



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	October 17, 2023
SUBJECT/REPORT NO:	Application for a Zoning By-law Amendment for Lands Located at 851 Lawrence Road, Hamilton (PED23207) (Ward 4)
WARD(S) AFFECTED:	Ward 4
PREPARED BY:	Spencer Skidmore (905) 546-2424 Ext. 6340
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Amended Zoning By-law Amendment Application ZAC-23-040 by Bousfields Inc. c/o David Falletta on behalf of C Valery Construction Ltd., owner**, for a change in zoning from “E-2/S-131” (Multiple Dwellings) District, Modified, to the Mixed Use Medium Density (C5, 877, H163) Zone and the Mixed Use Medium Density (C5, 881) Zone, to permit a 13 storey multiple dwelling which includes 272 residential units with on-site surface and underground parking areas, for lands located at 851 Lawrence Road, as shown on Appendix “A” attached to Report PED23207, be **APPROVED**, on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED23207, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) 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;
- (c) That the amending By-law apply the Holding Provision of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject property by introducing the Holding symbol ‘H163’ to the proposed Mixed Use Medium Density (C5, 877) Zone;

The Holding Provision ‘H163’ is to be removed, conditional upon:

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- (i) The Owner submitting a Parking Assessment demonstrating that:
 - (1) The removal of the driveway access to 380 Cochrane Road shall have no adverse impact on site circulation;
 - (2) The required parking for 380 Cochrane Road and 851 Lawrence Road will be provided at 851 Lawrence Road;
 - (3) Sufficient manoeuvring space is available for waste collection and loading vehicles entirely on private property;

To the satisfaction of the Manager, Transportation Planning and Director of Planning and Chief Planner.
- (ii) The Owners of 380 Cochrane Road and 851 Lawrence Road enter into a parking agreement with the City to be registered against the title of both the lot upon which parking is to be provided (851 Lawrence Road) and the lot containing the use requiring the parking (380 Cochrane Road), to the satisfaction of the Director of Planning and Chief Planner;
- (iii) The Owner submitting a Watermain Hydraulic Analysis, to the satisfaction of the Director of Hamilton Water;
- (iv) The Owner submitting a technical memorandum prepared by a qualified professional that provides justification for why dewatering is not required, and in the event that dewatering is required, the owner shall provide a written record of a Monitoring and Contingency Plan that outlines a protocol for action, to the satisfaction of the Director of Hamilton Water;
- (v) The Owner making satisfactory arrangements with the City's Growth Management Division and entering into an External Works Agreement with the City for the design and construction of any required improvements to the municipal infrastructure at the Owner's cost, should it be determined that upgrades are required to the municipal infrastructure to support the proposed development, all to the satisfaction of the Director of Growth Management and Chief Development Engineer;
- (vi) The Owner submitting a revised Tree Protection Plan addressing the protection of private trees, to the satisfaction of the Director of Planning and Chief Planner. The resubmission is also to include the applicable Tree Protection Plan review fee payable to the City of Hamilton;
- (vii) The Owner submitting a Wind Study, to the satisfaction of the Director of Planning and Chief Planner.

EXECUTIVE SUMMARY

The subject property is municipally known as 851 Lawrence Road and is located north of Lawrence Road, south of King Street East and west of Cochrane Road. The purpose of the Zoning By-law Amendment is to rezone the lands from the "E-2/S-131" (Multiple

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Dwellings) District, Modified to the Mixed Use Medium Density (C5, 877, H163) Zone and the Mixed Use Medium Density (C5, 881) Zone to permit the lands to be developed for a 272 unit, 13 storey multiple dwelling with indoor and outdoor amenity areas and a total of 374 parking spaces proposed in a combination of surface parking areas, underground parking areas and within an enclosed above grade structure. The proposal provides 299 parking spaces for the proposed 272 dwelling units (1.1 spaces per unit), with a surplus of 75 additional parking spaces accounting for the removal of the existing surface parking area that is required parking for 380 Cochrane Road.

Holding Provisions are recommended for the amending By-law with regards to water servicing capacity, an external works agreement for any municipal infrastructure improvement, parking assessment, parking agreement, wind impacts, in addition to a revised Tree Protection Plan.

The proposal 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 Intensification and Urban Design policies; and,
- The proposal provides a built form that is compatible with the surrounding land uses and represents good planning by, among other things, proposing an efficient built form between two arterial roads, increasing the supply of housing units, and making efficient use of existing municipal infrastructure on an underutilized site.

