

Planning Justification Report

17 Ewen Road, Hamilton

Submitted to: the City of Hamilton

Prepared for: 17 Ewen (Hamilton) Corp.

Official Plan Amendment and
Zoning By-law Amendment

GSP File No. 21020

December 2022



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- Appendix A** – OMB Order/decision – OPA (2015) – *including Attachment 1 and 2*
- Appendix B** – Formal Consultation Document
- Appendix C** - Draft Official Plan Amendment
- Appendix D** – Draft Zoning By-law Amendment

1.0 INTRODUCTION

17 Ewen Road in Hamilton (the “Site”) was the subject of an OMB appeal which resulted in a full settlement with the City and the adjacent industrial candy factory (Mondelez Canada Inc.). In 2015 the proposed development approved by the OMB was for the development of a 10 storey, 160 units, 5-bedroom/unit “Student Residence” that would have equated to an overall occupancy of 800 bedrooms. The design of the individual units provided for 5 bedrooms that could be locked by the individual occupant, with private a bathroom per each bedroom, with shared common living areas, including living, dining, and kitchen facilities. Other common areas within the building included indoor recreational areas, fitness facilities, movie theatre, games rooms, study rooms and business centre. Parking was proposed at 1.3 spaces per unit, inclusive of visitor parking. This equated to 0.25 parking spaces per bedroom.

The OMB’s decision brought the OPA into effect but withheld the Order on the Zoning By-law Amendment pending the completion of other matters. A final Zoning Order has not been issued yet.

Since 2015 much has changed which results in the need to revisit the 2015 approval. Changing market conditions and the Covid-19 pandemic have made 5-bedroom student housing units unviable. Specifically, Covid-19 has resulted in students wanting to have their own unit or share a unit with fewer students. Accordingly, the 5-bedroom units are now largely not desired.

The revised proposal retains, to the greatest extent possible, the previously approved building shape and mass but reconfigures the interior to respond to the changing market conditions noted above. The result is a substantially lower student occupancy (545 bedrooms proposed versus 800 bedroom approved) and a slightly higher parking ratio when measured as spaces/bedroom (0.28 spaces per bedroom). The changes also require an adjustment to the site specific definition of “Student residence” to reflect the fact that the bachelor and one-bedroom units would now have the exclusive use of both a kitchen and bathroom. A change in the maximum density is required as well primarily as a result of the fact that density is measured as *units per hectare* instead of *bedrooms per hectare* or floor space index.

17 Ewen (Hamilton) Corp. (the “Owner”) is now proposing a new 10-storey, 359 unit (545 bedroom) purpose-built student residence on the Site including 155 parking spaces (0.28 spaces per bedroom). . The new student residence includes 1, 2 and 3-bedroom units. The proposed development requires an Amendment to the Ainslie Wood Westdale Secondary Plan in the Urban Hamilton Official Plan and an Amendment to the City of Hamilton Zoning By-law 6593.

The current Official Plan designation permits a purpose-built student residence on the Site with a maximum density of 300 to 375 units per gross hectare. The Owner requires a refinement to the Site-Specific Policy Area D policies within the Mixed-Use Medium Density designation applicable to the Site to allow for permit a maximum density of 359 units (545 bedrooms).

The proposed development also requires an Amendment to Hamilton Zoning By-law No. 6593. The Site is currently zoned in the J/S-1522 (Light and Limited Heavy Industry, etc.) District, Modified.

Background

Previous applications pertaining to the Site for an Official Plan Amendment (OPA-07-016) and Zoning By-law Amendment (ZAC-07-062) were approved in a decision issued by the Ontario Municipal Board (OMB PL120574) on April 9, 2015.

The proposed development was the subject of an Ontario Municipal Board (OMB) settlement hearing with Mondelez Canada Inc. (adjacent industrial owners), the City of Hamilton, and the Owner in 2015. The hearing resulted in the approval of an Urban Hamilton Official Plan Amendment (UHOPA) (by both Decision and Order) and a Decision (no Order) of a Zoning By-law Amendment. **Appendix A** includes a copy of the Decision and UHOPA (Attachment A to the decision). The UHOPA that was approved by the OMB in 2015 designated the Site *Mixed Use – Medium density, Site Specific Policy Area D* in the Ainslie Wood Westdale – Land Use Plan.

While a Site specific “E-3” (High Density Multiple Dwellings) District, modified, zone was agreed to by the City, the *Order* for the Zoning By-law Amendment was to follow pending confirmation, per the Settlement Agreement, that Mondelez was satisfied that a future Site Plan Control Application is satisfactory, and they can continue to obtain Ministry of Environment Certificate of Approval for their operations. The Site specific “E-3” (High Density Multiple Dwellings) District, modified, considered by the OMB and City is included in **Appendix A** as Attachment 2.

While a further agreement in principle has been reached with Mondelez regarding the size, orientation and location of the proposed building, and the document has been ready to be executed, further changes were made to the development proposal that do not necessarily comply with the site specific “E-3” (High Density Multiple Dwellings) District zoning considered by the OMB (**Appendix A**, Attachment 2) – but continue to comply with the agreement with Mondelez.

As noted, with the passing of time since the OMB hearing, the Owner has refined its model for “Student Purpose-Built Housing” and market conditions have changed resulting in a refinement of the design for the development of this Site. Furthermore, lessons learned from the COVID-19 pandemic were applied to refine the development proposal. In turn, there is a requirement for a refinement of the planning instruments that apply. Specifically, amendments to the 2015 draft zoning by-law regulations are required to address the following:

- Definition of “student residence” and the number of bedrooms per unit;
- Increase in the maximum height of the 7-storey portion of the building by 1.3 metres;
- Minimum parking requirements and size of parking spaces; and
- Maximum gross floor area to include below grade parking structure.

On February 2, 2022, a Formal Consultation (FC) meeting was held to review this proposal and determine the City’s submission requirements. A copy of the FC Document is included in this Report as **Appendix B**.

This report provides the justification for the planning application, in addition to the following:

- A description and brief history of the Site (Sections 1.0 and 2.0);
- A detailed description of the proposed development and required approvals (Sections 3.0 and 4.0);
- A summary of the technical studies that have been prepared to support the proposed development (Section 5.0) as required in the FC Document,
- A description and review of the relevant Provincial and Municipal policies and regulations that apply to the Site (Section 6.0); and
- An analysis of the suitability of the proposed development from a land use planning perspective (Section 7.0); .

McMaster University currently has a student enrollment of over 25,000, the majority of which live off-campus, often in nearby single-detached, low-rise neighbourhoods. To meet Hamilton’s growing student housing requirements and address suitability and safety issues, more student accommodations of higher quality need to be built. The desire to find housing near campus has put increased pressure on surrounding neighbourhoods to accommodate students, sometimes leading to conflicts between students and local residents. This conflict could be in the form of unkept properties attracting pests and noise complaints. Conflict can also be in the form of households, which are undergoing various life stages (i.e., family formation and aging in place), competing with students for single-detached, low-rise housing options within neighbourhoods that have schools, daycares, parks, and open spaces, for example. Through the development of well-planned, quality student-specific residences, the impact of these student accommodation-related issues would be lessened.

The Site is an ideal location for a student residence as it is within walking distance from campus (1 km), situated along a public transit route with bus service directly to McMaster University, has direct access to active transportation infrastructure, and has convenient amenities and health services close by for daily living (e.g., grocery store, gym, a variety of restaurants, retail stores, and medical centre).

Project Team

A team of professionals has been assembled as follows:

1.1 Owner/Applicant:	17 Ewen (Hamilton) Corp.
Survey	Speight, Van Nostrand & Gibson Limited
Architecture:	+VG Architects (The Ventin Group Architects Ltd.)
Planning/Urban Design:	GSP Group Inc.
Civil Engineering:	R.J. Burnside
Transportation:	Salvini Consulting
Arborist/Landscape:	Ron Koudys Landscape Architects Inc.
Noise & Vibration:	SLR Consulting

2.0 SITE & COMMUNITY CONTEXT

Description of Site

2.1 Figure 1 illustrates the location of the Site in the City of Hamilton, which is known municipally as 17 Ewen Road. The Site is approximately 0.43 hectares (1.06 acres) in area and located in the block contained by Main Street West to the north, Rifle Range Road to the east, Ewen Road to the west, and Whitney Avenue to the south. The Site has a frontage along both Ewen Road and Rifle Range Road of 38.04 metres and an overall depth of 116.2m. The Site was formerly occupied by two buildings that were used as a warehouse facility. These buildings have since been demolished and the Site is currently vacant. Eight trees have been identified on the Site close to the fence line and are recommended for removal due to poor tree condition and conflict with the proposed development. The Site is shown in Photos 1 and 2 below.



Photo Source: Google Maps, June 2022

Photo 1: The Site is currently vacant, as seen here looking east from Ewen Road.



Photo Source: Google Maps, June 2022

Photo 2: The Site, as viewed looking west from Rifle Range Road.



Subject Site
Source: ESRI (2020)

Figure
1

Neighbourhood Context

The Site is located within the Ainslie Wood Westdale Secondary Plan area, which is bordered by Highway 403 to the south and is dominated by the McMaster University Campus in the north central portion of the community.

2.2

The neighbourhood is bisected east-west by Main Street West. The predominant land uses include significant open space and natural heritage areas associated with Cootes Paradise to the north and the Niagara Escarpment to the south. Urban land uses are dominated by low-density residential neighbourhoods on the north and south of Main Street West and associated community facilities such as schools and neighbourhood parks. Mixed uses prevail along both sides of Main Street West, which is the principle commercial corridor within the community. High-density residential uses are located in proximity to and fronting on Main Street West at both the western and easterly extent of the neighbourhood.

A major utility corridor currently used for electrical transmission and an oil pipeline extends in a north/south direction one block west of the Site.

There is one industrial use located immediately to the south of the Site occupied by the Mondelez Canada candy factory.

Figure 2 shows the community context of the surrounding neighbourhood. The land uses immediately to the north of the Site, along Main Street West, are predominantly arterial commercial uses. East of the Site across Rifle Range Road is a commercial plaza.

South of the Site is a well-utilized rail trail that extends beyond this neighbourhood to the east and west. It is considered a community facility to the surrounding residential neighbourhood and is used by the broader. Beyond this is the industrial Mondelez Canada candy factory and low-density residential uses of the wartime housing era. To the west of the Site are small commercial uses and a significant hydro corridor.

Surrounding Land Uses to the North

The land uses north of the Site, along Main Street West, are predominantly arterial commercial in nature. Specially, the two parcels of land immediately to the north of the Site are occupied by a craft brewery (see Photo 3) and a large, vacant redevelopment site (see Photo 4).

2.3



Photo Source: Google Maps, June 2022

Photo 3: Immediately north of the Site is a relatively small parcel of land containing a craft brewery (Grain & Grit).



Photo Source: Google Maps, June 2022

Photo 4: The parcel immediately to the north of the Site is vacant and the subject of a development application.

Surrounding Land Uses to the East

Immediately east of the Site is a retail plaza (see Photo 5) and a Fortinos grocery store (see Photo 6).

2.4



Photo Source: Google Maps, June 2022

Photo 5: East of the Site is a retail plaza containing a paint store (Sherwin-Williams Paints) and a community centre (J Hamilton).



Photo Source: Google Maps, June 2022

Photo 6: Southeast of the Site is Fortinos grocery store and a large surface parking lot.

Surrounding Land Uses to the South

Immediately south of the Site is the Hamilton-Brantford rail trail (see Photo 7), beyond which is the Mondelez Canada candy factory (see Photo 8).

2.5



Photo Source: Google Maps, June 2022

Photo 7: Immediately south of the Site is the Hamilton-Brantford rail trail, which is used by pedestrians and bicyclists.



Photo Source: Google Maps, June 2022

Photo 8: The Mondelez Canada candy factory is located south of the Site.

Surrounding Land Uses to the West

West of the Site is a two-storey commercial building (see Photo 9) and the United Hebrew Memorial Chapel (see Photo 10).

2.6



Photo Source: Google Maps, June 2022

Photo 9: Immediately west of the Site is a two-storey commercial building containing medical offices; beyond which, is a significant utility corridor.



Photo Source: Google Maps, June 2022

Photo 10: The United Hebrew Memorial Chapel is located west of the Site.

Surrounding Community Context

As illustrated in Figure 2, the surrounding lands are well developed with community and commercial amenities, including the following:

2.7 Community Amenities:

- United Hebrew Chapel±35m southwest
- Binkley United Church.....±250m east
- Westside Church.....±420m south
- Hamilton Mennonite Church.....±730m south
- St. George’s Reformed Episcopal Church.....±775m east
- LIFT Church ±800m southeast
- Yeshiva of Hamilton ±1km southeast

Parks:

- Alexander Park.....±420m south
- Elliot Park..... ±800m northwest
- Sheldon Manor Park ±820m northwest
- Stroud Park..... ±1.1km east
- Dalewood Park..... ±1.2km east

Education Facilities:

- St. Mary Catholic Secondary School±280m south
- McMaster University.....±700m east
- Canadian Martyrs Catholic Elementary School.....±740m east
- Glenwood Special Day School±800m south
- Dalewood Middle School..... ±1.3km east

Health Facilities:

- McMaster University Medical Centre±1km east
- West End Medical Arts±50m west

Transit Facilities:

- McMaster University Bus Terminal±830m northeast

Recreational Amenities:

- Hamilton-Brantford Rail-Trail.....immediately south
- Dalewood Recreation Centre ±1.3km east

- Chedoke Golf Club ±2.1km east

Commercial Amenities:

- Fortinos ±100m south
- Main West Mall ±170m west
- University Plaza ±820m west

Relevance of the community context to the Site:

As outlined in the above list as well as illustrated in Figure 2, the proposed development is in a well-developed urban area with the type of commercial amenities, health services, and public facilities necessary for daily living and to support the achievement of a complete community.



