



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	December 7, 2021
<b>SUBJECT/REPORT NO:</b>	Application for Zoning By-law Amendment for Lands Located at 20 Reid Avenue North, 11-17 Reid Avenue South, 22-116 Lang Street and 2-24 Hayes Avenue, Hamilton (PED21216) (Ward 4)
<b>WARD(S) AFFECTED:</b>	Ward 4
<b>PREPARED BY:</b>	Mark Kehler (905) 546-2424 Ext. 4148
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

That **Amended Zoning By-law Amendment Application ZAR-21-034, by Roxborough Park Inc., Owner**, to further modify the Downtown Multiple Residential (D6, 696) Zone, for a change in zoning from the Downtown Multiple Residential (D6, 696) Zone to the Downtown Multiple Residential (D6, 696, H74) Zone, and to add the Conservation / Hazard Land (P5) Zone to portions of the lands located at 20 Reid Avenue North, 11-17 Reid Avenue South, 22-116 Lang Street and 2-24 Hayes Avenue, Hamilton, as shown on Appendix “A” attached to Report PED21216, be **APPROVED** on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED21216, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That Schedule “D” – Holding Provisions be amended by adding the following Holding Provision:

“74. Notwithstanding Section 6.6 and Special Exception No. 696 of this By-law, within the lands zoned Downtown Multiple Residential (D6, 696) Zone identified on Map Nos. 1092 and 1141 of Schedule “A” – Zoning Maps and described as 20 Reid Avenue North, 11-17 Reid Avenue South, 22-116 Lang Street and 2-24 Hayes Avenue, development shall be restricted in accordance with the following:

- (a) For such time as the Holding Provision is in place no development exceeding the maximum height of 12.0 metres shall be permitted;
- (b) Conditions for Holding Provision Removal:
  - (a) The Holding Provision shall, upon application by the landowner, be removed by way of an amending Zoning By-law, from the lands when the following conditions have been satisfied:
    - (i) The Owner/Applicant submits and implements the following studies demonstrating that a 41.5 metre multiple dwelling complies and implements the Urban Design, Energy and Environmental Design and Health and Public Safety Policies of the Urban Hamilton Official Plan, amongst others, to the satisfaction of the Director of Planning and Chief Planner:
      - (a) Urban Design Brief;
      - (b) Visual Impact Assessment;
      - (c) Shadow Impact Study; and,
      - (d) Noise Study;
    - (ii) That the Owner demonstrate that the proposed development does not exceed the maximum density of 165 units per hectare in accordance with Site Specific Policy Area UHN-25 in Volume 3 of the Urban Hamilton Official Plan and does not exceed 840 units for the lands zoned Downtown Multiple Residential (D6, 696) Zone, to the satisfaction of the Director of Planning and Chief Planner;”
  - (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 Owner, Roxborough Park Inc., has applied for a Zoning By-law Amendment to modify zoning boundaries, development standards and permitted uses on lands located at 20 Reid Avenue North, 11-17 Reid Avenue South, 22-116 Lang Street and 2-24 Hayes Avenue, Hamilton. The subject lands are located on the east side of Reid Avenue North, south of Ayr Avenue and west of the Red Hill Valley Parkway (see Appendix “A” attached to Report PED21216).

The lands were subject to Draft Plan of Subdivision Application 25T-201802, Urban Hamilton Official Plan (UHOP) Amendment Application UHOPA-18-006, and Zoning By-law Amendment Application ZAC-18-010 that were approved by City Council on July 13, 2018. Council’s approval established seven Development Blocks that permit a range of housing types including street townhouses, block townhouses, maisonettes, stacked townhouses and multiple dwellings, with different dwelling types being permitted within each Block (see Appendix “C” attached to Report PED21216). The purpose of this Zoning By-Law Amendment is to further modify the zoning boundaries for Blocks 5, 6 and 7a on Figure 20 to Schedule F – Special Figures of Zoning By-law No. 05-200 (see Appendix “D” to Report PED21216). The revised boundaries are required to facilitate a revised development concept that is currently being reviewed as a part of Site Plan Application (DA-21-044) and the revised Draft Plan of Subdivision proposed by the Owner. In addition, the Owner proposes to modify development standards applicable to Block 5 and to permit multiple dwellings at a height of 41.5 metres on Block 6 on Figure 20 to Schedule F – Special Figures of Zoning By-law No. 05-200.

