



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	June 18, 2024
SUBJECT/REPORT NO:	Application for a Zoning By-law Amendment for Lands Located at 150 Mohawk Road East, Hamilton (PED24063) (Ward 8)
WARD(S) AFFECTED:	Ward 8
PREPARED BY:	Mark Michniak 905-546-2424 Ext. 1224
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-23-015, by UrbanSolutions Planning & Land Development Consultants Inc. c/o Matt Johnston on behalf of Wellington Square Apts., owner**, for a change in zoning from the “E-2/S-6” (Multiple Dwellings) District, Modified, to the Transit Oriented Corridor Multiple Residential (TOC3, 879) Zone, to permit the development of an 11 storey multiple dwelling with 161 residential units and 381 parking spaces on lands located at 150 Mohawk Road East, Hamilton, as shown on Appendix “A” attached to Report PED24063, be **APPROVED** on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED24063, 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.

EXECUTIVE SUMMARY

The subject lands are municipally known as 150 Mohawk Road East, Hamilton, and are located on the southwest corner of the intersection of Mohawk Road East and Upper Wellington Street.

The purpose of the Zoning By-law Amendment application is to rezone the lands from the “E-2/S-6” (Multiple Dwellings) District, Modified, to the Transit Oriented Corridor Multiple Residential (TOC3, 879) Zone to permit the development of an 11 storey multiple dwelling with 161 residential units and 381 parking spaces for both the existing and proposed building, as shown on Appendix “D” attached to Report PED24063. The existing 11 storey, 203 unit building will remain. The applicant originally applied to rezone the lands to a site specific Mixed Use Medium Density (C5) Zone. Staff recommended the Transit Oriented Corridor Multiple Residential (TOC3) Zone as the lands are located on an arterial road and Mohawk Road East has been identified as a rapid transit route. Site specific modifications to the Transit Oriented Corridor Multiple Residential (TOC3) Zone are required to facilitate the proposed development, which are discussed in detail in Appendix “C” attached to Report PED24063.

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 policies of the “Neighbourhoods” designation, residential intensification, and urban design policies; and,
- 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, and supports 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:	Wellington Square Apts. (c/o David Horwood).
Applicant:	UrbanSolutions Planning & Land Development Consultants Inc. (c/o Matt Johnston).
File Number:	ZAC-23-015.
Type of Application:	Zoning By-law Amendment.
Proposal:	To permit the development of an 11 storey multiple dwelling with 161 residential units, which includes 120 one bedroom units and 41 two bedroom units, and 381 parking spaces, of which 166 are underground parking spaces, 145 are podium parking spaces, and 70 are surface parking spaces. Vehicular access will be from existing accesses on Mohawk Road East and Upper Wellington Street. The existing multiple dwelling will remain on the subject lands. To facilitate the proposed development the existing parking structure, pool, basketball court, and 26 trees will be removed. The new parking structure will provide parking to both the proposed and existing multiple dwellings.
Property Details	
Municipal Address:	150 Mohawk Road East.
Lot Area:	1.51 hectares.
Servicing:	Existing full municipal services.
Existing Use:	11 storey, multiple dwelling containing 203 units and 267 parking spaces.
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).

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Documents	
Official Plan Existing:	“Neighbourhoods” on Schedule E-1 – Urban Land Use Designations.
Official Plan Proposed:	No amendment proposed.
Zoning Existing:	“E-2/S-6” (Multiple Dwellings) District, Modified.
Zoning Proposed by Applicant:	A site specific Mixed Use Medium Density (C5) Zone.
Zoning Proposed by Staff:	Transit Oriented Corridor Multiple Residential (TOC3, 879) Zone.
Modifications Proposed:	<p>The following staff-proposed modifications are recommended:</p> <ul style="list-style-type: none"> • To permit a stairwell to encroach into a required rear yard to a maximum of 3.0 metres; • To modify parking space location regulations to allow parking within 3.0 metres of a street line and to remove the planting strip requirement; • To reduce the landscape strip requirement to 1.1 metres; • To remove landscape island requirements within the surface parking area; • To deem the existing 12 storey multiple dwelling in compliance with the Zoning By-law; • To reduce the minimum setback from a street line to 2.5 metres from 3.0 metres; • To establish a minimum stepback of 13.5 metres from a street line for any portion of a building exceeding 12.5 metres in height; • To establish a minimum rear yard of 5.0 metres; • To establish a minimum rear yard (building stepback) of 16.0 metres for any portion of a building exceeding 7.0 metres in height; • To establish a minimum rear yard (building stepback) of 30.0 metres from the rear lot line for any portion of a building exceeding 12.5 metres in height; • To establish a minimum rear yard setback of 2.0 metres to a stairwell; and, • To establish a minimum interior side yard of 7.5 metres.