Transportation Context

Rifle Range Road and Ewen Road are classified as Local Roads within the Urban Hamilton Official Plan (UHOP) with a required minimum right-of-way width of 20.117m. Ewen Road is currently approximately 15.1m and Rifle Range Road is approximately 20m, and therefore **2.8** road widening dedications would not be expected as part of a future Site Plan application.

HSR Routes

The Site is served by a pair of bus stops that are located immediately along Main Street West. HSR Route 5 Delaware can be accessed from these bus stops. In addition, Route 10 B-Line Express and Route 1 King can both be accessed from a pair of bus stops located in front of McMaster University at Emerson Street, approximately 850m to the east of the Site (or a 10 minute walk). The service area of these three (3) routes is described as follows:

- **Route 1 King:** Operates along a similar corridor as the B-Line Express, with service across the lower city from University Plaza to Eastgate Square. This route also connects to the Hamilton GO Centre—with connections to the Lakeshore West commuter rail line as well as private intercity bus carriers, such as Greyhound Canada and Coach Canada.
- **Route 10 B-Line Express:** Primary east-west route serving Hamilton's lower city, with service from University Plaza through to the MacNab Transit Terminal and beyond to Eastgate Square.
- **Route 52/5/5E Delaware:** Covers a large portion of the lower city and Hamilton mountain and splits into multiple end lines. This route provides service between Dundas, Westdale, Ancaster Meadowland's Terminal, McMaster University, downtown Hamilton, and Stoney Creek's Old Town.

Metrolinx Routes

The McMaster Bus Terminal is located approximately 765m to the northeast of the Site and can be accessed within a 15-minute walk. From this terminal the following Metrolinx regional bus routes are available:

- **Route 15 Brantford / Aldershot:** Providing access between Brantford Bus Terminal, McMaster University, McMaster Innovation Park, and Aldershot GO Station—on the Lakeshore West commuter rail line.

- **Route 47 Hamilton / Hwy 407 Terminal:** Providing direct access between Hamilton GO Centre, McMaster University, Mississauga’s Square One, and the TTC’s Highway 407 station—which is part of the TTC’s Line 1 Yonge-University.

As outlined in the above route list, the Site is well serviced by transit, with easy access to key destinations, such as: Ancaster, Dundas, McMaster University, Westdale, downtown Hamilton, Hamilton GO Centre, MacNab Transit Terminal, Eastgate Square, Brantford Bus Terminal, McMaster Innovation Park, Mississauga’s Square One, and TTC’s Line 1 Young-University.

Hamilton Bike Share

The Site is located in an area well-serviced by Hamilton Bike Share. Three bicycle sharing stations are located within a 5-minute walk of the Site. The closest bicycle station is located approximately 100m to the south of the Site at Ewen Road in front of the Fortinos grocery store. The second bicycle station is located along Sanders Boulevard approximately 225m to the north of the Site, and a third station is located approximately 200m to the west of the Site along Main Street West in front of a retail plaza (Main West Mall).

The Hamilton-Rail Trail (see Photo 7) is a cycling and pedestrian trail that can be assessed just south of the Site, and both Ewen Road and Rifle Range Road are identified on Hamilton’s online mapping as signed on-street bicycle routes.

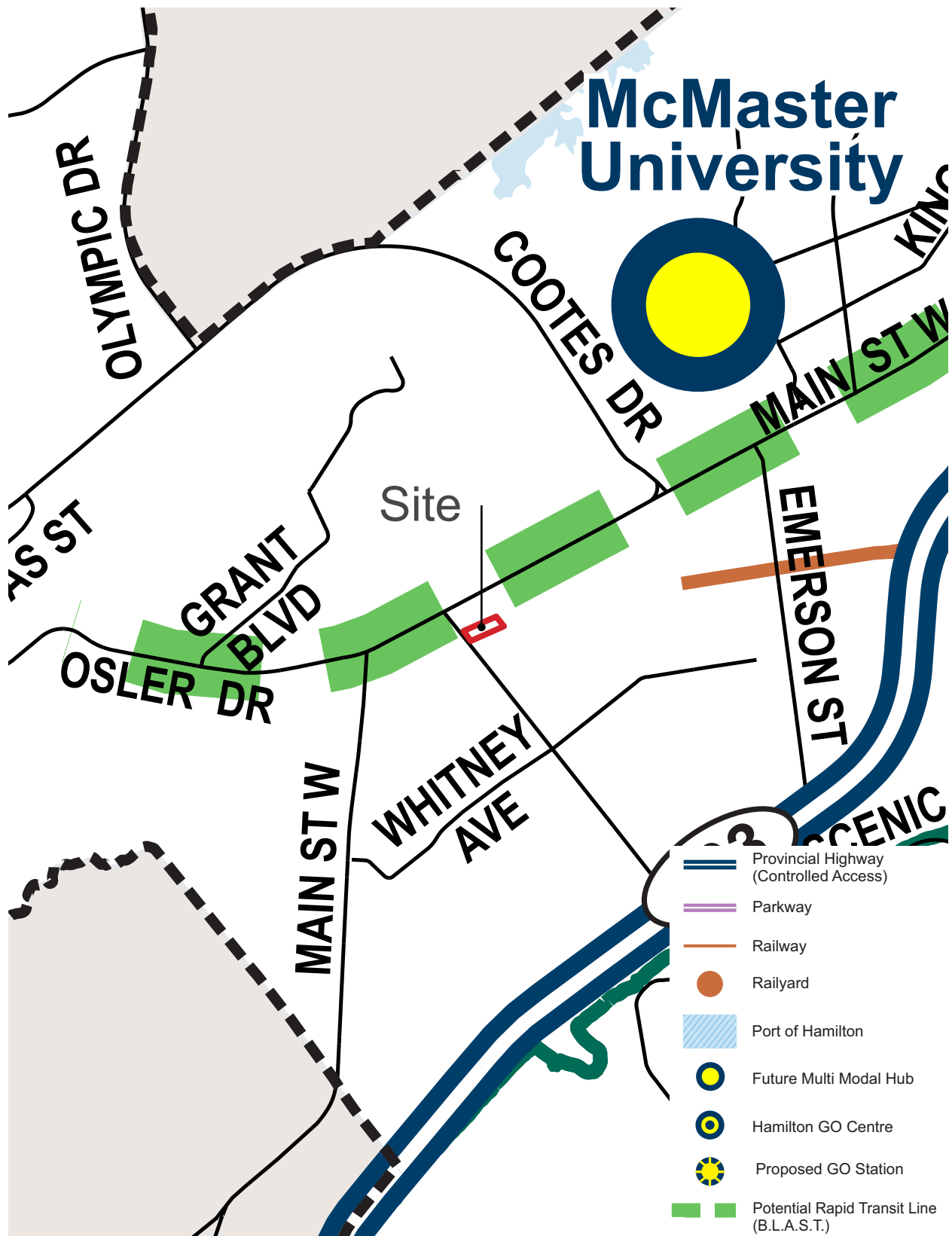
High-Order Transit Station

As per UHOP Appendix B—Major Transportation Facilities and Routes (see Figure 4), McMaster University is identified as a Future Multi-Modal Hub and Main Street West is identified as a Potential Rapid Transit Line. Specifically, an LRT is planned to be constructed along Main Street and King Street from McMaster University to Eastgate Square. The western terminus station at McMaster University will be approximately 800m to the east of the Site (or a 10-minute walk).

Figure 3 illustrates the overall transit context.

Figure 4 shows UHOP Appendix B—Major Transportation Facilities and Routes.





Future Developments

The local area is evolving as several planning applications have been submitted along Main Street West that if approved and ultimately constructed, would represent an overall intensification of the Main Street West corridor toward taller and denser development. Nearby development proposals along the Main Street West corridor are shown in Figure 5 and include the following:

1629-1655 Main Street West:

- Proposed student residence consisting of 583 suites accommodated in three towers at heights of 25-storeys, 21-storeys, and 16-storeys.

1630 Main Street West & 69 Sanders Boulevard, Sanders Gardens:

- Approved (in OLT Decision OLT-21-001801) mixed-use commercial/residential development including a 9-storey condominium building containing ground floor commercial space and 160 residential suites, as well as 2 townhouse blocks containing 22 residential units, for a total of 182 residential units.

1190 Main Street West, McMaster Undergrad Student Residence:

- Approved (OPA) development for a 1,415-bed student residence composed of a 10-storey building and a separate 15-storey tower. It is noted that the Zoning associated with this site was appealed to the LPAT and that a settlement decision is pending. The residence is expected to open in 2024.

1107 Main Street West:

- Proposed 15-storey mixed-use building containing 535m² of commercial space at grade, and a total of 310 dwelling units is proposed on the lands currently containing the Grace Lutheran Church.

925 Main Street West, Colombia International College Student Residence:

- Proposed twin-tower 15-storey mixed-use buildings, including a 4-storey podium, containing 456 suites and 107 parking spaces, as well as 1,380m² of commercial space at ground level. This development application has been appealed to the LPAT.

Relevance of future developments to the Site:

The local area, especially the Main Street West corridor, is evolving towards taller and denser buildings. This changing context should be considered when reflecting on the appropriateness of the proposed development with respect to the local area.



3.0 PROPOSED DEVELOPMENT

17 Ewen (Hamilton) Corp. is proposing a new 10-storey, 359 unit, 545 bedroom purpose-built student residence. The density of the proposed development is 835 units per hectare (calculated as 359 units divided by an area of 0.43 hectares). The proposed development has been professionally designed by +VG Architects to meet the operational needs of a purpose-built student residence. A conceptual rendering is shown in Image 11.



Photo Source: +VG Architects, The Ventin Group Ltd., August 2022

Image 11: 3D view of the proposed development from Rifle Range Road looking southwest.

The proposed development includes the following components:

a) Building uses

The proposed building will contain 359 units that translate to 205 1-bedroom units, 244 2-bedroom units, and 96 3-bedroom units, for a total of 545 bedrooms. Each unit will be a modern, self-contained dwelling.

b) Parking and access

A driveway from Rifle Range Road will provide access. The proposed development will contain a total of 137 parking spaces, equating to a parking ratio of 0.38 *per unit*, or 0.25 parking spaces *per bedroom*.

The site-specific parking requirement in the City of Hamilton Zoning By-law is 1.3 spaces per unit inclusive of visitor parking which equates to 0.26 parking spaces per

bedroom. Accordingly, while a reduction in the parking ratio is requested, the effective parking rate is being maintained.

The reduction is requested on the basis that the apartments are proposed to be for rental accommodation for students at McMaster University.

c) Amenity Areas

Several amenity features are proposed to be incorporated into the building, including a 179m² fitness room and a 109m² games room.

No outdoor amenity space is warranted due to the Site's close proximity to an industrial use (Mondelez Canada candy factory). This was also part of the previous approval, for the same reason..]

