



City of Hamilton Report for Consideration

To: Chair and Members
Planning Committee

Date: April 8, 2025

Report No: PED25081

Subject/Title: Application for a Zoning By-law Amendment for
Lands Located at 87 to 109 Ashley Street, Hamilton

Ward(s) Affected: Ward 3

Recommendations

- 1) That **Amended Zoning By-law Amendment Application ZAC-25-007, by GSP Group Inc. (c/o Craig Rohe) on behalf of Tyros Development Ltd., Owner**, for a change in zoning from the Neighbourhood Commercial (C2) Zone to the Mixed Use Medium Density (C5, 929, H195) Zone to permit the development of a six storey multiple dwelling with 136 units, 89 parking spaces, and 68 long term and 16 short term bicycle spaces for lands located at 87 to 109 Ashley Street, as shown on Appendix A attached to Report PED25081, **BE APPROVED** on the following basis:
 - a) That the draft By-law, attached as Appendix B to Report PED25081, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
 - b) That the proposed changes in zoning are consistent with the Provincial Planning Statement (2024);
 - c) That the proposed changes in zoning comply with the Urban Hamilton Official Plan; and,
 - d) 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 including the Holding symbol 'H' to the proposed Mixed Use Medium Density (C5, 929, H195) Zone:

The Holding Provision 'H195', is to be removed conditional upon the following:

- i) That the owner submit and receive approval of a revised Functional Servicing Report to demonstrate sufficient fire flow is available to meet the development demands and that there is sufficient capacity to accommodate the proposed intensification, to the satisfaction of the Director of Growth Management and Chief Development Engineer;
 - ii) A signed Record of Site Condition (RSC) has been submitted to the Ministry of the Environment (MOE), including an acknowledgement of receipt of the Record of Site Condition by the Ministry of the Environment;
 - iii) That the owner shall investigate the noise levels on the site and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of Environment, Conservation and Parks (MECP) recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended control measures shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner / applicant and shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner; and,
 - iv) That the owner enter into and register on title a maintenance agreement with the City of Hamilton in order to allow the proposed development to use the existing (assumed) alleyway for the proposed two way driveway for the proposed development to the satisfaction of the Manager of Transportation Planning.
- e) That upon finalization of the Zoning By-law Amendment Application ZAC-25-007, the Landsdale Neighbourhood Plan be amended by redesignating the subject lands from “Industrial” to “Medium Density Apartments” on legend of Map 6608 - Landsdale Neighbourhood Plan, on the lands municipally known as 87 to 109 Ashley Street, as shown in Appendix J attached to Report PED25106.

Key Facts

- The application is for a proposed Zoning By-law Amendment to change the zoning from the Neighbourhood Commercial (C2) Zone to the Mixed Use Medium Density (C5, 929, H195) Zone on 87 to 109 Ashley Street.
- The proposed development consists of a six storey multiple dwelling with 136 units including four studio apartments, 83 one bedroom units and 49 two bedroom units, 89 parking spaces, 68 long term bicycle parking spaces and 16 short term bicycle parking spaces. The original application included developing lands at 124 Steven Street but based on discussions with staff the property has been removed from the application.

- The subject lands are designated “Neighbourhoods” on Schedule E-1: Urban Land Use Designations in the Urban Hamilton Official Plan, identified as “Industrial” in the Landsdale Neighbourhood Plan and zoned Neighbourhood Commercial (C2) Zone in Zoning By-law No. 05-200.
- Staff amended the submitted application to remove the proposed reduction in the amount of bicycle parking on the site and reduce the amount of accessible parking spaces that are required in Zoning By-law No. 05-200.
- Staff recommends approval of the application for Zoning By-law Amendment as shown in Appendices B and C attached to Report PED25081.

Financial Considerations

Not Applicable.