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. In accordance with Section 34(10.12), if the City makes a decision on a Zoning By-law Amendment within 90 days after the receipt of the application, the City shall not refund the fee.

HISTORICAL BACKGROUND

Report Fact Sheet

Application Details	
Owner:	C Valery Construction Ltd.
Applicant:	Bousfields Inc.
File Number:	ZAC-23-040.
Type of Application:	Zoning By-law Amendment
Proposal:	<p>The purpose of the Zoning By-law Amendment is to change the zoning from “E-2/S-131” (Multiple Dwellings) District, Modified, to the Mixed Use Medium Density (C5, 877, H163) Zone and the Mixed Use Medium Density (C5, 881) Zone.</p> <p>The effect of the application is to facilitate the development of a 13 storey multiple dwelling containing 272 residential units. Two levels of underground parking, surface parking and an enclosed above grade parking structure with a total of 374 parking spaces are proposed, 299 of which are allocated to the proposed 272 dwelling units (1.1 spaces per unit), with a surplus of 75 additional parking spaces accounting for the removal of the existing surface parking area that is required parking for 380 Cochrane Road.</p> <p>The proposal provides a total of 5,669 square metres of amenity space comprised of 1,915 square metres of common amenity space (685 square metres indoor and 1,230 square metres of outdoor areas), in addition to 3,753 square metres of private outdoor amenity space comprised of private balconies and terraces. In addition, 198 bicycle parking spaces are proposed, which includes 14 short term bicycle parking spaces and 184 long term bicycle parking spaces.</p> <p>The existing multiple dwellings are proposed to remain. There are no severances proposed and the proposed multiple dwelling will be added to the existing lands.</p>
Property Details	
Municipal Address:	851 Lawrence Road.
Lot Area:	+/-1.38 ha.
Servicing:	Existing full municipal services.
Existing Use:	Two multiple dwellings and surface parking area.
Proposed Use:	Multiple dwelling.

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Documents	
Provincial Policy Statement (PPS):	The proposal is consistent with the Provincial Policy Statement (2020).
A Place to Grow:	The proposal conforms to the Growth Plan, as amended.
Official Plan Existing:	“Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the Urban Hamilton Official Plan.
Zoning Existing:	“E-2/S-131” (Multiple Dwellings) District, Modified.
Zoning Proposed:	Mixed Use Medium Density (C5, 877, H163) Zone and Mixed Use Medium Density (C5, 881) Zone
Modifications Proposed:	<p>The following modifications are being proposed to Zoning By-law No. 05-200:</p> <ul style="list-style-type: none"> • To deem Lawrence Road as the Front Lot Line; • To permit a 1.8 metre balcony encroachment into a required yard; • To increase the maximum building height to 42.0 metres; • To increase the maximum building setback from a street line to 7.9 metres; • To reduce the minimum façade height along the street to 10.3 metres; • To increase the minimum planting strip width to 3 metres along the westerly lot line; • To permit dwelling units at grade that do not face a street; • To establish a minimum parking rate of 1.1 spaces per dwelling unit for the proposed and existing multiple dwellings; and, • To deem the existing multiple dwellings as compliant under By-law No. 05-200. <p>Additional modifications are proposed by staff to preserve the angular plane by providing specific setback distances as the height of the building increases as shown on Appendix “C” attached to Report PED23207. A detailed analysis of the proposed zone modifications is attached as Appendix “E” to Report PED23207.</p>
Processing Details	
Received:	August 4, 2023.
Deemed complete:	August 9, 2023.
Notice of Complete Application:	Sent to 150 property owners within 120 metres of the subject property on August 22, 2023.
Public Notice Sign:	Posted on August 18, 2023.
Notice of Public Meeting:	Sent to 150 property owners within 120 metres of the subject property on October 6, 2023.

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Processing Details	
Public Consultation:	The following Public Consultation was completed for the proposed development: <ul style="list-style-type: none"> • The Applicant hosted a virtual community meeting on May 30, 2023. • Notice of the virtual community meeting was prepared by Bousfields Inc. and delivered to residents within 120 metres of the subject lands on May 17, 2023. Approximately 10 members of the public were in attendance, in addition to the Ward Councillor, the Applicant and Owner.
Public Comments:	Staff received three emails from the public expressing concern about the proposed Zoning By-law Amendment (attached as Appendix “G” to Report PED23207).
Processing Time:	74 days from date of receipt of the application.

Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
Subject Lands:	Multiple dwelling (10 and 13 storey) with surface parking.	“E-2/S-131” (Multiple Dwellings) District, Modified.
Surrounding Land Uses:		
North	Bartonville Cemetery.	Open Space (P4) Zone and “H” (Community Shopping and Commercial, Etc.) District.
South	Single detached dwellings and hydro-transmission corridor.	Low Density Residential (R1) Zone and “G” (Neighbourhood Shopping Centre), Etc. District.
East	Multiple dwellings.	“E-2/S-131” (Multiple Dwellings) District, Modified.
West	Multiple dwellings and single detached dwellings.	“C/S-1822” (Urban Protected Residential, Etc.) District, Modified, “H” (Community Shopping and Commercial, Etc.) District, and Low Density Residential – Small Lot (R1a) Zone.

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.

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.

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 Urban Hamilton Official Plan.

Urban Hamilton Official Plan

The subject lands are designated as “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan and are located at the periphery of the Bartonville neighbourhood.

The intent of the “Neighbourhoods” designation is to permit a full range of residential dwelling types, densities and supporting uses to function as a complete community. The Urban Hamilton Official Plan characterises the “High Density Residential” category of the “Neighbourhoods” designation as multiple dwelling forms on the periphery of neighbourhoods in proximity to major and minor arterial roads. The proposal would meet this intent by developing the subject lands with a 13 storey multiple dwelling in conjunction with the existing multiple dwellings, with lot frontage on two minor arterial roads (King Street East and Lawrence Road).

The Urban Hamilton Official Plan policies generally permits multiple dwellings greater than 12 storeys provided that transitional features as building stepbacks, are incorporated into the site design where separation distances such as an intervening medium density residential land use cannot be achieved. A staff-initiated modification to the amending Zoning By-law is recommended to require additional building setbacks as the building height increases. The Applicant submitted concept plan proposes encroachments into the 45 degree angular plane above the 10th storey of the multiple dwelling. The proposal, as submitted, does not meet the intent of Urban Hamilton Official Plan policy 3.6.7 b), therefore staff recommend modifications to the built form to incorporate progressive building stepbacks above the ninth storey to maintain a 45

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degree angular plane measured from 11m above grade at the western property line, as shown on Appendix “B” attached to Report PED23207.

Urban Hamilton Official Plan policy E.3.6.7 f) requires that the height, orientation, design and massing of a building shall not unduly overshadow or block light on adjacent sensitive uses and outdoor private amenity areas or result in loss of privacy to adjacent uses. To address overshadow and loss of privacy impacts, staff recommend progressive building stepbacks are applied at storeys 10, 11, 12 and 13 of the multiple dwelling. These stepbacks are in addition to the Applicant proposed stepbacks and establish building height under a 45 degree angular plane measured from 11m in height at the westerly property line for storeys 10, 11, 12 and 13. Staff circulated the draft by-law to the Applicant for feedback and comment prior to finalization and at the time of preparation of the staff report, staff have not received any feedback or objection from the applicant.

These staff recommended modifications to the Mixed Use Medium Density (C5) Zone provide for a balanced approach that allows for an appropriate massing to be maintained along Lawrence Road, the retention of the larger family-sized units, while also appropriately mitigating potential overlook and privacy impacts on the adjacent low density residential uses fronting onto Ipswich Place to the west.

The proposal is compatible with adjacent existing and future land uses and consists of a form of residential intensification in proximity to existing commercial uses, transit routes and with lot frontage along two minor arterial roads. The proposal meets the evaluation criteria within the “High Density Residential” policies which demonstrates an increase in building height is appropriate.

The “High Density Residential” designation permits building heights above 12 storeys where certain criteria have been met. The proposal has met these evaluation criteria by providing a mix of dwelling unit sizes, incorporating progressive building stepbacks, mitigating shadow impacts and incorporating sustainable design principles, among others. The Applicant has committed to providing 272 dwelling units of which 92 units are one bedroom/studio units, 149 are two bedrooms units and 31 are three bedroom units. Staff are satisfied the proposal provides for an appropriate mix of dwelling unit sizes to accommodate a range of household sizes and income levels.

The Applicant has submitted a Sun/Shadow Study prepared by RAW Design Inc. dated March 14, 2023 that demonstrates the proposal, maintains a minimum of three hours of sun coverage on adjacent private outdoor amenity areas in accordance with the City’s Sun Shadow Guidelines. In addition, the proposal allows for a minimum of 50% sun coverage at all times of day on public open spaces, public sidewalks and common amenity areas. The proposed staff amendments requiring additional stepbacks at storeys 10, 11, 12 and 13 will further reduce shadow impacts on the lands adjacent to the west.