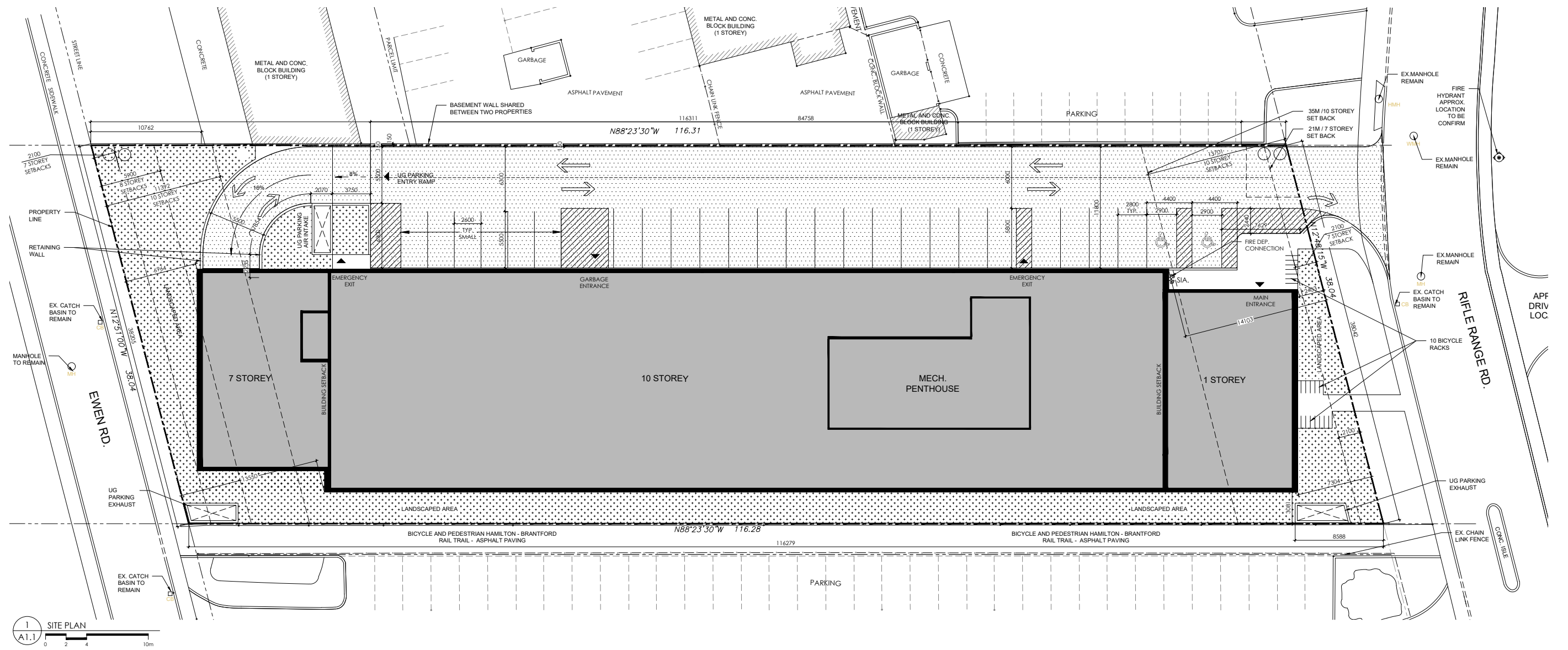
d) Landscaping

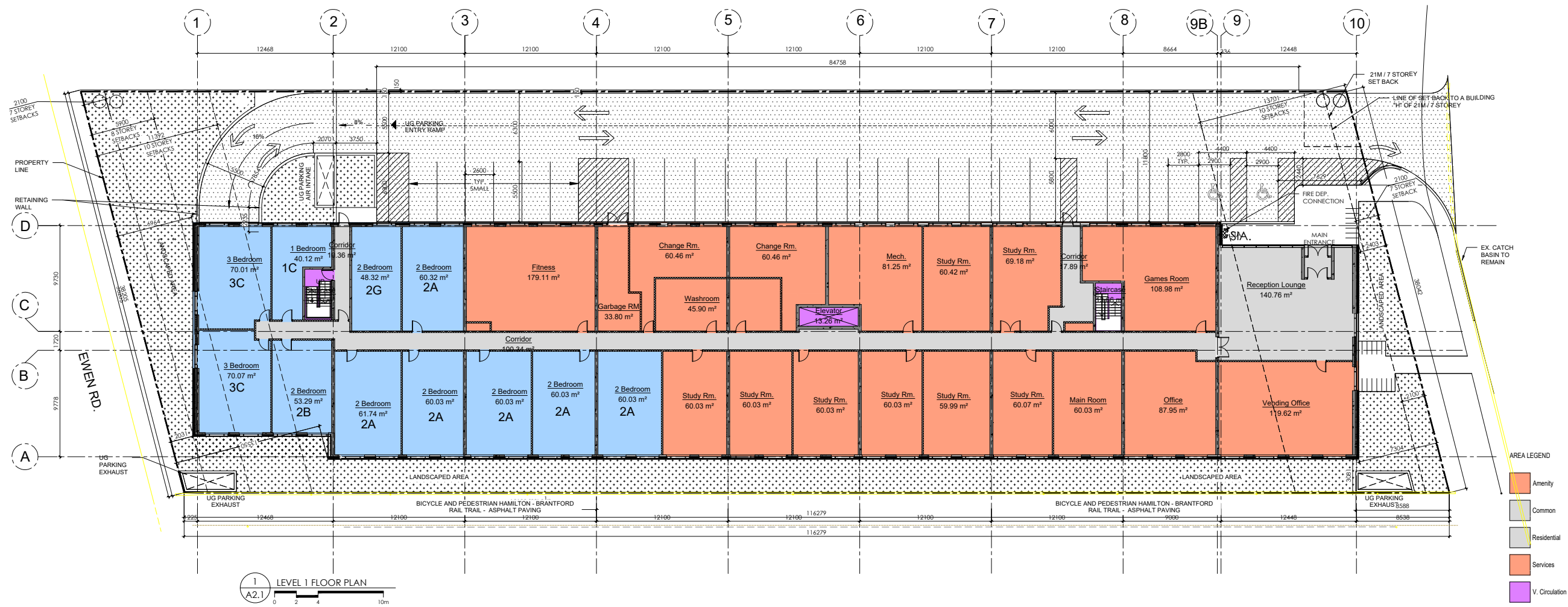
Landscape treatments will be provided along the edges of the Site to provide a buffer to the adjacent industrial uses to the south and commercial uses to the north. These landscape treatments will complement the bicycle and pedestrian trail over the former railway line. Other landscaping will include buffering of the surface parking area to the public realm including Rifle Range Road and Ewen Road. High quality landscaping will also be used to delineate the main pedestrian access to the building on Rifle Range Road.

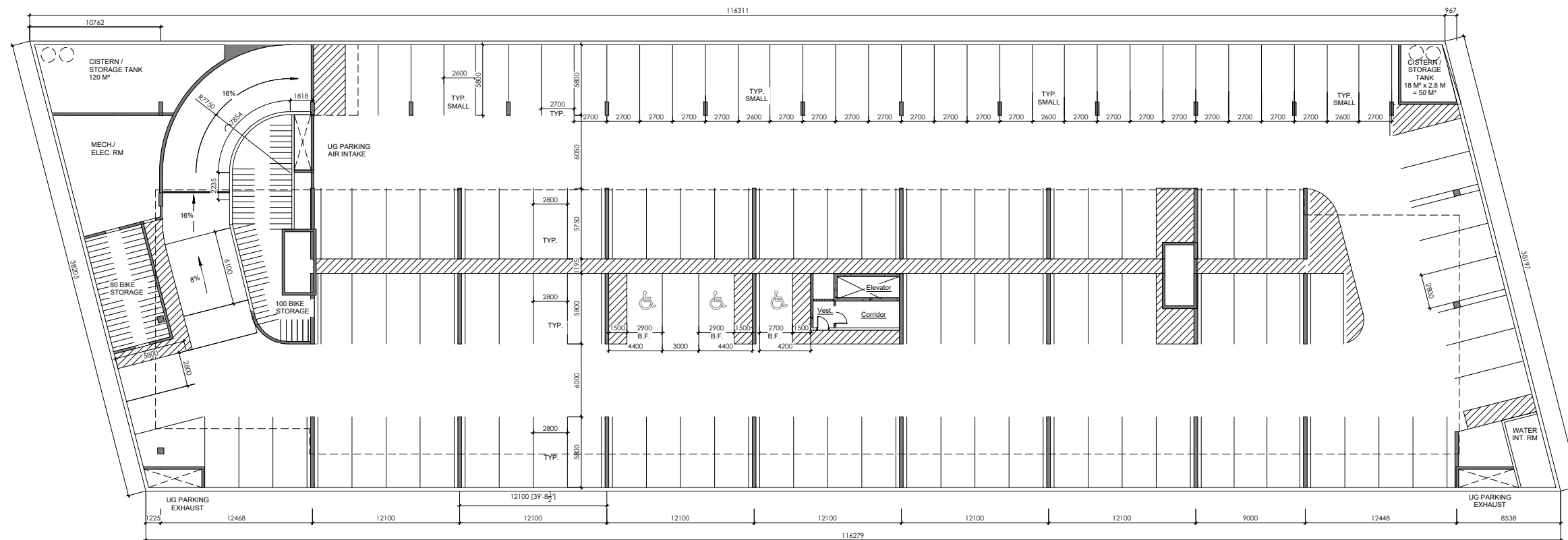
e) Pedestrian connections

There will be one pedestrian connection from the main pedestrian entrance to the public sidewalk on Rifle Range Road.

The proposed development concept has been professionally designed by +VG Architects to meet the needs of a student residence. The proposed site plan is illustrated in Figure 6, the ground floor level is shown in Figure 7, the underground level parking plan is shown in Figure 8, the typical floor plan for levels 2-7 is shown in Figure 9, the typical floor plans for levels 8-10 is shown in Figure 10, the elevation drawings are shown in Figure 11, and the landscape plan is shown in Figure 12.

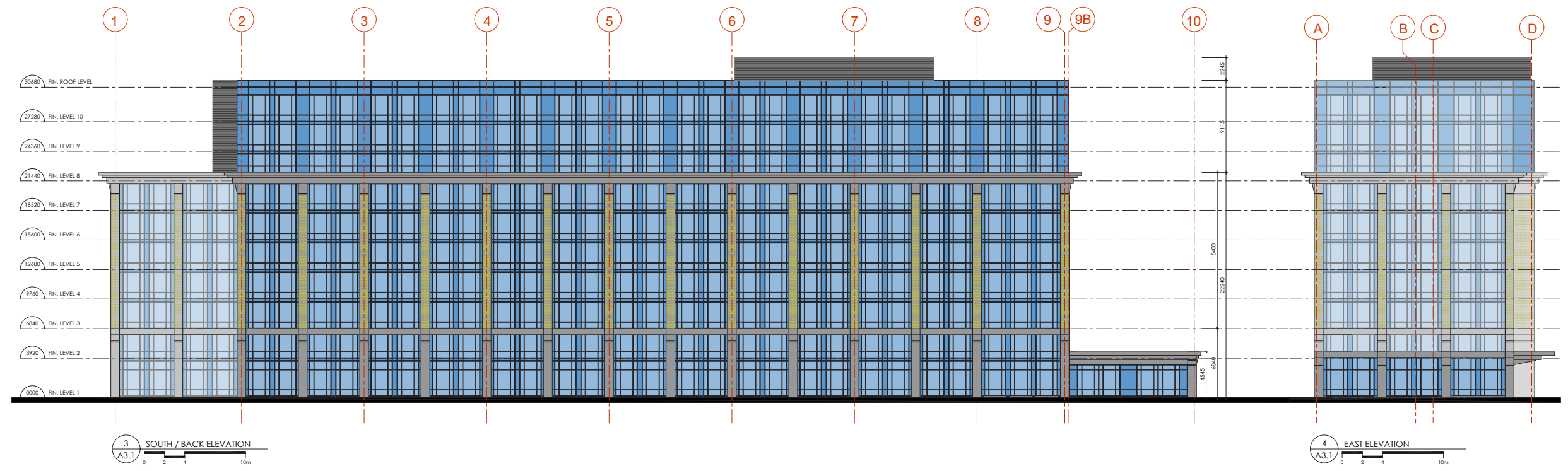
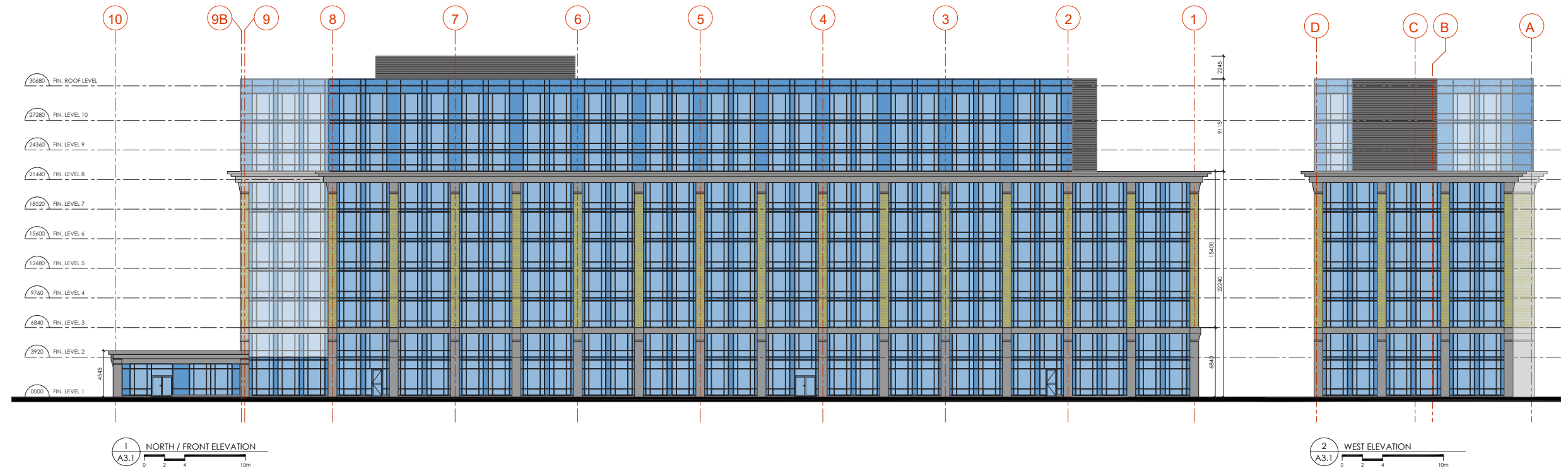












4.0 REQUIRED PLANNING APPLICATIONS

The proposed development requires an Amendment to the Ainslie Wood Westdale Plan in the Urban Hamilton Official Plan and an Amendment to the City of Hamilton Zoning By-law 6593.

Required Official Plan Amendment

4.1 The landowner requires a refinement to the Site-Specific Policy Area D policies within the Mixed-Use Medium Density designation applicable to the Site to allow for purpose-built student housing with a maximum of 545 bedrooms. The proposed OPA is further discussed in Section 7.0 Planning Analysis of this report.

Required Zoning By-law Amendment

4.2 The proposed development also requires an amendment to Hamilton zoning By-law No. 6593. The Site is zoned in the J/S-1522 (Light and Limited Heavy Industry, etc.) District, Modified. The proposed development was previously the subject of an Ontario Municipal Board (OMB) settlement hearing. The OMB issued a decision on April 9, 2015 regarding a site-specific zoning by-law amendment; however, it did not issue an order, pending confirmation per the Settlement Agreement, that Mondelez Canada was satisfied that a future Site Plan Control Application was satisfactory, and they can continue to obtain Ministry of Environment Certificate of Approval for their operations. While agreement has been reached and the document has been ready to be executed, it is our understanding that further changes to the development proposal are required that do not necessarily comply with the site-specific zoning considered by the OMB. Specifically, amendments to the 2015 draft zoning by-law regulations are required to address the following:

- Definition of “student residence” and the number of bedrooms per unit;
- Increase in the maximum height of the 7-storey portion of the building by 1 metre;
- Minimum parking requirements and size of parking spaces; and
- Maximum gross floor area to include below grade parking structure.