Analysis

The subject lands are municipally known as 87 to 109 Ashley Street and are located on the west side of Ashley Street and are bounded by a municipal alleyway on the north, south and west sides of the property. The applicant has applied for an amendment to Zoning By-law No. 05-200 to facilitate the development of a six storey multiple dwelling with a maximum height of 19.8 metres, containing 136 dwelling units, including four studio apartments, 83 one bedroom units and 49 two bedroom units, 89 parking spaces, and 68 long term bicycle parking spaces and 16 short term bicycle spaces.

The proposed parking for 87 to 109 Ashley Street will be accessed through alleyways along the south, west and north property lines. As part of the proposal, the alleyways will be reconstructed, widened, and maintained through a maintenance agreement with the City to facilitate portions of the alleyway, that are adjacent to the subject lands, serve as a 6.0 metre wide drive aisle that accommodates two way traffic.

A full review of the applicable Provincial Planning Statement (2024) and Urban Hamilton Official Plan policies is provided in Appendix E attached to Report PED25081.

Provincial Planning Statement (2024)

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the Provincial Planning Statement (2024). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the Provincial Planning Statement (2024).

The proposal supports the development of healthy, liveable, and complete communities by redeveloping an underutilized industrial site for residential purposes within an existing residential neighbourhood through the development of a six storey multiple dwelling including four studio apartments, 83 one bedroom units and 49 two bedroom units with a total height of 19.8 metres.

The proposal is compatible with the surrounding neighbourhood by providing appropriate setbacks to reduce the impact of privacy concerns in the surrounding area. The proposal will make efficient use of existing municipal infrastructure regarding water, wastewater, and stormwater infrastructure. The site located with access to many forms of transportation including being within 500 metres of a future Light Rail Transit stop, within 500 metres of bus stops including routes 3, 12, 10 and 1 and within 50 metres of a bike lane on Cannon Street East. As well, the site is located within 600 metres of William Connell Park, Cathy Weaver Elementary School, Cathedral High School, JC Beemer Park and Norman Pinky Lewis Recreation Centre.

Based on the foregoing, the proposal is consistent with the Provincial Planning Statement (2024).

Urban Hamilton Official Plan

The subject lands are designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations. Areas designated “Neighbourhoods” are intended to function as complete communities which include a range of residential dwelling types, densities and supporting uses to serve local residents. The current proposal would be considered a medium density residential use. The Zoning By-law Amendment would facilitate the development of a six storey multiple dwelling with a total height of 19.8 metres and add a new built form within an existing residential neighbourhood. The multiple dwelling includes four studio apartments, 83 one bedroom units and 49 two bedroom units for a total of 136 units within the proposed multiple dwelling, 89 parking spaces, 68 long term bicycle parking spaces and 16 short term bicycle parking spaces.

The medium density residential category permits a multiple dwelling on the subject lands. As part of the proposed development, the applicant is providing a mix of unit types in the building including 3% studio apartments, 61% one bedroom apartments and 36% two bedroom units. To meet the green infrastructure policy, the proposal includes the use of permeable surfaces as part of parking areas, driveways, and the proposed courtyard. The site is well serviced by multiple alternative forms of transportation including bike lanes on Cannon Street East, existing bus stops including routes 3, 12, 10 and 1, and a future Light Rail Transit stop within 500 metres at Wentworth Street South and King Street East. The proposed development is located within 600 metres of institutional uses including Cathy Weaver Elementary School, Cathedral High School, JC Beemer Park and Norman Pinky Lewis Recreation Centre.

As per the Urban Hamilton Official Plan, any intensification in the built up boundary needs to make efficient use and not negatively impact the existing sewer, water, stormwater, and transportation networks within the urban area. Staff note that the applicant submitted supporting engineering and transportation documents to be reviewed as part of the submission of a complete application. Development Engineering and Transportation Planning are supportive of the proposed Zoning By-law Amendment subject to the addition of a required Holding ‘H’ Provision.