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Documents	
Modifications Proposed (Continued):	<ul style="list-style-type: none"> • To establish a minimum interior side yard (building setback) of 32.0 metres from the interior side lot line for any portion of a building exceeding 7.0 metres in height; • To establish a minimum interior side yard setback of 3.0 metres to a stairwell; and, • To establish a maximum building height of 35.0 metres. <p>The Transit Oriented Corridor Multiple Residential (TOC3) Zone contains a regulation requiring dwelling units to be located 0.9 metres above grade. The applicant has indicated that they are not in agreement with this regulation.</p> <p>A complete analysis of the proposed modifications is provided in Appendix “C” attached to Report PED24063.</p>
Processing Details	
Received:	December 23, 2022.
Deemed Complete:	January 17, 2023.
Notice of Complete Application:	Sent to 116 property owners within 120 metres of the subject property on January 31, 2023.
Public Notice Sign:	Posted January 30, 2023 and updated with Public Meeting date and Transit Oriented Corridor Multiple Residential (TOC3, 879) Zone on May 22, 2024.
Notice of Public Meeting:	Sent to 129 property owners within 120 metres of the subject property on May 31, 2024.
Staff and Agency Comments:	Staff and agency comments have been summarized in Appendix “F” attached to Report PED24063.
Public Consultation:	The applicant submitted a Public Consultation Strategy in support of the application. A microsite for the project was created to provide project information and collect feedback. The microsite was advertised on the sign posted on the subject property for the Zoning By-law Amendment application and online. The applicant did not receive any feedback as a result of their consultation.
Public Comments:	No public input was received.
Processing Time:	543 days from date of receipt of the application.

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Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
Subject Lands:	Multiple dwelling.	“E-2/S-6” (Multiple Dwellings) District, Modified.

Surrounding Lands:

North	Commercial plaza and single detached dwellings.	Neighbourhood Commercial (C2) Zone and Low Density Residential (R1) Zone.
South	Commercial uses, single detached dwellings, and townhouse dwellings.	Neighbourhood Commercial (C2) Zone, Low Density Residential (R1) Zone, and “DE/S-127” (Low Density Multiple Dwellings) District, Modified.
East	Commercial plaza and single detached dwellings.	Community Commercial (C3) Zone and Low Density Residential (R1) Zone.
West	Single detached dwellings.	Low Density Residential (R1) 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 (2020) and conform to A Place to Grow (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 a 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 designated "Neighbourhoods" on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan. Analysis of the applicable Urban Hamilton Official Plan policies is located in Appendix "E" attached to Report PED24063.

The function of "Neighbourhoods" areas is to provide a full range of housing. The "Neighbourhoods" designation is intended to provide the full range of residential dwelling types and densities as well as supporting uses intended to serve local residents.

The proposed development represents a compatible form of infill within the neighbourhood. It will provide a greater range of housing types and achieve the planned urban structure. The proposed development includes 120 one bedroom units and 41 two bedroom units. The residential intensification can be supported as the proposed development is located within a safe and convenient distance of a number of amenities to support the proposed density.

An Urban Design Brief prepared by Whitehouse Urban Design dated July 2022, was submitted in support of the development. Staff analysis of the design brief found that the proposed development will be integrated with the surrounding community by providing a transition in height, grade level units, and using building materials that reflect the local context.

A Tree Protection Plan prepared by Whitehouse Urban Design dated August 11, 2022, and revised June 1, 2023, was submitted in support of the development, however it has not been approved. A total of 50 trees have been inventoried and 26 are proposed to be removed. Of these 26 trees, one was found to be in poor health and three were found to be dead, 14 are proposed to be removed to accommodate underground parking and one to accommodate surface parking, seven are proposed to be removed to accommodate site grading, and one is proposed to be removed to accommodate the

proposed building. A description of the tree species inventoried on site is contained within Appendix “E” attached to Report PED24063.

The decision to retain trees is to be based on condition, aesthetics, age, and species. Twenty-two of the trees proposed to be removed are in good or fair health. To ensure existing tree cover is maintained, one for one compensation is required for any tree, 10 cm diameter at breast height (DBH) or greater, that is proposed to be removed through the future Site Plan Control stage. The applicant proposes 19 new trees to replace the 26 trees proposed to be removed from the subject property. A Landscape Plan will be required at the Site Plan Control stage to confirm tree planting compensation and cash-in-lieu requirements for seven trees.