The proposed ZBA is further discussed in Section 7.0 Planning Analysis of this report, and a draft by-law is appended to this report as **Appendix D**.

The ZBA included in **Appendix D** illustrates the provisions proposed to be amended by highlighting them in yellow. The Table to follow illustrates the requested modifications as well.

By-law as per 2015 OMB approved zoning provisions	Requested Zoning Modifications
<p>(a) That notwithstanding Section 11C.(1) of Zoning By-law No. 6593, the following use shall be the only permitted:</p> <p>(i) A “Student Residence”</p>	
<p>(b) For the purposes of this By-law, a “Student Residence” shall be defined as:</p> <p>“Student Residence” means the whole of any multiple dwelling designed for accommodating students and consisting of 3 or more Dwelling Units, each providing up to 5 bedrooms for hire or gain directly or indirectly that does not have the exclusive use of both a kitchen and a bathroom. The building may also include common areas.”</p>	<p>“Student Residence” means the whole of any multiple dwelling designed for accommodating students and consisting of 3 or more Dwelling Units, each providing up to 5 3 bedrooms for hire or gain directly or indirectly that does not have the exclusive use of both a kitchen and a bathroom with the exception of bachelor and one-bedroom units for which exclusive use of both a kitchen and bathroom shall be permitted. The building may also include common areas.”</p>
<p>(c) That notwithstanding Section 11C (1a) of Zoning By-law No. 6593, the height of a building or structure shall not exceed 10-storeys and 35 metres.</p>	
<p>(d) That notwithstanding Section 11C(2) of Zoning By-law No. 6593, the following yards shall be required:</p>	
<p>1) A westerly yard (Ewen Road) having a depth of not less than 2.1 metres adjacent to a building height of 21 metres (7 storeys); 5.9 metres adjacent to a building height of 24 metres (8 storeys); and 11.39 metres adjacent to a building height of 35 metres (10 storeys), shall be provided and maintained for all buildings and structures.</p>	<p>A westerly yard (Ewen Road) having a depth of not less than 2.1 metres adjacent to a building height of 22.3 metres (7 storeys); 5.9 metres adjacent to a building height of 24 metres (8 storeys); and 11.39 metres adjacent to a building height of 35 metres (10 storeys), shall be provided and maintained for all buildings and structures.</p>
<p>2) A northerly yard having a depth of not less than 12 metres shall be provided and maintained for all buildings and structures.</p>	
<p>3) A southerly yard having a depth of not less than 3.0 metres shall</p>	

By-law as per 2015 OMB approved zoning provisions	Requested Zoning Modifications
be provided and maintained for all buildings and structures.	
4) An easterly yard (Rifle Range Road) having a depth of not less than 2.1 metres adjacent to a building height of 21 metres (7 storeys); and 13.7 metres adjacent to a building height of 35 metres (10 storeys), shall be provided and maintained for all buildings and structures.	An easterly yard (Rifle Range Road) having a depth of not less than 2.1 metres adjacent to a building height of -22.3 metres (7 storeys); and 13.7 metres adjacent to a building height of 35 metres (10 storeys), shall be provided and maintained for all buildings and structures.
(e) That notwithstanding Section 11C(4) of Zoning By-law No. 6593, no buildings or structures shall have a total Gross Floor Area of more than 19,000m ² .	That notwithstanding Section 11C(4) of Zoning By-law No. 6593, no buildings or structures shall have a total Gross Floor Area of more than 19,000m ² plus 4,234m ² below grade parking structure totaling 23,234m ² .
(f) That notwithstanding Section 11C(5) of Zoning By-law No. 6593, there shall be provided and maintained at least 15% of the area of the lot as landscaped area.	
(g) That notwithstanding Section 18A. (1) of Zoning By-law No. 6593, the minimum parking ratio shall be 1.3 parking spaces per unit inclusive of visitor parking;	That notwithstanding Section 18A. (1) of Zoning By-law No. 6593, the minimum parking ratio shall be 0.25 parking spaces per bedroom inclusive of visitor parking;
(h) That notwithstanding Section 18A. (1)(c) of Zoning By-law No. 6593, no loading spaces shall be required.	
(i) That notwithstanding Section 18A. (14g) of Zoning By-law No. 6593, required parking shall be permitted in a required front yard.	
(j) That no vehicular access or egress shall be provided to Ewen Road.	
(k) That the maximum density shall be 375 unit per hectare.	That the maximum density shall be 359 units including a maximum of 545 bedrooms.
(l) That the principal pedestrian entrance shall be from/to Rifle Range Road.	

By-law as per 2015 OMB approved zoning provisions	Requested Zoning Modifications
(m) That no communal outdoor amenity areas and no rooftop amenity area shall be permitted.	
<p>3. That the 'H' symbol applicable to lands referred to in Section 1 of this By-law shall be removed conditional upon:</p> <ul style="list-style-type: none"> a. The submission of a signed Record of Site Condition (RSC) to the City of Hamilton and the Ministry of the Environment (MOE). The RSC must be to the satisfaction of the City of Hamilton, Director of Planning, including an acknowledgement of receipt of the RSC by the MOE; and b. That conditional site plan approval has been granted which, among other things, includes noise mitigation to implement MOE Noise Guideline NPC-300. <p>The 'H' symbol shall be removed by amendment to this By-law, and the development of the lands referred to in Section 1 of this By-law may, at such time, proceed in accordance with the "E-3" District, Modified provisions, subject to the special requirement referred to in Section 2 of this By-law.</p>	<p>3. That the 'H' symbol applicable to lands referred to in Section 1 of this By-law shall be removed conditional upon:</p> <ul style="list-style-type: none"> a. The submission of a signed Record of Site Condition (RSC) to the City of Hamilton and the Ministry of the Environment (MOE). The RSC must be to the satisfaction of the City of Hamilton, Director of Planning, including an acknowledgement of receipt of the RSC by the MOE; and b. That conditional site plan approval has been granted which, among other things, includes noise mitigation to implement MOE Noise Guideline NPC-300. <p>The 'H' symbol shall be removed by amendment to this By-law, and the development of the lands referred to in Section 1 of this By-law may, at such time, proceed in accordance with the "E-3" District, Modified provisions, subject to the special requirement referred to in Section 2 of this By-law.</p>

The holding provision has been deleted in its entirety since an RSC has been obtained for the Site from the MOE and the site plan approval process will be required to deal with noise prior to building permit issuance.

5.0 SUPPORTING STUDIES

A number of studies have been prepared in order to justify the appropriateness of the proposed development moving forward at this time including:

- Tree Assessment
- Transportation Overview and Parking Assessment
- Functional Servicing Report
- Noise Impact Study

The following is a summary of each supporting technical report; however, each report should be reviewed in its entirety.

Tree Assessment (Ron Koudys Landscape Architects Inc., August 2022)

5.1 Ron Koudys Landscape Architects Inc. was retained by Rise Real Estate Inc. to prepare a tree assessment report in conjunction with the proposed development. The intent of the report is to summarize the findings of the tree assessment and make recommendations regarding tree preservation and removal based on tree health/condition/species and expected construction impacts based on the current site plan.

The inventory captured eight individual trees on the Site. Trees were identified within the Site and within 3 metres of the legal property boundary. No species classified as endangered or threatened under the Ontario Endangered Species Act, 2007, S.O. 2007, c.6 were observed during the tree inventory. All trees observed are common to the current land uses and can be characterized as anthropogenic or opportunistic. There are no boundary trees associated with the Site.

5.2 All eight trees that have been recommended for removal due to poor tree condition and conflict with the proposed development.

Transportation Overview and Parking Assessment (Salvini Consulting, September 2022)

Salvini Consulting was retained to provide an overview of the transportation context and estimated traffic generation for the revised proposal at 17 Ewen Road. The Report characterizes the site as an attractive area for travel by walking, cycling, and transit. The Report notes that there are a number of transportation demand management (TDM) measures that have been incorporated to encourage travel by modes other than by car and concludes that weekday peak hour traffic generation is estimated to be between 15 and 40 two-way trips.

The 2015 site-specific parking requirement in the City of Hamilton Zoning By-law is 1.3 spaces per unit inclusive of visitor parking which equates to 0.26 parking spaces per bedroom. Accordingly, while a reduction in the parking ratio is requested (0.25 per bedroom), the effective parking rate is being maintained.

In addition, this study supports the requested variance in parking for residents from 1.3 spaces per unit to 0.25 spaces per bedroom on the following basis:

- The Site is located close to the McMaster University campus – approximately 800 metres away;
- The Site is well served by both transit and active transportation infrastructure. In particular, there are good connections to the GTA via GO Transit buses at McMaster University and GO Trains and buses out of the West Harbour GO Station and Hamilton GO Centre;
- Several TDM measures are proposed for the site to encourage travel by modes other than by car;
- Extensive survey data collected at student apartment buildings in London and Waterloo (pre-LRT) indicated parking demand at all eleven properties is less per bedroom and per bed than the proposal;
- Walking, cycling, and using transit are preferred modes of travel for students. Students with cars would take more utility-oriented trips to run errands or visit family and friends out of town once a week or a few times a month;
- The general Zoning By-law requirement for parking would be substantially less than the site-specific requirement; and
- The proposed requirement is consistent with requirements in the City of Waterloo for student housing near the University of Waterloo and Wilfred Laurier University.

5.3

Functional Servicing and Stormwater Management Report (R.J. Burnside & Associates limited, October 3, 2022)

R.J. Burnside was retained to prepare a functional servicing report and stormwater management report for the proposed development at 17 Ewen Road. The purpose of the Report was to:

- Evaluate the existing municipal water system;
- Evaluate on a preliminary basis the stormwater management opportunities and constraints; and,
- Identify sanitary servicing opportunities and constraints.

Water Servicing

The Site is currently serviced with a 200mm diameter watermain along Ewen Road and a 300mm diameter watermain along Rifle Range Road. The proposed water service connection will include a 150mm diameter fire service connected to the existing 300mm diameter

watermain along Rifle Range road with a 100mm diameter domestic service connected off the fire service.

With respect to fire hydrants, there are three existing fire hydrants located within the development's proximity. One additional hydrant is proposed to provide sufficient fire coverage.

Sanitary Servicing

There are combined sewers adjacent to the site along both Ewen Road and Rifle Range Road. One new 200mm diameter sanitary connection is proposed discharging into the combined sewer along Ewen Road.

Stormwater Management

As noted, there are existing combined sewers adjacent to the Site including 1500mm by 1275mm combined sewer along Ewen Road and a 750mm diameter combined sewer along Rifle Rang Road. Based on topographic information for the site, the eastern \pm third of the Site drains towards Rifle Range Road, while the western \pm 2/3rds drains to the Ewen Road.

The proposed grading design provides for a site drainage split between two underground chambers located within the underground parking level P1. Site flows will be captured and conveyed to these tanks using a series of area drains. One chamber will connect to the combined sewer along Ewen Road, while the second chamber will be directed to the Rifle Range Road.

With respect stormwater quantity controls, the proposed development has been designed to capture roof runoff and control flows within two stormwater vaults located within the P1 level. The remainder of the of the property will be graded to a series of area drains which will collect I in the quantity control vaults. The Ewen Road vault has an effective area of $\pm 71\text{m}^2$ and the Rifle Range Road vault has an effective area of $\pm 26\text{m}_2$ both of which are designed to appropriately control flows pursuant to City standards.

Based on the City's requirements, an "enhanced" protection level of stormwater quality control will be provided.

Summary

Burnside concludes that the proposed development can be sufficiently serviced with a wastewater connection, a supply of water, and to meet the necessary domestic and fire flow requirements of the City of Hamilton. The design meets City requirements for site grading and stormwater management. The exiting municipal infrastructure is sufficient and capable of supporting the proposed development, and therefore, no external upgrades to the existing infrastructure will be required.

Noise Impact Study (Novus Environmental, August 2014 to June 2018)

Between 2014 and 2018 a number of noise studies were completed to address noise impacts associated with the Mondelez Canada Inc. (Mondelez) facility located at 45 Ewen Road immediately south of the Site.

5.4 Noise Requirements

The 17 Ewen Road property has been designated as a Class 4 area in Urban Hamilton Official Plan. Therefore the Class 4 noise guideline limits under Publication NPC-300 apply to noise sensitive points of reception on the 17 Ewen Road Development.

The Class 4 designation allows for higher continuous day and night-time noise as well as higher daytime impulsive noises. Specifically,

- Continuous noise
 - Daytime: 60 dBA in the plane of noise-sensitive windows
 - Nighttime: 55 dBA in the plane of noise-sensitive windows.
- Impulsive noise
 - Daytime: 60 dBA for frequent impulses in the plane of noise-sensitive windows
 - Nighttime: 55 dBA for frequent impulses in the plane of noise-sensitive windows.

During unloading of tanker trucks, there are frequent impulsive noises (more than 9 per hour) from mallet hammer hits on the side of the tanker cars, meant to dislodge flour and other powers inside the tanks. Unloading only takes place once per day during daytime hours.