Staff are satisfied that the proposed development is compatible with the surrounding residential neighbourhood based on the proposed setbacks, stepbacks and building height. As part of the application submission, a shadow study completed by GSP Group, dated February 2024, demonstrates that the public sidewalk along Ashley Street has a minimum three hours of sunlight coverage. The outdoor amenity areas for the existing low density residential along Steven Street would get four hours or more of sunlight. In terms of the existing low density residential uses on Cannon Street East, majority of the rear yard would get a minimum of three hours.

Based on the foregoing, the proposal complies with the applicable policies of the Urban Hamilton Official Plan. A full review of the Official Plan policies can be found in Appendix E attached to Report PED25081.

Landsdale Neighbourhood Plan

The subject lands are located in the Landsdale Neighbourhood Plan and are identified as “Industrial” which does not permit the proposed development. Policy F.1.2.11 states that Neighbourhood Plans are policies adopted by Council resolution and do not form part of the Official Plan. Any proposal for development or redevelopment must conform to the designations, and policies in the Neighbourhood Plan. The subject lands are in the Landsdale Neighbourhood Plan which consists of mapping and no associated policies to provide further guidance to development.

The goals of the Landsdale Neighbourhood Plan are to facilitate the conversion of a previous industrial site and encourages multiple dwelling developments to achieve a variety and balance of dwelling types in appropriate locations that are compatible with the surrounding neighbourhood. A review of the goals of the Landsdale Neighbourhood Plan has been include in Appendix E.

An amendment to the Neighbourhood Plan from “Industrial” to “Medium Density Apartment” will be required to implement the proposal for a multiple dwelling. The Landsdale Neighbourhood Plan will be amended to change the designation to the subject lands to “Medium Density Apartments” and shall be added to the legend of Map 6608 – Landsdale Neighbourhood Plan.

The proposed amendment can be supported for the following reasons:

- It allows for the residential intensification of the subject lands, consistent with the Provincial Planning Statement and represents good planning; and,
- Updates the Landsdale Neighbourhood Plan to be in conformity with the Urban Hamilton Official Plan and aligns with the policy objectives.

The proposed mapping changes to the Landsdale Neighbourhood Plan is included as Appendix J attached to Report PED25081.

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

The purpose of the Zoning By-law Amendment application is for a change in zoning from Neighbourhood Commercial (C2) Zone to Medium Density Residential (C5, 929, H195) Zone in Zoning By-law No. 05-200. The effect of the Zoning By-law Amendment will be to permit a six storey multiple dwelling with 136 units, including four studio apartments, 83 one bedroom units and 49 two bedroom units, 89 parking spaces, 68 long term bicycle parking spaces and 16 short term bicycle parking spaces. Modifications to the Mixed Use Medium Density (C5, 929, H195) Zone, are proposed to facilitate the proposed development, which are discussed in Appendix F attached to Report PED25081.

Rationale For Recommendation

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Planning Statement (2024);
 - (ii) It complies with the general intent and purpose of the Urban Hamilton Official Plan; and,
 - (iii) It is compatible with existing land uses in the immediate area and represents good planning by, among other things, increasing the supply of housing units contributing to a complete community through the establishment of housing forms that are compatible with the surrounding area, makes efficient use of existing infrastructure within the area, and supporting public transit.

2. Zoning By-law Amendment

The proposed Zoning By-law Amendment application is to change the zoning from Neighbourhood Commercial (C2) Zone to Mixed use Medium Density (C5, 929, H195) Zone to permit the development of a six storey multiple dwelling with a maximum height of 19.8 metres, containing 136 dwelling units, including four studio apartments, 83 one bedroom units and 49 two bedroom units, 89 parking spaces, and 68 long term bicycle parking spaces and 16 short term bicycle spaces. The proposed design requires the use of the public alleyways to provide vehicular access.

