



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	October 31, 2023
SUBJECT/REPORT NO:	Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-23-006 and Zoning By-law Amendment Application ZAC-23-012 to the Ontario Land Tribunal (OLT) for Lack of Decision for Lands Located at 1284 Main Street East, Hamilton (PED23226) (Ward 4)
WARD(S) AFFECTED:	Ward 4
PREPARED BY:	Daniel Barnett (905) 546-2424 Ext. 4445
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

COUNCIL DIRECTION:

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

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

The following information is provided for Planning Committee's information with regards to Urban Hamilton Official Plan Amendment application UHOPA-23-006 and Zoning By-law Amendment application ZAC-23-012, which have been appealed for non-decision.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

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INFORMATION

The subject property is municipally known as 1284 Main Street East (refer to Appendix “A” attached to Report PED23226). The Applicant, GSP Group Inc. c/o Sarah Knoll on behalf of Delta Joint Venture Inc. c/o Nicole Cimadamore, applied for an Urban Hamilton Official Plan Amendment (UHOPA-23-006) and Zoning By-law Amendment (ZAC-23-012) to permit redevelopment of the subject lands consisting of 975 dwelling units and the adaptive reuse of the original building for residential purposes. The proposal contains 87 dwelling units through the adaptive reuse of the existing building (former Delta Secondary School), 156 dwelling units in the form of four storey multiple dwellings, 17 dwelling units in the form of three storey townhouses, 715 dwelling units in the form of three, 14-storey multiple dwellings with 1,137 parking spaces, 490 long term bicycle parking spaces and 49 short term bicycle parking spaces.

The subject property is approximately 2.48 hectares in size and is located on the south side of Main Street East, between Graham Avenue South to the west and Wexford Avenue South to the east, and north of Maple Avenue.

The subject property is designated under the *Ontario Heritage Act* and is a protected heritage property under the Provincial Policy Statement. An application for Heritage Permit was submitted on June 29, 2023, and was heard by the Heritage Permit Review Subcommittee on August 29, 2023. At the time of the preparation of this report, the permit is scheduled to be heard by the Hamilton Municipal Heritage Committee on October 24, 2023 and Planning Committee on October 31, 2023.

The Urban Hamilton Official Plan and Zoning By-law Amendment applications were received on December 14, 2022 and deemed complete on January 10, 2023. The appeal of the Urban Hamilton Official Plan Amendment and Zoning By-law Amendment, filed by Goodmans LLP c/o David Bronskill counsel for Delta Joint Venture Inc. c/o Nicole Cimadamore, was received by the City Clerk’s Office on August 31, 2023, 260 days after the receipt of the initial applications (refer to Appendix “C” attached to Report PED23226).

Urban Hamilton Official Plan

The subject property is identified as “Primary Corridor”, “Priority Transit Corridor”, and “Neighbourhoods” on Schedule E – Urban Structure and is dual designated with the northerly portion of the property designated “Mixed Use – Medium Density” and the balance of the lands to the south designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations, in the Urban Hamilton Official Plan.

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The Urban Hamilton Official Plan Amendment application UHOPA-23-006 is to redesignate the southerly portion of the subject lands from “Neighbourhoods” to “Mixed Use – Medium Density” with a Site Specific Policy to permit a maximum building height of 14 storeys.

Zoning By-law Amendment Application

The subject property is currently zoned Community Institutional (I2, 293) Zone in City of Hamilton Zoning By-law No. 05-200, as shown on Appendix “A” attached to Report PED23226. The proposed Zoning By-law Amendment application ZAC-23-012 is to change the zoning from the Community Institutional (I2, 293) Zone to a site specific Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone under City of Hamilton Zoning By-law No. 05-200.

A number of site specific modifications are required to implement the proposed development, as shown on the Concept Plan in Appendix “B” attached to Report PED23226, including:

- Reduction in the minimum finished floor elevation of any dwelling from 0.9 metres above grade to 0.1 metres above grade;
- Reduction in the minimum setback from a street line for a building with residential units on the ground floor facing a street from 3.0 metres to 2.0 metres;
- To require no minimum rear yard setback whereas a 7.5 metre minimum rear yard is required;
- To reduce the minimum building height requirement from 11.0 metres to 10.0 metres;
- To increase the maximum building height requirement from 22.0 metres to 44.0 metres;
- To permit a wholly enclosed or partially enclosed amenity area to exceed the maximum height of 44.0 metres with a maximum encroachment of 4.5 metres;
- To permit a maximum driveway width of 7.5 metres;
- To not require a principal entrance to face the street for a building not fronting the public street, whereas all principal entrances shall face the street and be accessible from the building façade with direct access from the public sidewalk; and,
- To permit tandem parking spaces at grade, whereas tandem parking is not permitted.

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Issues identified through the circulation include:

- The proposed development does not conform to the policies of the Urban Hamilton Official Plan as it relates to:
 - Compatibility with the scale and character of the existing residential neighbourhood as in the opinion of staff the cumulative effect of the size of the 14 storey multiple dwelling floor plates, height of the buildings, proximity of the buildings to each other and the proposed design of the upper portions of the buildings all contribute to a perceived building massing that is not in keeping with the character of the area.
 - Providing a mix of unit sizes to accommodate a range of household sizes and income levels.
 - Adequate sun access for private outdoor amenity areas, specifically with respect to shadow impacts on the central courtyard in which the courtyard is subject to significant shadowing.
 - Appropriate wind conditions as an updated Pedestrian Level Wind Study is required.
 - Noise impacts as an updated Noise Impact Study is required.
 - Preserving cultural heritage resources as a final decision respecting the Heritage Permit Approval has not yet been made.
 - Tree and woodland protection as an updated Tree Protection Plan is required.
 - Visual impacts on the Niagara Escarpment and cultural heritage resources and cultural heritage landscapes, as a Visual Impact Study is required.

- The proposed development is not consistent with the City-Wide Corridor Planning Principles and Design Guidelines as it relates to exceeding the maximum building length and the resulting impact of the building length on perceived building mass.

Public Consultation

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation for the applications was sent to 274 property owners within 120 m of the subject lands on January 24, 2023.

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To date staff have received submissions from 229 interested parties expressing concerns with the proposed development and 18 interested parties expressing support for the proposed development.

The applicant held a Public Open House on March 7, 2023 at the subject property, the former Delta Secondary School which was attended by 402 people.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED23226 - Location Map
Appendix "B" to Report PED23226 - Concept Plans
Appendix "C" to Report PED23226 - Letter of Appeal

SS/DB:sd