The impulsive noise from tanker unloading is the dominant noise source on-site and drives the mitigation requirements since the sound levels exceed the daytime 60 dbA and 55 nighttime dBA sound levels. Accordingly, noise mitigation measures are required for the proposed development.

Mitigation

Novus notes that there are no Outdoor Living Areas or common outdoor amenity areas, including balconies or rooftop outdoor amenity area on Site. The only points of noise reception are the façade windows connected to noise sensitive spaces such as bedrooms and living rooms.

Over the past 5 years several options were considered and evaluated including noise buffer windows placed external to the building façade located a minimum of 4 inches away from the interior protected window. While the Ministry of Environment and Climate Change (MOECC) accepted this option, other options were considered due to issues associated with the window

wall construction including condensation, potential mold growth within the buffer window space, and the lack of an ability to inspect, maintain and annually clean the windows.

Accordingly proposed building design moved away from a window wall construction, to a curtain wall type construction with windows that require Enclosed Noise Buffers (ENBs) as defined in the NPC-300 Publication. The MOECC was consulted on the design of the ENBs and further refined with their input in March 2017.

This MOECC accepted design consists of external 2-pane sealed (inoperable) insulated glass unit windows, which act as the buffer windows. The interior window will consist of a single ¼ inch (6.3mm) interior lite¹ mounted in an aluminum sash. This sash will be attached to the main frame using specialty fasteners which will not be removable by the student occupants, and which will require a maintenance key. The sash will also be sealed to the frame using rubber gaskets to ensure an air-tight and water-tight fit. The sash window (glazing and frame) will provide a minimum noise reduction of STC² 29, which is equivalent to the STC rating of a regular exterior window meeting minimum Ontario Building Code thermal requirements.

The minimum buffer window STC rating proposed for the Site will be STC 35, with STC 37 windows used in some locations on the east elevation of the building.

The sash will only be removed by maintained staff for inspection, cleaning, and repair, as required. This requirement has been included within the Minutes of Settlement with the owners and Mondelez Canada Inc. to ensure its continued use and legal enforceability. Novus advises that similar window designs exist and have been used at multiple noise sensitive buildings in and around the GTA including some existing medical facilities.

The Novus studies illustrate where the required ENB windows are to be located, as well as the required STC rating of the exterior panes on the proposed building elevations.

- South Elevations: all windows must be non-operable noise buffer windows with an STC 37 for the exterior pane.
- North Elevation: windows above the 5th floor at the east end of the Site require non-operable noise buffer windows with an STC of 37 for the exterior pane. The remaining windows on the north elevation do not required noise buffer windows.
- East Elevation: windows on floors 1 through 5 must be noise buffer windows with minimum STC 31 for the exterior panes per the Minutes of Settlement. Note – STC 37 exterior pane windows are proposed. In addition, windows on floors 6 through 10

¹ Window “lites” are the sections in glass windows. They are separately framed panes of glass.

² Sound Transmission Class (STC) is a rating of sound isolation of a building wall assembly. The higher the STC rating, the better sound isolation the wall assembly will achieve.

must be noise buffer windows with minimum STC 37 exterior panes per the Minutes of Settlement.

- West Elevations: No noise buffer windows are required.

Novus concludes that the proposed window designs will meet the MOECC's requirements for an enclosed noise buffer under NPC-300 and will provide an adequate indoor environment for the student residents. In their July 5, 2017 correspondence, Novus concludes that

“ As defined in Publication NPC-300, with the receptor-based noise mitigation measures outlined above in place, the exterior planes of the Enclosed Noise buffer windows are not considered to be points of receipt; however, the inner “sull sash” panes are...the applicable guidelines limits are met at the inner sull sash pane, meeting Publication NPC-300 requirements.”

Record of Site Condition - Phase 1 and 2 Environmental Site Assessments (Rubicon Environmental Inc., 2017)

5.5

A record of site condition (RSC) sets out the environmental condition of a property at a particular point in time, based on environmental site assessments conducted by a qualified person. An RSC is mandatory in Ontario for a change in land use from industrial to a more sensitive land use (e.g., residential).

In 2017 Rubicon Environmental was retained to complete both Phase 1 and 2 Environmental Site Assessments (ESAs). These ESA's were submitted and filed in the Environmental Site Registry of the Ontario Ministry of Environment and Climate Change for approval and to obtain a Record of Site Condition. The Ministry has since issued RSC #224178 for the Site.

6.0 PLANNING POLICY FRAMEWORK

The following is intended to provide a review and highlight the planning policy framework applicable to the Site. These policy documents include: the *Planning Act*, the Provincial Policy Statement (2020), A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020), the Urban Hamilton Official Plan, and Hamilton Zoning By-law 6593.

Ontario Planning Act, R.S.O. 1990, c. P.13

Section 2 of the *Planning Act* sets out matters of Provincial Interest when considering and carrying out responsibilities under the Act. The following table provides an analysis of the Subject Applications in response to the prescribed Provincial interest:

Table 1 Provincial Interest in regard to Subject Applications

Provincial Interest	Policy Response
a) The protection of ecological systems, including natural areas, features and functions	The Site is not located in a Natural Heritage System (“NHS”) as per Ministry of Natural Resources and Forestry online NHS mapping. Further, as per Schedule B—Natural Heritage System of the Urban Hamilton Official Plan, no Core Areas, Linkages, nor Streams, are identified on the Site.
b) The protection of the agricultural resources of the Province	The Site is not located in the Agricultural Land Base for the Greater Golden Horseshow as per online mapping (Agricultural Systems Portal).
c) The conservation and management of natural resources and the mineral resource base	As per Appendix C and C-1 – Non Renewable Resources of the UHOP, the Site is not located in and or near any non-renewal resources including gas and/or petroleum wells.
d) The conservation of features of significant architectural, cultural, historical, archaeological or scientific interest	As per Hamilton’s online cultural heritage resources mapping, there are no cultural features on-site or within the vicinity of the Site.
e) The supply, efficient use and conservation of energy and water	The proposed development will optimize the use of existing energy and water infrastructure.

Table 1 Provincial Interest in regard to Subject Applications

Provincial Interest	Policy Response
f) The adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems	The proposed development will utilize existing sewage, water, and wastewater infrastructure. The proposed development will also utilize existing and planned active transportation infrastructure, as well as public transit along Main Street West (LRT).
g) The minimization of waste	N/A
h) The orderly development of safe and healthy communities; the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies	The proposed development has been professionally designed to ensure safe access to the Site. The Site is appropriately located in a safe and healthy community with access to education, employment, transportation, and health care in a walkable neighbourhood.
i) The adequate provision and distribution of educational, health, social, cultural and recreational facilities	The Ainslie Wood neighbourhood is well served by existing public amenities, the most notable of which is McMaster University and McMaster University Medical Centre.
j) The adequate provision of a full range of housing, including affordable housing	<p>By providing a purpose-built student residence with 359 units, 545 bedrooms, the proposed development will provide higher quality student accommodation options for the growing student population at McMaster University.</p> <p>It will also free-up existing single-detached, low-rise dwellings in the neighbourhood, which have primarily accommodated students due to a lack of suitable, safe, and affordable housing options in proximity to campus. In turn, the freed-up stock could provide greater housing options to other households in the surrounding neighbourhoods.</p>
k) The adequate provision of employment opportunities	There are commercial uses located along the Main Street West corridor which provide employment opportunities to students. In addition, the proposed development provides an opportunity for students working on campus to live closer to where they work.

Table 1 Provincial Interest in regard to Subject Applications

Provincial Interest	Policy Response
l) The protection of the financial and economic well-being of the Province and its municipalities	The proposed development will optimize the use of existing waste, water, electric, active transportation, transit, and public service facilities and thereby protect the financial and economic well-being of the Province and City of Hamilton.
m) The co-ordination of planning activities of public bodies	N/A
n) The resolution of planning conflicts involving public and private interests	The landowner was able to reach a settlement resolution with the adjacent landowner (Mondelez Canada) at the OMB.
o) The protection of public health and safety	The proposed development will be reviewed by City of Hamilton departments and agencies, which will ensure that public health and safety are appropriately addressed.
p) The appropriate location of growth and development	<p>The Site is located in Hamilton’s built-up area in close proximity to Main Street West, which is classified as a Secondary Corridor. The Site is also in proximity to numerous community amenities and recreational facilities as outlined in Section 2.2 of this Report and shown on Figure 2.</p> <p>In addition, the Site is located in an area with good transit connectivity and the proposed development would support a number of local HSR bus routes as well as Metrolinx regional bus routes, all of which are outlined in Section 2.8 of this report and shown in Figure 3. Looking to the future, Main Street West is identified as a Potential Rapid Transit Line, and McMaster University is identified as a Future Multi-Modal Hub in the UHOP (see Figure 4). The King Street LRT is proposed to have a terminus station on Main Street West in proximity to the Site.</p> <p>In consideration of the existing water and wastewater infrastructure, community facilities, education facilities, health services, recreational amenities, major institutions (i.e., McMaster</p>

Table 1 Provincial Interest in regard to Subject Applications

Provincial Interest	Policy Response
	University and Medical Centre), and existing and planned transit infrastructure (i.e., the LRT), the Site is an appropriate location for growth and development.
q) The promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians	As outlined throughout this report, the proposed development will support existing and planned public transit. A reduced parking ratio is being requested on the basis that a student residence near McMaster University is intended to be pedestrian oriented.
r) The promotion of built form that, <ul style="list-style-type: none"> (i) is well-designed, (ii) encourages a sense of place, and (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant 	The proposed development has been professionally designed by +VG Architects to accommodate the needs of a purpose-built student residence. The proposed development represents an aesthetic improvement to the current condition of the Site and the surrounding lands and will result in a more interesting, high-quality space, that is attractive, vibrant, accessible, and encourages a sense of space for students and surrounding residents.
s) The mitigation of greenhouse gas emissions and adaptation to a changing climate	The dense nature of high-rise development provides an efficient way to house residents in the most efficient way to optimize existing services and public amenities. The residents that will occupy the buildings in the future might otherwise locate themselves in areas that would contribute toward sprawl and greater automobile use. Conversely, the proximity of the Site to multiple transit options, as outlined in Section 1.5 of this Report, will contribute to taking automobiles off the road and thereby reduce greenhouse gas emissions. The proposed development will be targeted to students as McMaster University can be reached within a 10-minute walk as shown on Figure 3 .

Provincial Policy Statement, 2020

The Provincial Policy Statement, 2020 (“PPS”) provides policy direction on matters of provincial interest related to land use planning and development. The PPS is issued under the authority of Section 3(1) of the *Planning Act* and came into effect on May 1, 2020. Section 3(5) 6.2 of the *Planning Act* requires that decisions affecting planning matters be consistent with the PPS. The following policies, amongst others, apply to the proposed development.

Intensification

The PPS supports intensification, redevelopment and the efficient use of land and existing planning infrastructure within urban areas. The PPS defines *intensification* as “the development of a property, site or area at a higher density than currently exists through:

- a. *redevelopment*, including the reuse of *brownfield sites*;
- b. the development of vacant and/or underutilized lots within previously developed areas;
- c. infill development; and [...]

As defined in (a), (b), and (c) of the above criteria, the proposed development represents intensification.

Building Strong and Healthy Communities

The PPS provides guidelines to manage growth and promote efficient and resilient land use and development patterns, as follows:

- “1.1.1 Healthy, livable and safe communities are sustained by:
- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
 - b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
 - c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;

- d) avoiding development and land use patterns that would prevent the efficient expansion of *settlement areas* in those areas which are adjacent or close to *settlement areas*;
- e) promoting the integration of land use planning, growth management, *transit-supportive* development, *intensification* and *infrastructure* planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;
- f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society; [...]"

Settlement Areas

The Site is located with Hamilton’s Urban Boundary and contiguous within the built-up area as identified by the Ministry of Public Infrastructure Renewal. Settlement Areas include urban areas and “lands which have been designated in an official plan for development...”. Given that the Site is located within Hamilton’s Urban Boundary and designated for residential development, it is considered part of the Settlement Areas, where growth is to be focused as outlined in the following policies:

- “1.1.3.1 *Settlement areas* shall be the focus of growth and development.
- 1.1.3.2 Land use patterns within *settlement areas* shall be based on densities and a mix of land uses which:
 - a) efficiently use land and resources;
 - b) are appropriate for, and efficiently use, the *infrastructure and public service facilities* which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
 - e) support *active* transportation;
 - f) are *transit-supportive*, where transit is planned, exists or may be developed; and [...]
- 1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for *transit-supportive development*, accommodating a significant supply and range of *housing options* through *intensification* and *redevelopment* where this can be accommodated taking into account existing building stock or areas, including *brownfield sites*, and the availability of suitable existing or planned *infrastructure and public service *facilities* required to accommodate projected needs.”

“1.1.3.4 Appropriate development standards should be promoted which facilitate *intensification*, *redevelopment* and compact form, while avoiding or mitigating risks to public health and safety.”

Housing

The PPS also provides the following direction on housing policy to meet the projected needs of current and future residents:

- “1.4.3 Planning authorities shall provide for an appropriate range and mix of *housing options* and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:
- [...]
 - b) permitting and facilitating:
 - 2. all *housing options* required to meet the social, health, economic and well-being requirements of current and future residents, including *special needs* requirements and needs arising from demographic changes and employment opportunities; and
 - 3. all types of *residential intensification*, including additional residential units, and *redevelopment* in accordance with policy 1.1.3.3;
 - c) directing the development of new housing towards locations where appropriate levels of *infrastructure* and *public service facilities* are or will be available to support current and projected needs;
 - d) promoting densities for new housing which efficiently use land, resources, *infrastructure* and *public service facilities*, and support the use of *active transportation* and transit in areas where it exists or is to be developed;
 - e) requiring *transit-supportive* development and prioritizing *intensification*, including potential air rights development, in proximity to transit, including corridors and stations; and
 - f) establishing development standards for *residential intensification*, *redevelopment* and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.”