Staff have amended the Application to permit a reduced side yard setback and an increase in the number of back-to-back dwelling units for one block of maisonette dwellings. In addition, staff have included a Holding Provision that will restrict any development on Block 6 exceeding 12.0 metres until such time as an Urban Design Brief, Visual Impact Assessment, Shadow Impact Study and Noise Study have been submitted to the satisfaction of the Director of Planning and Chief Planner to demonstrate conformity with the UHOP. The Holding Provision will allow for additional review at the detailed design stage to ensure that any development exceeding 12.0 metres, to a maximum of 41.5 metres, is appropriately designed to mitigate against any potential adverse impacts on the surrounding lands.

The 2018 Staff Report (PED18158) for Zoning By-law Amendment Application ZAC-18-010 recommended that the portions of the subject lands identified as Block 8 on Figure 20 to Schedule F – Special Figures of Zoning By-law No. 05-200 (see Appendix “D” attached to Report PED21216) be zoned Conservation / Hazard Lands (P5) Zone. Due to a mapping error in the preparation of the amending By-law, this change in zoning did not occur. To correct the error and recognize the intent of the previous approval, Staff

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have included a change in zoning for the lands identified as Block 8 on Figure 20 to Schedule F – Special Figures of Zoning By-law No. 05-200 from the Downtown Multiple Residential (D6, 696) Zone to the Conservation / Hazard Land (P5) Zone.

The Application, as amended, has merit and can be supported as it is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow Plan, 2019, as amended, and complies with the UHOP. The revised zoning boundaries, development standards and use permissions result in a redistribution of dwelling types across the development area that continues to provide for a range of housing types as required in the UHOP.

**Alternatives for Consideration – See Page 15**

**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**

The subject lands consist of the former Roxborough Park Elementary School site and lands previously owned by CityHousing Hamilton that contained 90 block townhouse dwelling units (now vacant or demolished). On July 13, 2018, Council adopted By-law Nos. 18-202 and 18-203 that amended the UHOP and Zoning By-law No. 05-200 and approved a Draft Plan of Subdivision to permit a residential development consisting of seven blocks of land with a mix of townhouses, maisonettes, stacked townhouses and multiple dwellings and a new public road. The UHOP Amendment and Zoning By-law Amendment approvals provided for flexible zoning permissions based on a range of dwelling types being permitted on each Block (see Appendix “C” attached to Report PED21216) and a permitted density of development for the entire site ranging from 115 units per hectare to a maximum of 165 units per hectare.

Following the adoption of the Draft Plan of Subdivision, UHOP Amendment, and Zoning By-law Amendment, the Owner has submitted the following Site Plan Control Applications:

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<b>Application Number</b>	<b>Zoning Block Number(s)</b>	<b>Proposal</b>	<b>Total Units</b>	<b>Conditional Approval Date</b>
DA-20-056	1, 2, 3, and 4	76 townhouse dwellings and 88 back-to-back townhouse dwellings.	164	October 20, 2020
DA-21-044	5	74 maisonette dwellings.	74	Conditional approval pending
DA-20-089	7a	Two, 12 storey multiple dwellings with a total of 297 dwelling units.	297	April 19, 2021

To date, the Owner has not submitted a Site Plan Control Application for Block 6. In addition, CityHousing Hamilton has retained ownership of Block 7 (41 Reid Avenue South) and submitted the following Site Plan Control Application:

<b>Application Number</b>	<b>Zoning Block Number</b>	<b>Proposal</b>	<b>Units</b>	<b>Conditional Approval Date</b>
DA-19-064	7	10 storey, 103 unit multiple dwelling.	103	September 11, 2019

### **Report Fact Sheet**

<b>Application Details</b>	
Applicant/Owner:	Roxborough Park Inc.
File Number:	ZAR-21-034
Type of Application:	Zoning By-law Amendment