Staff were unable to finalize and approve the Tree Protection Plan prepared by Adesso Design Inc. dated April 5, 2023, due to legislative approval timelines for *Planning Act* applications under *Bill 109*. Staff recommend that the approval of a revised Tree

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Protection Plan be included as a Holding Provision to address the protection of five trees on the subject lands, four which include Scarlet Hawthorn trees, a locally rare species.

Therefore, the proposal complies with the Urban Hamilton Official Plan, subject to the proposed Holding Provision(s).

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

The proposed Zoning By-law Amendment is for a change in zoning from the “E-2/S-131” (Multiple Dwellings) District, Modified, to the Mixed Use Medium Density (C5, 877, H163) Zone and the Mixed Use Medium Density (C5, 881) Zone. The effect of this Zoning By-law Amendment will permit a 13 storey multiple dwelling containing 272 dwelling units with 374 parking spaces. Modifications to the Mixed Use Medium Density (C5) Zone are required to facilitate the development and are summarized in the report Fact Sheet above and further discussed in Appendix “F” attached to Report PED23207.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposed Zoning By-law Amendment 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 conforms to the Urban Hamilton Official Plan, in particular, the function, scale and design of the “Neighbourhoods” designation, residential intensification, “High Density Residential” and urban design policies; and,
 - (iii) The proposal is compatible with the surrounding uses in the immediate area, and represents good planning by among other things, providing a compact and efficient urban form along two minor arterial roads and adding to the range of housing types by introducing a multiple dwelling built form on lands where the use already exists to support the development of a complete community.
2. The subject lands are currently zoned “E-2/S-131” (Multiple Dwellings) District, Modified, in Zoning By-law No. 6593. The Zoning By-law Amendment proposes to change the zoning to the Mixed Use Medium Density (C5, 877, H163) Zone and the Mixed Use Medium Density (C5, 881) Zone.

Staff are satisfied that the proposal conforms to the “Neighbourhoods” designation policies, in particular the criteria outlined in Policy E.3.6.7 for high density residential development, as the proposal:

- Is located on a parcel with frontage on two minor arterials roads;

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- Incorporates appropriate transitional features, such as setbacks, landscaping, and screening to mitigate adverse impacts on adjacent low profile residential uses;
- Provides an appropriate amount of landscaping, amenity area, and on-site parking;
- Is compatible with surrounding development in terms of height, massing and arrangement of structures;
- Provides adequate pedestrian and vehicular access to the property;
- Provides a mix of unit sizes to accommodate a range of household sizes and income levels; and,
- Does not create undue impacts with respect to overshadow or loss of privacy.

The proposed amendments meet the general intent of the Zoning By-law. An analysis of the requested modifications is provided in Appendix “E” attached to Report PED23207.

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

3. A Holding “H” Provision is proposed to be added to the subject lands for the purpose of requiring the submission of a Watermain Hydraulic Analysis, Hydrogeological Brief, and arrangement of an External Works Agreement, if it has been determined that infrastructure improvements are necessary to address municipal servicing capacity. A revised Tree Protection Plan (and review fee) is required to be submitted to ensure the retention of trees being identified as “rare” on the subject lands.

A Parking Assessment is required to be submitted demonstrating that: the removal of the driveway access to 380 Cochrane Road shall have no adverse impact on site circulation; the required parking for 380 Cochrane Road and 851 Lawrence Road will be provided at 851 Lawrence Road; and, sufficient manoeuvring space is available for waste collection and loading vehicles entirely on private property. A parking agreement with the City is to be registered against the title of both the lot upon which parking is to be provided (851 Lawrence Road) and the lot containing the use requiring the parking (380 Cochrane Road).

The Applicant is also required to submit a Wind Study in order to evaluate potential wind impacts generated by the proposal.

Upon submission and approval of the above noted plans and studies, the Holding Provision can be lifted from the subject lands.

ALTERNATIVES FOR CONSIDERATION

Should the application be denied, the subject property can be used in accordance with the “E-2/S-131” (Multiple Dwellings) District, Modified, in Zoning By-law No. 6593.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED23207 – Location Map

Appendix "B" to Report PED23207 – Amendment to Zoning By-law No. 05-200

Appendix "C" to Report PED23207 – Concept Plan and Elevation Drawings

Appendix "D" to Report PED23207 – Policy Review

Appendix "E" to Report PED23207 – Zoning Modification Table

Appendix "F" to Report PED23207 – Staff and Agency Comments

Appendix "G" to Report PED23207 – Public Comments

SS:sd