A Transportation Impact Study prepared by NexEng Consulting Group Inc. dated July 2022 and revised November 2022, was submitted in support of the development. The findings of the report were accepted by Transportation Planning staff as the proposed development can generally be supported by the surrounding road network.

A Functional Servicing and Stormwater Management Report prepared by S. Llewellyn & Associates Limited dated July 2022 was submitted in support of the development. Development Engineering staff are in agreement with the findings in the report and do not have any objections to the approval of the application.

Therefore, the proposal complies with the Urban Hamilton Official Plan.

Zoning By-law No. 05-200

The proposed Amended Zoning By-law Amendment is for a change in zoning from the “E-2/S-6” (Multiple Dwellings) District, Modified, to the Transit Oriented Corridor Multiple Residential (TOC3, 879) Zone to permit development of an 11 storey multiple dwelling with 161 residential units and 381 parking spaces. Modifications to the Transit Oriented Corridor Multiple Residential (TOC3) Zone are required to facilitate the development and are summarized in the Report Fact Sheet above, and further discussed in Appendix “C” attached to Report PED24063.

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; 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 and supports the development of a complete community.

2. Zoning By-law Amendment

The subject lands are zoned “E-2/S-6” (Multiple Dwellings) District, Modified, in Zoning By-law No. 6593. The effect of the Amended Zoning By-law Amendment will change the zoning to the Transit Oriented Corridor Multiple Residential (TOC3, 879) Zone in Zoning By-law No. 05-200 with the modifications outlined in the Report Fact Sheet on page 4. An analysis of the requested modifications is provided in Appendix “C” attached to Report PED24063.

Staff are satisfied that the proposal complies with the policies of the Urban Hamilton Official Plan. A detailed review of Urban Hamilton Official Plan policies is included in Appendix “E” attached to Report PED24063.

The proposal can be supported as the development provides a mix of unit sizes, incorporates sustainable building and design principles, has demonstrated that there are no adverse shadow impacts on existing residential uses, progressively steps back from surrounding residential uses in the “Neighbourhoods” designation, and is designed with appropriate setbacks from the street.

The residential intensification can be supported as the proposed development is located within a safe and convenient distance of a number of amenities to support the proposed density. The proposed development is adjacent to local retail uses at the intersection of Mohawk Road East and Upper Wellington Street as well as south of the subject lands. Additional commercial uses are located on Upper James Street approximately 650 metres west of the site. Hamilton Street Railway operated bus routes are located along both Mohawk Road East and Upper Wellington Street. In addition, Mohawk Road East has been identified as a rapid transit route. Bicycle routes are located in close proximity to the site and a bike lane is planned along Upper Wellington Street. Two elementary schools are located within the surrounding neighbourhood. Finally, Dave Andreychuk Mountain Arena and Skating Centre is located west of the site.

The existing multiple dwelling has been deemed to be in compliance with Zoning By-law No. 05-200 as it was established under the Former City of Hamilton Zoning By-law No. 6593. The proposed development includes 381 parking

spaces for 364 units. This results in approximately 1.05 spaces per unit, which exceeds the minimum parking requirement of 1.0 space per unit greater than 50.0 square metres in gross floor area in a building with 51 or more units in Zoning By-law No. 05-200. The proposed development will remove outdoor amenity space, which includes an outdoor pool and basketball court. However, each of the units in the existing multiple dwelling units will have access to private outdoor balconies with a minimum area of 9.0 square metres. This exceeds the minimum amenity area requirement of 6.0 square metres for each dwelling unit more than 50 square metres in area in Zoning By-law No. 05-200.

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

ALTERNATIVES FOR CONSIDERATION

Should the application be denied, the subject property can be used in accordance with the "E-2/S-6" (Multiple Dwellings) District, Modified in Zoning By-law No. 6593. This zone restricts the use of the westerly portion of the subject lands, where the new multiple dwelling is proposed to be located, to parking, manoeuvring, access, planting strips, and landscaped area.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED24063 – Location Map
Appendix "B" to Report PED24063 – Amendment to Zoning By-law No. 05-200
Appendix "C" to Report PED24063 – Zoning Modification Table
Appendix "D" to Report PED24063 – Concept Plan
Appendix "E" to Report PED24063 – Policy Review
Appendix "F" to Report PED24063 – Staff and Agency Comments

MM:sd