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Proposal:	<p>To further modify the Downtown Multiple Residential (D6, 696) Zone, to change the zoning for portions of the lands from the Downtown Multiple Residential (D6, 696) Zone to the Downtown Multiple Residential (D6, 696, H74) Zone and to add the Conservation / Hazard Land (P5) Zone to portions of the lands located at 20 Reid Avenue North, 11-17 Reid Avenue South, 22-116 Lang Street and 2-24 Hayes Avenue to permit the following:</p> <ul style="list-style-type: none"> <li>• Re-aligning the boundary between Block 5 and Block 6 on Figure 20 to Schedule F – Special Figures of Zoning By-law No. 05-200 so that it divides the portion of the site east of the future Roxanne Drive into a northerly block (Block 5) and a southerly block (Block 6), with Block 6 maintaining frontage on Hayes Avenue at the easterly portion of the site;</li> <li>• Adjusting the easterly boundary of Block 7a westward so that portions of the former Block 7a are incorporated in the revised Blocks 5 and 6;</li> <li>• Revising the location of Area “1” and deleting Areas “2” and “3” which relate to minimum side yard setback requirements for Block 5;</li> <li>• Modifications to the development standards applicable to the revised Block 5 to facilitate the proposed development of 74 maisonette dwellings submitted through Site Plan Control application DA-21-044 (see Appendix “F” to Report PED21216); and,</li> <li>• Adding multiple dwellings as a permitted use on Block 6 with a maximum building height of 41.5 metres.</li> </ul>
<b>Property Details</b>	
Municipal Address:	20 Reid Avenue North, 11-17 Reid Avenue South, 22-116 Lang Street and 2-24 Hayes Avenue.
Lot Area:	5.2 hectares (52,000 square metres).
Servicing:	Existing municipal services.
Existing Use:	Block townhouse dwellings (vacant).
<b>Documents</b>	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS.
A Place to Grow:	The proposal conforms with the Growth Plan.
Official Plan:	<ul style="list-style-type: none"> <li>• Schedule “E”: Neighbourhoods;</li> <li>• Schedule “E-1”: Neighbourhoods; and,</li> <li>• Urban Site-Specific Policy: UHN-25.</li> </ul>

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Property Details	
Zoning:	Downtown Multiple Residential (D6, 696) Zone.
Modifications Proposed:	<p>Applicant requested modifications:</p> <ul style="list-style-type: none"> <li>Revised boundaries for Blocks 5, 6 and 7a on Figure 20 to Schedule F – Special Figures of Zoning By-law No. 05-200;</li> <li>Block 5: <ul style="list-style-type: none"> <li>To permit a maximum of 20 back-to-back dwelling units for all maisonette dwellings, instead of 16 back-to-back units;</li> <li>To permit a minimum side yard of 0.0 metres, instead of 3.0 metres;</li> <li>To permit a minimum flankage yard of 1.0 metres, instead of 3.0 metres;</li> <li>To permit a minimum setback to a condominium road of 1.5 metres, instead of 4.5 metres to the front of the dwelling unit;</li> <li>To require no planting strip instead of a 2.0 metre planting strip to a front lot line and a 3.0 metre planting strip to a flankage lot line; and,</li> <li>To require no setback or screening for a transformer box, instead of a required 3.0 metre setback from a front lot line and 0.6 metre setback to a side lot line with screening from the street by an enclosure or landscaping.</li> </ul> </li> <li>Block 6: <ul style="list-style-type: none"> <li>To permit multiple dwellings with a maximum building height of 41.5 metres on Block 6, whereas multiple dwellings are not a permitted use for Block 6 and therefore there are no applicable zoning regulations.</li> </ul> </li> </ul> <p>Staff proposed modifications:</p> <ul style="list-style-type: none"> <li>To permit a maximum of 20 back-to-back dwelling units for one maisonette dwelling. All other maisonette dwellings will have a maximum of 16 back-to-back units;</li> <li>To permit a minimum side yard of 0.0 metres only to the easterly lot line adjacent to a proposed access driveway (Area “1” on Schedule “B” to Appendix “B” attached to Report PED21216), with all other side yards requiring a minimum setback of 1.2 metres;</li> <li>To include a Holding Provision restricting any development exceeding 12.0 metres, to a maximum of 41.5 metres, until such time as an Urban Design Brief, Visual Impact Assessment, Shadow Impact Study, and Noise Study have been submitted and implemented to the satisfaction of the Director of Planning and Chief Planner; and,</li> </ul>