Sewage, Water and Stormwater

The PPS provides the following direction on the preferred method of servicing for new development:

“1.6.6.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.”

Transportation Systems

The PPS provides the following direction on making efficient use of existing transportation infrastructure:

“1.6.7.2 Efficient use should be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible.

1.6.7.4 A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.”

Long-Term Economic Prosperity

The PPS contains policies related to securing the Province’s long-term prosperity, the following of which are applicable to the proposed development:

- “1.7.1 Long-term economic prosperity should be supported by:
- [...]
 - b) encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce;
 - c) optimizing the long-term availability and use of land, resources, infrastructure and public service facilities;
 - d) maintaining and, where possible, enhancing the vitality and viability of downtowns and main streets;
 - e) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define

character, including built heritage resources and cultural heritage landscapes; [...]"

Relevance of the PPS to the Site:

The PPS supports intensification, redevelopment, and the efficient use of land and existing planning infrastructure within urban areas, which is where the Site is located.

The proposed development would contribute to the development of a healthy, livable, and safe community as per the policies outlined in Policy 1.1.1. Specifically, the proposed development represents an efficient development and land use pattern that will sustain the financial well-being of the Province and City of Hamilton over the long term. The proposed development will increase and diversify the available housing options for students in the Ainslie Woods neighbourhood.

The Site is located in a settlement area, which is to be the focus of growth and development (Policy 1.1.3.1). The proposed development represents an efficient use of land and resources that will optimize the use of existing infrastructure and public service facilities, and in doing so, avoid the need for their unjustified expansion (Policy 1.1.3.2).

The proposed development represents a cost-effective development pattern that would optimize existing transit investments, including HSR bus routes #16 and #44. Regarding future transit, it is noted that HSR Route #44 is the 'S' in the City's proposed BLAST frequent rapid transit system, which was developed as part of the City's 2007 Transportation Master Plan.

With respect to housing policy, the PPS directs planning authorities to permit and facilitate all types of residential intensification and redevelopment. The proposed development represents a compact form that efficiently uses land, resources, and infrastructure (Policy 1.4.3).

As per Policy 1.6.6.2, the proposed development utilizes municipal water and wastewater services, which are the preferred form of servicing for settlement areas and promotes intensification and redevelopment wherever feasible to optimize the use of existing services.

Based upon the above review, the Subject Applications are consistent with the applicable policies of the PPS, 2020.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020

On May 16, 2019 “A Place to Grow: Growth Plan for the Greater Golden Horseshoe” came into effect, replacing the 2017 “Growth Plan for the Great Golden Horseshoe”. Amendment 1 (2020) to the Growth Plan for the Grater Golden Horseshoe 2019 was approved and came into effect on August 28, 2020 (“the Growth Plan”). The Growth Plan applies to the area designated as the Greater Golden Horseshoe Growth Plan Area which includes the entire City of Hamilton. All decisions that affect a planning matter must conform to the Growth Plan. The following is a summary of the Growth Plan policies applicable to the proposed development.

Guiding Principles

The Growth Plan provides a framework for implementing the Province’s vision for managing growth across the region to the year 2041. The successful realization of the Growth Plan is based on several Guiding Principles which provide the basis for guiding decisions on how land is to be developed. The Guiding Principles are outlined in Section 1.2.1 of the Growth Plan and include the following, amongst others:

- “Support the achievement of *complete communities* that are designed to support healthy and active living and meet people’s needs for daily living throughout an entire lifetime.
- Support a range and mix of housing options, including second units and *affordable* housing, to serve all sizes, incomes, and ages of households.”

Relevance of the Growth Plan Guiding Principles to the Site:

The proposed development fulfils several guiding principles of the Growth Plan. For instance, the proposed development will support the achievement of complete communities by providing additional and more diverse housing options in the Ainslie Wood neighbourhood.

Growth Plan Context

Section 2.1 of the Growth Plan provides the following context on where and how to grow in the Greater Golden Horseshoe:

“Better use of land and *infrastructure* can be made by directing growth to *settlement areas* and prioritizing *intensification*, with a focus on *strategic growth areas*, including *urban growth centres* and *major transit station areas*, as well as *brownfield sites* and *greyfields*. Concentrating new development in these areas provides a focus for investments in transit as well as other types of *infrastructure* and *public service facilities* to support forecasted growth, while also supporting a more diverse range and mix of housing options.”

In addition, Section 2.1 emphasizes the importance of optimizing the use of land, infrastructure, and public service facilities within the urban area as a first priority:

“This Plan’s emphasis on optimizing the use of the existing urban land supply represents an *intensification* first approach to development and city-building, one which focuses on making better use of our existing *infrastructure* and *public service facilities*, and less on continuously expanding the urban area.”

Relevance of the Growth Plan Context to the Site:

The Site is located within a settlement area, which is a prioritized area for intensification and new development so as to make better use of existing infrastructure and public service facilities, and less on continuously expanding the urban area.

Managing Growth

Policy 2.2.1.1 states that the population and employment forecasts provided in Schedule 3 of the Growth Plan will be used for planning and managing growth to the planning horizon. Schedule 3 provides that the City of Hamilton is forecasted to grow to 820,000 by 2051.

Policy 2.2.1.2(a) states that forecasted growth to 2051 will be allocated based on the following:

- “a) the vast majority of growth will be directed to *settlement areas* that:
 - i. have a *delineated built boundary*;
 - ii. have existing or planned *municipal water and wastewater systems*; and
 - iii. can support the achievement of *complete communities*;”

Furthermore, Section 2.2.1.2(c) states that within settlement areas, growth will be focused in: (i) delineated built-up areas; (ii) strategic growth areas; (iii) locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and (iv) areas with existing or planned public service facilities.

Policy 2.2.1.4 states that applying the polices of the Growth Plan will support the achievement of complete communities that:

- a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and *public service facilities*; [...]
- c) provide a diverse range and mix of housing options, including additional residential units and *affordable* housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes; [...];
- d) expand convenient access to:

- i. a range of transportation options, including options for the safe, comfortable and convenient use of *active transportation*;
 - ii. *public service facilities*, co-located and integrated in community hubs;
 - iii. an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; and
 - iv. healthy, local, and affordable food options, including through urban agriculture;
- e) provide for a more *compact built form* and a vibrant *public realm*, including public open spaces;”

Relevance of the Growth Plan Managing Growth Policies to the Site:

The vast majority of the City of Hamilton’s forecasted growth to 820,000 people by 2051 is to be directed to settlement areas that have a delineated built boundary; have existing municipal water and wastewater systems and can support the achievement of complete communities. Accordingly, the Site is contiguous with the Built-up boundary and located within Hamilton’s Urban Boundary. Based on these locational attributes, the Site is an appropriate location for growth.

With respect to Policy 2.2.1.4, the proposed development will support the achievement of complete communities as follows:

- Diversify the mix of land uses by intensifying a residential use in an area with a range of commercial and employment lands;
- Increase and diversify the range and mix of housing options available to both students and residents (by freeing-up existing dwellings) in the surrounding community;
- Support existing transportation options, and public service facilities;
- Expand convenient access to the safe and comfortable use of active transportation by providing density in close proximity to the Hamilton-Brantford rail trail; and
- Provide for a more compact built form and vibrant public realm.

Based on the above policy review, the proposed development conforms to the Growth Plan.

Urban Hamilton Official Plan (UHOP)

The City of Hamilton Urban Official Plan (“UHOP”) was adopted by City Council on July 9, 2009, approved by the Ministry of Municipal Affairs and Housing (“MMAH”) on March 16, 2011 and came into effect on August 16, 2013. The UHOP provides direction and guidance on the management of land use change and physical development within the City.

Urban Structure: Neighbourhoods

Hamilton’s urban structure is based on a system of Urban Nodes, Urban Corridors, Major Activity Centres, Neighbourhoods, Employment Areas, and Major Open Space. As shown in Figure 13, Schedule E – Urban Structure, the Site is designated Neighbourhoods.

Land Use Designation: Mixed Use – Medium Density

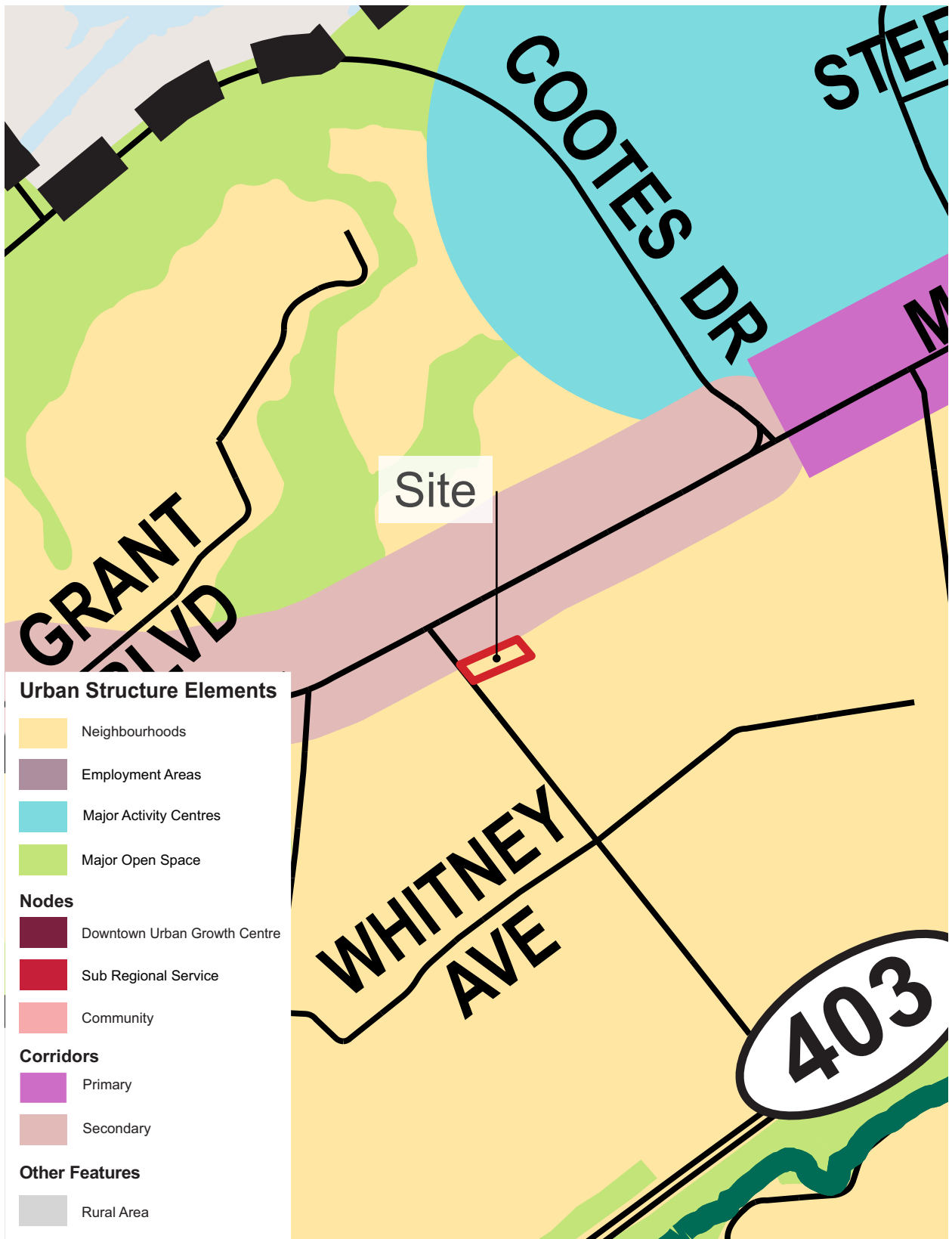
The Site is designated “Mixed Use – Medium Density” on Schedule E-1 – Urban Land Use Designations (see Figure 14).

The intent of the “Mixed Use – Medium Density” designation is described as follows:

Policy E.4.6 “...The intent of the Mixed Use Medium Density designation is to permit a full range of retail service commercial, entertainment, and residential accommodation at a moderate scale. The designation recognizes the transitional mixed use main street in the City (outside of the downtown Mixed Use area), as well other large commercial areas which serve the surrounding community or a series of neighbourhood which are intended to evolve and intensify into mixed use, pedestrian oriented areas. Increasing the number of people who work and live within the area designated Mixed Use – Medium Density will also contribute to the planned function of the area as a people place.”

Policy E.4.6.2 goes on to state that the “Mixed Use – Medium Density” designation shall be applied to traditional “main street” commercial areas outside of the area designated Downtown Mixed Use, and to promote the continuation of these areas as pedestrian oriented mixed use areas”.

Policy E.4.6.4 provides that it is the function of “Mixed Use – Medium Density” to serve as vibrant people places with increased day and night activity through the introduction of residential development, which enhances the function of these areas as transit supportive nodes and corridors.



