5th Street, and approval of a Functional Servicing Report that addresses required fire flow. These provisions will ensure that adequate infrastructure services can be provided prior to any development proceeding.

Therefore, the proposal complies with the Urban Hamilton Official Plan, subject to the proposed Holding Provisions.

Zoning By-law No. 6593

The proposed Zoning By-law Amendment is for a change in zoning from the “AA” (Agricultural) District and the “RT-20-H” (Townhouse-Maisonette) District, Modified, Holding to the “E-3/S-1830-H” (High Density Multiple Dwellings) District, Modified, Holding. The effect of this Zoning By-law Amendment is to permit the development of a 35 metre (10 storey) residential building containing 206 units and 229 parking spaces. Modifications to the “E-3” (High Density Multiple Dwellings) District are required to facilitate the development and are summarized in the report Fact Sheet above and further discussed in Appendix “C” attached to Report PED23179.

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 general intent and purpose of the Urban Hamilton Official Plan, in particular, the function, scale and design of the “Neighbourhoods” designation, Residential Infill, and Urban Design policies; and,
 - (iii) It is considered to be compatible with the existing development in the immediate area and, it represents good planning by, among other things, providing a compact and efficient urban form, adding to the range of housing types by introducing one and two bedroom multiple dwelling units, and supporting the development of a complete community.

2. Zoning By-law Amendment

The subject lands are zoned “AA” (Agricultural) District and “RT-20-H” (Townhouse-Maisonette) District, Modified, Holding in Zoning By-law No. 6593. The Zoning By-law Amendment proposes to change the zoning to the “E-3/S-1830-H” (High Density Multiple Dwellings) District, Modified, Holding as outlined in the table on pages 4 and 5.

Staff are satisfied that the proposal meets the intent of the “Neighbourhoods” designation policies and applicable intensification policies of the Urban Hamilton Official Plan as outlined in Appendix “E” to Report PED23179. The proposed height increase can be supported as the proposed development meets the criteria for additional height set out in the “Neighbourhoods” designation. The site layout and building design help to mitigate the impacts of the proposed 10 storey building with the inclusion of building setbacks and setbacks. These measures reduce the impact of the building height from the street and create sun access for the abutting low density residential buildings. Additionally, the development will provide a mix of unit types to the neighbourhood. The proposed amendments meet the general intent of the Zoning By-law. An analysis of the requested modifications is provided in Appendix “C” attached to Report PED23179.

Therefore, staff support the proposed Zoning By-law Amendment, subject to the proposed Holding Provisions.

3. Holding Provisions

Holding “H” Provisions are proposed to be added to the subject lands for the purpose of requiring the completion of a municipal storm sewer along West 5th Street, completion of municipal sanitary sewer upgrades along West 5th Street, and approval of a Functional Servicing Report that addresses required fire flow. Upon submission and approval of the above noted plans and studies, the Holding Provision can be lifted.

ALTERNATIVES FOR CONSIDERATION

Should the application be denied, the subject property can be used in accordance with the “AA” (Agricultural) District and the “RT-20-H” (Townhouse-Maisonette) District, Modified, Holding in Zoning By-law No. 6593.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED23179 – Location Map

Appendix “B” to Report PED23179 – Amendment to Zoning By-law No. 6593

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Appendix "C" to Report PED23179 – Zoning Modification Table

Appendix "D" to Report PED23179 – Concept Plan

Appendix "E" to Report PED23179 – Policy Review

Appendix "F" to Report PED23179 – Staff and Agency Comments

Appendix "G" to Report PED23179 – Public Comments

Appendix "H" to Report PED23179 – Neighbourhood Information Meeting Comment
Response Letter

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