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	<ul style="list-style-type: none"> <li>To correct the zoning for the lands identified as Block 8 on Figure 20 to Schedule F – Special Figures to the Conservation / Hazard Lands (P5) Zone.</li> </ul>
<b>Processing Details</b>	
Received:	July 26, 2021
Deemed Incomplete:	August 25, 2021
Deemed Complete:	August 30, 2021
Notice of Complete Application:	Sent to 198 property owners within 120 metres of the subject property on September 14, 2021.
Public Notice Sign:	Sign posted: September 8, 2021 Sign updated: November 10, 2021
Notice of Public Meeting:	Sent to 198 property owners within 120 metres of the subject property on November 19, 2021.
Public Comments:	No public comments were received.
Processing Time:	99 days

**Existing Land Use and Zoning:**

	<b>Existing Land Use</b>	<b>Existing Zoning</b>
<b>Subject Property:</b>	Vacant block townhouse dwellings.	Downtown Multiple Residential (D6, 696) Zone.

**Surrounding Land Uses:**

<b>North</b>	Public park (Roxborough Park) and low density residential uses.	Neighbourhood Park (P1) Zone and “D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District.
<b>East</b>	Single detached dwellings and the Red Hill Valley Parkway.	“B” (Suburban Agriculture and Residential, Etc.) District and “D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District.



**Surrounding Land Uses:**

<b>South</b>	Six storey multiple dwelling.	“E” (Multiple Dwellings, Lodges, Clubs, Etc.) District.
<b>West</b>	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), 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 be consistent with the PPS. 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.

**Urban Hamilton Official Plan**

The subject property is identified as “Neighbourhoods” on Schedule “E” – Urban Structure and is designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations of the UHOP. The redevelopment of the subject lands was reviewed comprehensively through Official Plan Amendment Application UHOPA-18-006, Zoning By-law Amendment Application ZAC-18-010 and Draft Plan of Subdivision Application

25T-201802 that were approved by City Council on July 13, 2018. Council's approval provided for flexibility to permit a mix of housing types on site and a design that evolves over time. Staff are satisfied that the proposed zoning boundary changes, development standard modifications and use permissions constitute a minor revision to the previous approval that continues to comply with the UHOP as outlined in Report PED18158.

The lands are subject to Urban Site Specific Policy UHN-25, which includes the following policies:

- "1.0 For the lands located at 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Lang Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, and 24 Hayes Street, former City of Hamilton, designated Neighbourhoods, and identified as Site Specific Policy Area UHN-25, the following policies shall apply:
- a) In accordance with Section B.2.3.2 – Affordable Housing Policies and Section E.3.3 – Residential Uses – General Policies of Volume 1, the lands are intended to be redeveloped with a full range of housing types and tenures, including street townhouse dwellings, Maisonette dwellings, stacked townhouses dwellings, block townhouse dwellings and multiple dwellings, as well as an affordable housing component; and,
  - b) Notwithstanding Policies E.3.4.4, E.3.5.7, and E.3.6.6 b) of Volume 1, the net residential density shall be between 115 and 165 units per hectare."

As per Site Specific Policy 1.0 a), the intended redevelopment of the lands continues to provide for a range of housing types including block townhouse and back-to-back townhouses on Blocks 1, 2, 3 and 4 on Figure 20 to Schedule F – Special Figures of Zoning By-law No. 05-200 and multiple dwellings, including a 103 unit CityHousing Hamilton building, on Block 7. The proposed zoning boundary change will result in a redistribution of unit types on the site, with maisonettes dwellings being permitted within portions of the former Blocks 6 and 7 where they were not previously permitted (see Appendix "C" attached to Report PED21216) and multiple dwellings being added as a permitted use on Block 6. Staff are satisfied that the boundary and use permission changes are minor and meet the intent of the Site Specific Policy to provide for flexibility while ensuring a mix of dwelling types is achieved.

Site Specific Policy 1.0 b) permits a maximum net residential density of 165 units per hectare for the entire development area subject to Site Specific Policy UHN-25. The seven development Blocks have a combined area of approximately 5.14 ha (excluding the future public road), resulting in a maximum of approximately 848 units. Staff note that the CityHousing Hamilton development at 41 Reid Avenue South, while proposed to be excluded from the Draft Plan of Subdivision, is included in the density calculation

for Site Specific Policy Area UHN-25. Based on the active Site Plan Applications submitted by the Owner and CityHousing Hamilton, a total of 638 units have been proposed. A Site Plan Application for Block 6 has not been submitted, however, should the future Block 6 development propose more than 210 dwelling units further approvals in the form of a UHOP Amendment and Zoning By-law Amendment will be required. Staff note that the Downtown Multiple Residential (D6, 696) Zone applicable to the subject lands permits a maximum of 840 dwelling units for the development area. Therefore, should the number of dwelling units meet the density requirements of Site Specific Policy Area UHN-25 but exceed a total of 840 dwelling units, approval of a minor variance would be required.