UHOP Schedule E Urban Structure
 Source: Urban Hamilton Official Plan, Schedule E, Urban Structure (September 2019)

Figure
13



UHOP Schedule E-1 Land Use
 Source: Urban Hamilton Official Plan, Schedule E-1, Urban Land Use Designations (March 20, 2020)

Figure
14

Permitted uses within the “Mixed Use – Medium Density” designation include multiple dwelling units, and commercial uses, such as retail stores.

The maximum permitted height within the “Mixed Use – Medium Density” designation is six (6) storeys (Policy E.4.6.7), which can be increased up to eight storeys without amendment to the Official Plan, subject to appropriate justification related to minimizing shadow impacts, progressive setbacks in building height, and adequate setbacks from the street are included for (Policy E.4.6.8).

The predominant built form is intended to be mid-rise with the intent of the designation to increase the proportion of multiple storey, mixed use buildings that have retail and service commercial stores at grade (Policy E.4.6.9).

In addition to the above, the following “Mixed Use – Medium Density” policies are relevant to the proposed development:

- “E.4.6.10 Permitted uses shall be located in single or mixed use buildings.”
- “E.4.6.16 New development shall be designed and oriented to create comfortable, vibrant and stimulating pedestrian oriented streets within each area designated Mixed Use – Medium Density.”
- “E.4.6.17 Areas designated Mixed Use – Medium Density are intended to develop in a compact urban form with a streetscape design and building arrangement that supports pedestrian use and circulation and create vibrant people places.”
- “E.4.6.19 To strengthen the pedestrian focus in areas where it does not currently exist, the City shall require infilling of retail, service commercial, and mixed use buildings in a physical arrangement which assists in creating a vibrant and active street environment. Such buildings shall be located up to the street along a pedestrian focus street.”
- “E.4.6.22 Development applications shall be encouraged to provide a mix of uses on the site.”
- “E.4.6.24 New development shall respect the existing built form of adjacent neighbourhoods by providing a gradation in building height and densities, and by locating and designing new development to minimize the effects of shadowing and overview on properties in adjacent neighbourhoods.”
- “E.4.6.27 Reduced parking requirements shall be considered to encourage a broader range of uses and take advantage of a higher level of transit service.”

Relevance to the Site:

The “Mixed Use – Medium Density” designation permits the proposed multiple storey, mixed use building with retail and service commercial stores at grade. An amendment to the “Mixed Use – Medium Density” policies is required to permit a maximum height of 24 storeys. A more detailed discussion of the requested height can be found in Section 5 of this report where appropriate justification related to minimizing shadow impacts, progressive step backs in building height, and adequate setback from the street are thoroughly discussed, as required by Policy E.4.6.8 above.

Urban Hamilton Official Plan Amendment 167 (UHOP 167)

6.5 On June 8, 2022, the City of Hamilton adopted amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan pursuant to sections 17 and 26 of the *Planning Act* by By-law Nos. 22-145 and 22-146. These amendments were approved, in part, by the Minister of Municipal Affairs and Housing – along with a number of modifications imposed by the Minister - and are now in force and effect pursuant to the *Planning Act*.

The amendments provide policy direction on growth management, urban structure, housing, employment, cultural heritage, climate, and infrastructure. These amendments apply to the entirety of lands within the City of Hamilton and are relevant to the proposed development and the requirement for and Official Plan amendment.

UHOPA 167 amends Policy E.5.7 to eliminate this maximum density requirement for the purposes of evaluating development applications such as this and limit the application of this maximum requirement for the purpose of “*estimating unit yield and/or population growth, as part of the preparation of Secondary Plans, Special Policy Areas, Infrastructure master Plan and Community Plans.*”

These revised policies demonstrate the City’s commitment to remove maximum density requirements at the application-level and have a greater control mechanism of densities at the broader plan level (i.e., Secondary Plans, Special Policy Areas, etc.). On this basis and as alluded to earlier, the density requirement of a maximum of 375 units per hectare is considered disjointed with the approved UHOPA 167 and amended Policy E.5.7. Furthermore, the density requirement as measured by units per hectare is incompatible with how density and population yields are measured in student residences. For the proposed development of a student residence, it is more appropriate to dictate a maximum number of bedrooms to determine the yield of student population within the proposed development. This is further explained in Section 7.0 – Planning Analysis. On this basis a site-specific density calculation is considered appropriate.

Ainslie Wood Westdale Secondary Plan

The Site is within the Ainslie Wood Neighbourhood Plan (AWWSP) and designated “Mixed Use – Medium Density”, Special Area Policy D, on Land Use Plan, Map B.6.2-1 (see Figure 15). The policies of Special Policy Area D are as follows:

6.6

“6.2.17.4 Notwithstanding Policies E.4.6.7 and E.4.6.8 of Volume 1, for the lands designated Mixed Use – Medium Density, located at 17 Ewen Road, and identified as Site Specific Policy – Area D on Map B.6.2-1 – Ainslie Wood Westdale – Land Use Plan, the following policies shall apply:

- a) the maximum height of any proposed building or structure shall be limited to 10 storeys;
- b) the maximum residential densities shall range from 300 to 375 units per gross hectare;
- c) as long as manufacturing, warehousing, storage and accessory uses continue to operate at 45 Ewen Road, any use on the lands shall:
 - i) not contain any outdoor amenity areas as defined by Ministry of the Environment Guideline NPC-300; and
 - ii) any multiple dwelling shall be designed as student accommodation.
- d) The following criteria shall be used in the evaluation of future applications under the Planning Act, R.S.O., 1990 c. P.13 for the lands located within Site Specific Policy Area - D:
 - i) The development will be compatible with and not create a negative effect on the industrial uses at 45 Ewen Road; and
 - ii) The development will have regard for Ministry of the Environment Guideline NPC 300.
- e) Site Specific Policy Area D is hereby identified as a Class 4 Area pursuant to Ministry of the Environment Guideline NPC 300. (OPA 98)(OPA 109)”

Relevance of the Ainslie Wood Westdale Secondary Plan to the Site:

The Special Policy Area D policies permit a multiple dwelling designed as a student accommodation with a maximum height of 10 storeys, a maximum density of 300 to 375 units per gross hectare (uph). The policies recognize the Site as a Class 4 Area noise receptor pursuant to Ministry of the Environment Guideline NPC 300. In addition, no outdoor amenity space is required due to the Site’s proximity to an industrial use (Mondelez Canada candy factory) to the south. An amendment to the Urban Hamilton Official Plan (Ainslie Wood Westdale Secondary Plan) is required to increase the permitted density to 835 uph.

Ainslie Wood Neighbourhood Plan

Neighbourhood Plans are endorsed by City Council, but not incorporated into the Urban Hamilton Official Plan. The Ainslie Wood Neighbourhood Plan was approved by Council on January 28, 1975.

6.7

The Site is identified as “Industrial”. The proposed development does not relate to the “Industrial” designation and therefore an amendment to the Ainslie Wood Neighbourhood Plan is required to bring it in conformity with the Mixed Use – Medium Density designation, pursuant to the Ainslie Wood Westdale Secondary Plan.

Hamilton Zoning By-law 6593

- 6.8 The Site is currently zoned in the J/S-1522 (Light and Limited Heavy Industry, Etc.) District, Modified. While the OMB issued a *decision* for a site-specific zoning by-law amendment, it did not issue an *order*, pending confirmation per the Settlement Agreement, that Mondelez Canada was satisfied that a future Site Plan Control Application was satisfactory and that they can continue to obtain Ministry of Environment Certificate of Approval for the operation of their candy factory. **Appendix A** includes the OMB issued site specific zoning (Attachment 2) for which an OLT order has not been provided to date. This document includes the zoning regulations agreed to by the parties to the hearing in 2015.

While an agreement in principle has been reached and the document has been ready to be executed, further changes to the development proposal are now required that do not necessarily comply with the site specific zoning considered in the OMB’s 2015 decision. Specifically, amendments to the 2015 draft zoning by-law regulations are required to address the following:

- Definition of student residence and the number of bedrooms per unit;
- Increase in the maximum height of the 7-storey portion of the building by 1 metre;
- Minimum parking requirements and size of parking spaces; and
- Maximum gross floor area to include area of below grade parking structure.

Appendix D includes the amended draft Zoning by-law Amendment.



Ainslie Wood Westdale Secondary Plan
Land Use Plan

Figure

15

Source: Urban Hamilton Official Plan, Ainslie Wood Westdale Secondary Plan, Land Use Plan, Map B.6.2-1 (January 2019)





Neighbourhood Plan

Source: City of Hamilton, Ainslie Wood Neighbourhood Plan, Map 6902, Map 1 of 2 (April 2008)

Figure
16



Current Zoning
 Source: City of Hamilton Zoning By-law 05-200 - Online Mapping
 (retrieved April 2022)

Figure
17

7.0 PLANNING ANALYSIS

This section provides justification as to how the proposed development represents good land use planning.

McMaster University currently has a student enrollment of over 25,000, the majority of which live off-campus, often in single-detached, family neighbourhoods. To meet Hamilton's growing student housing requirements, more student accommodations need to be built. The desire to find housing near campus has put increased pressure on surrounding neighbourhoods to accommodate students, sometimes leading to conflicts between students and local residents. Through the development of well-planned, quality student-specific residences, the impact of common student-related issues, such as unkept properties and noise complaints, would be lessened. It would also contribute to providing greater housing options for residents by relieving the existing housing stock in adjacent neighbourhoods of having to primarily provide secondary rental market housing options for students as McMaster University has grown over the years.

The Site is an ideal location for a student residence as it is within walking distance from campus (1 km), situated along a public transit route with bus service directly to McMaster University, has direct access to active transportation infrastructure to campus as well as commercial and health services, and is in proximity to convenient amenities including a grocery store, a variety of restaurants and retail stores.

Previous applications pertaining to the Site for an Official Plan Amendment (OPA-07-016) and Zoning By-law Amendment (ZAC-07-062) were approved in a decision issued by the Ontario Municipal Board (OMB PL120574) on April 9, 2015. Accordingly, the principle of the

7.1

land use has been established.

Density Increase and Metric

The Special Policy Area D policies permit a multiple dwelling designed as a student accommodation with a maximum height of 10 storeys and a maximum density of 300 to 375 units per gross hectare. An amendment to the Urban Hamilton Official Plan (Ainslie Wood Westdale Secondary Plan) is required to increase the permitted density to 837.8 units per hectare and to recognize the use of bedrooms rather than units to measure density.

Density Increase

The current in-effect Provincial Policy Statement (2020) notes in Policy 1.1.1 (b), (d), and (e) that healthy, livable, and safe communities are sustained by attributes such as the accommodation of appropriate affordable and market-based range and mix of residential types, development and land use patterns that more efficiently use lands within *settlement areas*, and integrating land use planning with intensification and infrastructure planning such

that land consumption and servicing costs are minimized. The density of the proposed development speaks to this by reducing the amount of land consumed needed to continue to support student housing needs in neighbourhoods adjacent to McMaster University, more efficiently using existing infrastructure on site (e.g. water and wastewater and recreational and public transit routes), and more appropriately integrating housing options and intensification in areas with existing connections to a high concentration of commercial amenities and health services.

The PPS 2020 also consists of settlement area policies that reflect the request for an increase in density within this proposed development. For example, Policy 1.1.3.1 states that, “*Settlement areas* shall be the focus of growth and development.” Policy 1.1.3.2 further focuses on having land use patterns within *settlement areas* to be based on densities and a mix of land uses that efficiently use land and resources in addition to *infrastructure and public service facilities*, and support *active transportation* and are *transit-supportive*. This is demonstrated by the proposed development consisting of greater densities that not only support existing infrastructure and public service facilities in the vicinity, but also the ample active and transit-supportive infrastructure in the surrounding area. The greater densities also more efficiently use land for student housing purposes compared to the typically frequent and informal use of low-rise dwellings in neighbourhood areas. Although this existing approach may be seen as more efficiently using existing housing stock, it has become more vulnerable to low quality and unsafe housing conditions for students, as well as limited housing options for the neighbourhoods as households move through various life stages.

Policy 1.1.3.3. proceeds by stating:

“Planning authorities shall identify appropriate locations and promote opportunities for *transit-supportive* development, accommodating a significant supply and range of housing options through *intensification* and *redevelopment* where this can be accommodated taking into account existing building stock or areas, including *brownfield sites*, and the availability of suitable existing or planned *infrastructure* and *public service facilities* required to accommodate projected needs.”

The site previously contained an industrial use but is currently vacant land within the City’s *settlement area*. The development proposal therefore recommends reusing it and at higher densities. The higher densities capitalize on the existing underutilized nature of the site and supports the viability of nearby public transit routes as mentioned in a previous section (e.g., HSR Route 1 King, Route 10 B-Line Express, and Route 52/5/5E Delaware), thereby promoting *transit-supportive* development.

When reviewing Section 1.4 – Housing of the PPS, direction is given to planning authorities to provide for an appropriate range and mix of *housing options* and densities to meet projected market-based and affordable housing needs of the *regional market area* (Policy 1.4.3). This

speaks to the proposed development and requested density increase for a student residence. The existing settlement patterns of students is within neighbourhoods such as Westdale and Ainslie Wood, as well as generally along Main Street West but bounded by where Osler Drive begins on the west and the Highway 403 access to the east. Low-rise dwellings are often internally split into more units or bedrooms to accommodate more students, leading to these areas increasing in density but often not accompanying suitable or safe housing conditions. The proposed development and requested density increase are a higher quality and safer means to accommodate the student demand for housing. It would allow for the City of Hamilton to meet the projected housing needs of not only the student population, but also the City's *regional market area* and neighbourhood-specific demand. Households experiencing other life stages or needing more affordable housing would have more housing options because of the improved accessibility to existing low-rise housing stock.