The proposed modifications requested to the zoning are discussed in Appendix F attached to Report PED25081. The proposed modifications to reduce the minimum rear yard setback, to remove the requirement to increase the size of a surface parking space where there is an obstruction abutting the space, to allow one principal entrance to be located 11.3 metres from the front lot line and to reduce the minimum width of a two way driveway subject to the applicant entering into a maintenance agreement with the City of Hamilton to make use of the public alleyway are needed to allow for flexibility for the proposed development. Staff are satisfied that the proposed Zoning By-law Amendment, as

amended, complies with the policies of the Urban Hamilton Official Plan, in particular with respect to the policies related to the “Neighbourhoods” designation and infrastructure policies.

Staff note that additional modifications were requested by the applicant that were not supported by staff. The first modification requests a reduction in the amount of barrier free parking spaces from eight spaces to four spaces. Staff are not supportive of this modification and requires that accessible parking spaces be provided in accordance with the requirements identified in the *Accessibility for Ontarians with Disabilities Act*. The second modification is for a reduction in the amount of long term bicycle parking spaces. The City recently reduced the amount of required parking within the city and as a result additional modes of transportation should be supported. As a result, a reduction in long term bicycle parking is not supported.

A Holding ‘H’ Provision is proposed to be added to the subject lands for the purposes of requiring a submission and approval of a revised Functional Servicing Report to demonstrate there is available fire flows to meet the development demands including sufficient capacity to accommodate the proposed intensification. A second holding provision has been added requiring proof that a Record of Site Condition has been completed and submission of acknowledgement regarding receipt of the Record of Site Condition by the Ministry of Environment, Conservation and Parks.

The third holding provision is related to the submission of a revised noise study in order to address the south façade of the proposed development and confirm that the proposed outdoor courtyard on the concept plan, attached as Appendix C attached to Report PED25081, meets the sound levels for outdoor living areas. In addition, the revised noise study is required to assess whether the mechanical equipment for the proposed multiple dwelling would have any impact on the surrounding neighbourhood.

A final holding provision requires the applicant to enter into, and register on title, a maintenance agreement with the City of Hamilton to use portions of the alleyway for vehicular access in accordance with the zoning regulation to provide a two way drive aisle with a minimum width 6.0 metres. As part of the future site plan application, the proposal will be required to enter into an external works agreement to upgrade the assumed alley to current city standards. The cost of upgrading the assumed city alley would be at the cost of the developer as part of the development process.

Therefore, staff support the proposed Zoning By-law Amendment, as amended subject to the addition of a Holding ‘H’ Provision.

Alternatives

Should the application be denied, the subject property can be used in accordance with the Neighbourhood Commercial (C2) Zone in Zoning By-law No. 05-200.

Relationship to Council Strategic Priorities

- Priority 1: Sustainable Economic & Ecological Development
 - o 1.2: Facilitate the growth of key sectors.

- Priority 2: Safe & Thriving Neighbourhoods
 - o Increase the supply of affordable and supportive housing and reduce chronic homelessness.

Consultation

The applications were circulated to internal departments and external agencies. Refer to the comments provided in Appendix G attached to Report PED25081.

In addition to the requirements of the *Planning Act*, the applicants submitted a Public Consultation Strategy with the supporting materials which stated that a Neighbourhood Meeting was held on June 14, 2024 and a summary of the comments has been included in Appendix H attached to Report PED25081. To date, a total of four comments were received which have been included in Appendix I attached to Report PED25081.

Appendices and Schedules Attached

- Appendix A: Location Map
- Appendix A-1: Existing and Surrounding Land Uses and Zoning Chart
- Appendix B: Amendment to Zoning By-law No. 05-200
- Appendix C: Proposed Site Plan and Elevations
- Appendix D: Historical Background Report Fact Sheet
- Appendix E: Policy Review
- Appendix F: Zoning Modification Table
- Appendix G: Staff and Agency Comments
- Appendix H: Summary of Consultants Public Consultation From June 14, 2024
- Appendix I: Public Comments Received
- Appendix J: Amendment to Landsdale Neighbourhood Plan

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