The proposed increase to the maximum building height on Block 6 from 12 metres to 41.5 metres could result in one or more taller buildings being erected on portions of the site where they were not contemplated in the previous approval. Therefore, the following policies, amongst others apply to the proposal.

“B.2.4.2.2 When considering an application for a residential intensification development within the Neighbourhoods designation, the following matters shall be evaluated:

- 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; and,
- d) the consideration of transitions in height and density to adjacent residential buildings;

B.3.6.3.7 A noise feasibility study, or detailed noise study, or both, shall be submitted as determined by the City prior to or at the time of application submission, for development of residential or other noise sensitive land uses on lands in the following locations:

- d) 400 metres of an existing or proposed parkway or provincial highway (controlled access), as identified on Schedule C – Functional Road Classification;”

The Owner's request to permit a maximum 41.5 metre building height is to accommodate a 12 storey multiple dwelling on the revised Block 6 on Figure 20 to Schedule F – Special Figures of Zoning By-law No. 05-200. The multiple dwellings are

anticipated to have condominium tenure and a design that has taller ground floor and penthouse levels resulting in the requested building height being taller than the maximum 38.0 metres permitted for the proposed 12 storey multiple dwellings on Block 7. Staff recognize that the addition of multiple dwellings with condominium tenure to Block 6 would add to the range of dwelling types and tenures within the development area. The revised Block 6 has the potential to accommodate taller buildings due to its location to the rear of the site away from the existing low-rise residential neighbourhood to the north and east. To date, staff have not received a detailed concept plan or studies to fully assess the impact of additional building height on the surrounding neighbourhood as is required under Policies B.2.4.2.2 b), c) and d). In addition, a noise feasibility study is required to assess the impact of noise from the Red Hill Valley Parkway on units within the multiple dwellings (Policy B.6.3.7 d). Therefore, staff are recommending a Holding Provision be added to Block 6, requiring an Urban Design Brief, Visual Impact Study, Shadow Impact Study and Noise Study for any development exceeding the existing height permission of 12 metres to a maximum of 41.5 metres.

Based on the foregoing, the proposed zoning By-law Amendment complies with the UHOP.

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

The subject property is currently zoned Downtown Multiple Residential (D6, 696) Zone in Zoning By-law No. 05-200 which permits a mix of dwelling types across seven development blocks.

The proposed Zoning By-law Amendment is for a change in zoning from the Downtown Multiple Residential (D6, 696) Zone to the Downtown Multiple Residential (D6, 696, H74) Zone and to add the Conservation / Hazard Land (P5) Zone for portions of the lands. Modifications to the zoning boundaries and site specific requirements of the Downtown Multiple Residential (D6, 696) Zone are also requested and are summarized in the Report Fact Sheet above and discussed in greater detail in Appendix "E" attached to Report PED21216.

### **RELEVANT CONSULTATION**

The proposed amendments to the Zoning By-law are minor and therefore a circulation to internal departments and external agencies was not required. Relevant departments will be consulted through Site Plan Control Applications DA-21-044 (Block 5), DA-20-89 (Block 7a) and a future Site Plan Control Application and Zoning By-law Amendment to remove the Holding Provision for Block 6 will be required to ensure technical requirements related to transportation, servicing, and urban design are addressed.

## **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 September 14, 2021. A Public Notice sign was posted on the property on September 8, 2021 and updated with the Public Meeting date on November 10, 2021. A Notice of Public Meeting was sent to property owners within 120 metres of the site on November 19, 2021, in accordance with the requirements of the *Planning Act*.

Based on the technical and administrative nature of the application, additional consultation beyond the requirements of the *Planning Act* was not required. Staff acknowledge that the proposed amendments to the Zoning By-law are minor and therefore have not required additional consultation in advance of the statutory public meeting.

To date, no public submissions have been received in response to the Public Notice.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATIONS**

1. The proposed Zoning By-law Amendment has merit and can be supported for the following reasons:
  - (i) It is consistent with the PPS (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019, as amended;
  - (ii) It complies with the UHOP as it provides for a range of housing types within the development area as required in Urban Site Specific Policy UHN-25; and,
  - (iii) The proposal represents good planning by providing for the development of a complete community, making efficient use of existing infrastructure and supporting public transit.
2. Zoning By-law Amendment

The subject lands are zoned Downtown Multiple Residential (D6, 696) Zone in Zoning By-law No. 05-200 which permits a mix of dwelling types across seven development blocks, including street townhouse dwellings, block townhouse dwellings, maisonette dwellings, stacked townhouse dwellings and multiple dwellings. Modifications to the Downtown Multiple Residential (D6, 696) Zone are proposed, including:

- Revised zoning boundaries for Blocks 5, 6 and 7a on Figure 20 to Schedule F – Special Figures;
- Modifications to the development standards applicable to Block 5, including:
  - To permit a maximum of 20 back-to-back dwelling units for one maisonette dwelling block, instead of 16 back-to-back units;
  - To permit a minimum side yard of 1.2 metres and 0.0 metres, instead of 3.0 metres;
  - To permit a minimum flankage yard of 1.0 metres, instead of 3.0 metres;
  - To permit a minimum setback to a condominium road of 1.5 metres, instead of 4.5 metres to the front of the dwelling unit;
  - To require no planting strip instead of a 2.0 metre planting strip to a front lot line and a 3.0 metre planting strip to a flankage lot line; and,
  - To require no setback or screening for a transformer box, instead of a required 3.0 metre setback from a front lot line and 0.6 metre setback to a side lot line with screening from the street by an enclosure or landscaping.
- To permit multiple dwellings with a maximum building height of 41.5 metres on Block 6.

To ensure the impact of the proposed height increase on Block 6 on the adjacent neighbourhood is properly assessed, staff recommend a Holding Provision be added to require an Urban Design Brief, Visual Impact Assessment, Shadow Impact Report and Noise Study for any development exceeding the existing height permission of 12.0 metres to a maximum of 41.5 metres demonstrating that the proposed building complies with the applicable policies of the UHOP.

In addition, staff recommend the zoning for the lands identified as Block 8 be rezoned to the Conservation / Hazard Lands (P5) Zone to reflect the intent of the previous zoning approval.

Staff are satisfied that the proposed amendments are minor and meet the intent of the Zoning By-law and UHOP to provide flexible zoning permissions while ensuring a variety of unit types are built. An analysis of the requested modifications is provided in Appendix “E” attached to Report PED21216.

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

3. Plan of Subdivision Application 25T-201802

A revision to the Draft Plan of Subdivision for the subject lands has been submitted to the Growth Management Division by the Owner which is being reviewed concurrently with this proposed Zoning By-law Amendment. The revision proposes to realign the Block boundaries consistent with the zoning boundaries on the revised Figure 20 to Schedule F – Special Figures (see Schedule “B” to Appendix “B” attached to Report PED21216); and,

Approval of the minor revisions to the Draft Plan of Subdivision is delegated to the Senior Director of Growth Management.

4. Site Plan Control

The proposed zoning boundary and development standard modifications are required to facilitate Site Plan Control Application DA-21-044 for Block 5. A revision to the Site Plan application for Block 5 will be required that reflects the Block boundary and zoning boundary changes proposed by the Owner. A circulation to relevant departments / agencies will occur through the Site Plan Application to ensure the technical requirements associated with the development are addressed. The future development of Block 6 will also be subject to Site Plan Control.

## **ALTERNATIVES FOR CONSIDERATION**

Should the Zoning By-law Amendment Application be denied, development could proceed in accordance with the existing development standards and use permission of the Downtown Multiple Residential (D6, 696) Zone and in accordance with the existing block boundaries established in Figure 20 of Schedule “F” – Special Figures.

## **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.

**Built Environment and Infrastructure**

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

**APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report PED21216 – Location Map

Appendix “B” to Report PED21216 – Amendment to Zoning By-law No. 05-200

Appendix “C” to Report PED21216 – Permitted Uses by Block

Appendix “D” to Report PED21216 – Existing Zoning Boundaries

Appendix “E” to Report PED21216 – Zoning Modification Table

Appendix “F” to Report PED21216 – Block 5 Concept Plan

MK:sd