Recognizing the development proposal was initially presented in 2015 and the current PPS was not in effect at that time, the 2014 PPS was also analyzed to justify the density increase. Policy 1.1.1 which specifies the attributes that sustain healthy, livable, and safe communities has a similar intent of accommodating an appropriate range and mix of residential uses, promoting more efficient development and land use patterns, and minimizing land consumption and servicing costs as the current PPS. The density increase provides greater student residence options within a more efficient development and land use pattern, more efficiently uses the existing vacant site and existing servicing-infrastructure and minimizes land consumption. Similarly, the intent of policy references made earlier to focus growth and development in settlement areas (Policy 1.1.3.1, PPS 2014), have land use patterns within *settlement areas* to be based on densities and a mix of land uses that efficiently use land, resources, and infrastructure (Policy 1.1.3.2, PPS 2014), and have planning authorities identify locations and promote opportunities for *intensification* and *redevelopment* especially in areas with existing or planned infrastructure (Policy 11.3.3, PPS 2014), continue to apply to the requested density increase. In these cases, the density increase is an opportunity to promote intensification and within an area with existing infrastructure and services, as well as amenities. Likewise in Section 1.4 – Housing, there is similar intent for planning authorities to provide a range and mix of housing types and densities, permit and facilitate *residential intensification*, and promote densities for new housing that efficiently uses land, resources, and infrastructure. This section continues to provide rationale for the increased density of the proposed development.

Growth Plan (2020) Policy 2.2.1.2 (a) further articulates that growth be directed to *settlement areas* that have a *delineated built boundary*, existing infrastructure, and can achieve *complete communities*. The requested density fulfills this by directing more growth within the built boundary and where existing water, wastewater, transportation, and community service infrastructure can be found. It also fulfills this by citing greater densities closer to amenities and services that are part of daily life.

Density Metric

In addition, a density based on the number of 545 bedrooms rather than number of units per hectare is considered more appropriate for a purpose-built student residence. While the *Planning Act* does not permit the designation or zoning for specific persons, it is not uncommon and is reasonable to provide different standards for certain types of housing. For example, nursing homes and long-term care facilities refer to the number of patient beds to determine the number of parking spaces (e.g., 1 space per 3 patient beds) while retirement homes and children's residence determine parking by the number of persons who may be lawfully accommodated. Similarly for student residences, it is appropriate to provide for a density based on the number of bedrooms equating to the number within the proposed development, which is 545 bedrooms.

Using the number of units per hectare is also inappropriate in this context considering the number of bedrooms is a better reflection of density within a student residence. For example, in a general (non-student) residential context, the use of units per hectare could be further subject to a varying range of persons per unit depending on the residential dwelling type (e.g., apartments, rowhouses, semi-detached, and single-detached) in order to determine an anticipated population yield. In addition, the intent of using the number of units per hectare is to provide a range of residential densities, and therefore residential growth, up to a maximum, permitted for the site. However, this would be inappropriate in the context of this proposed development given the nature of the development.

7.2 Requested Zoning Modifications

Amendments to the 2015 draft zoning by-law regulations are required to address the following:

- Definition of student residence and the number of bedrooms per unit;
- Increase in the maximum height of the 7-storey portion of the building by 1 metre;
- Minimum parking requirements and size of parking spaces; and
- Maximum gross floor area to include below grade parking structure.

Justification for each of the required amendments is provided below:

Definition of Student Residence

The proposed development is of a purpose-built student residence, consisting of 359 units and 545 bedrooms. Most of the bedrooms are bachelor and 1-bedroom layouts, followed by 2-bedrooms. The definition of Student Residence as approved by the Ontario Municipal Board (OMB) on April 9, 2015 is, "*the whole of any multiple dwelling designed for accommodating students and consisting of 3 or more Dwelling Units, each providing up to 5 bedrooms for hire or gain directly or indirectly that does not have the exclusive use of both a kitchen and a bathroom. The building may also include common areas*" (2 (b)). The minimum of "3 bedrooms" in the definition was simply a reflection of the unit mix proposed in 2015. It is proposed this be

changed to the following definition in order to recognize the number of dwelling units and mix of bedroom types in the updated development proposal since the time of the decision:

“...the whole of any multiple dwelling designed for accommodating students and consisting of Dwelling Units, each providing up to 5 bedrooms for hire or gain directly or indirectly that does not have the exclusive use of both a kitchen and a bathroom with the exception of bachelor and one-bedroom units for which exclusive use of both a kitchen and bathroom shall be permitted. The building may also include common areas.”

This definition is more appropriate when considering the nature of student residences has changed since the OMB decision. For example, lessons learned from the COVID-19 pandemic informed the change from primarily 5-bedroom to bachelor and 1-bedroom units. The following definition of, “compatibility,” in the Urban Hamilton Official Plan was also reviewed in the context of this definition change:

“...land uses and building forms that are mutually tolerant and capable of existing together in harmony within an area. Compatibility or compatible should not be narrowly interpreted to mean “the same as” or even as “being similar to”.”

Although the definition of student residence is proposed to change to reflect the number of dwelling units and bedroom mix, the nature and form of a student residence remains compatible with the site and surrounding area, land uses, and built form. The updated student residence development proposal maintains the ability to exist in harmony with other land uses and building forms in the area, such as commercial amenities and health services found within nearby University Plaza ($\pm 820\text{m}$ west) and Fortinos ($\pm 100\text{m}$ south), as well as heading east along Main Street. It is also compatible with existing student residences in the area, such as West Village Suites at 1686 Main Street West ($\pm 350\text{m}$ northwest) and Oak Hall Residence that is part of Columbia International College ($\pm 2\text{km}$ east), while also providing an updated student residence format.

Maximum Height

The proposed development has various heights depending on different parts of the development. On the westerly yard and fronting Ewen Road, the proposed development is 7 storeys and a height of 22.3m. The central portion is 10 storeys with a height of 30.6m when excluding the mechanical penthouse and 35.0m when including it. On the easterly yard and fronting Rifle Range Road, the proposed development is 1 storey with a height of 4.5m.

The determination of the westerly and easterly yard requirements is based on a building height of 7 storeys and 21 metres as per the OMB decision (2(d)). Although the proposed development maintains 7 storeys on the portion of the proposed development fronting Ewen Road, it has a height of 22.3m. Despite the increase in height by 1.3m, relief from shadowing

continues to be provided to the commercial and health amenities as well as industrial activities surrounding the Site in the form of setbacks to the north (12m), south (3m), west (2.1m and increases to 13.8m towards the 10 storey portion of the development proposal from the west site), and east (2.4m and increases to 14.1m towards the 10 storey portion of the development from the east side). The overall intent to ensure there is appropriate height and relief from the scale of development fronting onto Ewen Road is maintained.

As described in Section 2.9, there are also some notable existing and proposed developments surrounding the proposed development which consist of heights that can help provide more context for the height of the west portion of the proposed development. For example, there is the existing West Village Suites at 1686 Main Street West which is 9 storeys and 30m in height. There is also the proposed development at 1630 Main Street West which is a mixed-use 9-storey development and is approximately 150m from the proposed development that is the subject of this Planning Justification Report. On January 26, 2022, the Ontario Land Tribunal ordered the Zoning By-law to be amended such that a building height maximum of 30m for the portion of the site fronting Main Street West be permitted (OLT-21-001801). In comparison, the proposed development is situated more internally and is further back from Main Street, providing greater rationale for the 22.3m while also maintaining a lower height in relation to greater stories and heights that are reinforced along Main Street.

Minimum Parking Requirements

The proposed development consists of 137 parking spaces, which includes 28 visitor spaces. This is based on applying a parking rate of 0.25 spaces per bedroom to 545 bedrooms within the proposed development. If applying the parking rate as outlined by Section 5.5 C.i.i. in the City of Hamilton's Zoning By-law 05-200, the total number of required parking spaces would be 204 spaces.

However, one cannot ignore the fact that the 2015 site-specific parking requirement in the City of Hamilton Zoning By-law of 1.3 spaces per unit inclusive of visitor parking actually equates to 0.26 parking spaces per bedroom based on the permitted density of the building. Accordingly, while a reduction in the parking ratio is requested, the effective parking rate is being maintained.

Further, overall, the lower parking rate in the proposed development is appropriate because of the traffic pattern of student residences and students' travel behaviour. Students living close to campus are more likely to walk, cycle, or take transit to campus. They are also less likely to own cars for financial reasons. If they do have access to vehicles, they generally use it for utility purposes, such as running errands and getting groceries, as well as visiting and traveling out of town on weekends. This was observed in the Transportation Overview and Parking Assessment prepared by Salvini Consulting on October 14, 2022:

“The use of cars by students living close to campus does not follow a typical residential pattern where drivers leave the site and go to work in the morning, returning in the afternoon. These students do not typically use cars to drive to school, since school is so close, rather, the students might have cars for other purposes, like shopping, visiting and traveling out of town on weekends.”

In conducting a parking use survey of purpose-built student apartment buildings in London and Waterloo, Salvini found that the parking demand of these buildings remained below the proposed parking rate of 0.25 spaces per bedroom, suggesting that the proposed rate is at a higher standard than existing purpose-built student apartment buildings. Furthermore, when some spaces freed up on weekends because students in residence were away visiting family, the spaces would often accommodate visitors of those students staying in residence, suggesting some efficiencies within the existing parking spaces. This efficiency provides further rationale for the reduced parking rate and can also be seen as a transportation demand management measure.

The proposed development's parking rate of 0.25 spaces per bedroom is also appropriate when considering data collected of parking use among 10 student residence properties near the Universities of Waterloo and Wilfred Laurier. It was found the parking demand ranged from 0.07 to 0.18 spaces per bedroom, which are all less than the proposed parking provision of 0.25 spaces per bedroom in the development proposal. Note that 2016 parking use surveys in Waterloo were used because this was before the Ion-LRT, which is similar to the proposed development's current situation prior to the implementation of the Potential Rapid Transit Line and terminus station at McMaster University.

In addition to the insight gained on traffic patterns of student residences and students' travel behaviour as rationale for the lower parking requirements, we must consider the significant number of active and sustainable transportation connections to and from campus, retail amenities, health services, and entertainment. For example, there are several local transit routes along Main Street and Whitney Avenue with frequencies ranging between 10 to 30 minutes during the weekdays and evenings, and an upper range to 40 minutes on weekends. Furthermore, there are several designated cycling routes surrounding the Site, such as on Ewen Road and Rifle Range Road, which the proposed development has frontages on. The Hamilton-Brantford Rail Trail is also located immediately south of the Site and is considered an interurban multi-use trail which directly connects to the commercial amenities within University Plaza on Osler Drive. Hamilton Bike Share hubs can also be found at the Fortinos driveway to Rifle Range Road (about 100 metres away) and at 1686 Main Street West (about 250 metres away). Sidewalks are also provided around the site, with a protected cross intersection at the signalized intersection at Main Street and Rifle Range Road. The transportation demand management measures of the proposed development provide further justification for the reduced parking rate by providing a total of 190 bicycle parking spaces (180 long-term spaces in a secure, weather protected format and 10 short-term spaces for visitors),

transit information at the on-site management office to complement McMaster University's transit pass system, as well as education and promotion of nearby commercial amenities to meet students' daily needs.

It is anticipated the reduced parking rate will not have a negative impact on the surrounding community through, for example, overflow onto the street or commercial parking lots within the vicinity, such as the Fortinos. The proposed development provides for 28 visitor spaces as part of the 137 parking spaces provided. The Salvini report showed traffic generation estimates for the proposed development to be 16 trips in the morning peak hour and 38 trips in the afternoon peak hour. It should be considered that not all these trips will translate into parking need, however assuming they do, the provided parking spaces will be able to accommodate them. Most visitors also tend to spend a short amount of time in student residence and often have a meal off-site or help students run errands during their visit, therefore not necessitating additional parking.

As also identified by the Salvini report, students are less likely to have vehicles for financial reasons and there are typically efficiencies with re-using existing parking spaces when some students leave for the weekends while others have visitors for that same time. Moreover, due to many commercial amenities and health services being within 300m and campus being approximately 1km away, the travel behaviours of students are more likely to be localized and through walking, cycling, or transit, and therefore not requiring a vehicle to park within the surrounding neighbourhoods or commercial parking lots.

The reduced parking rate combined with the significant active and public transportation infrastructure surrounding the site as well as proximity of several community amenities and health services, directly responds to provincial policy, namely:

- The achievement of complete communities as referenced in the Guiding Principles of the Growth Plan 2020; and
- The application of Growth Plan 2020 policies to expand convenient access to a range of transportation options that also include the safe, comfortable, and convenient use of *active transportation* (Policy 2.2.1.4).

Maximum Gross Floor Area

The proposed development consists of a Gross Floor Area of 19,000m² above grade and a 4,233.01m² below grade, single level parking structure. OMB decision 2 (e) permits buildings or structures to have a maximum total Gross Floor Area of 19,000m². This decision did not take into account the level of underground parking that was always intended/proposed for the Site. Accordingly, the requested amendment will not change the gfa of the portion of the building allocated for student living purposes, rather it includes the area allocated for parking in the total gross floor area.

Removal of "H" holding provision

An “H” holding symbol was applied to the site with conditions of removal consisting of the completion and submission of a signed Record of Site Condition (RSC) as well as upon conditional site plan approval. An RSC is required because the site previously contained two buildings that were used as a warehouse facility (industrial uses) and moving forward, the intended use is residential in the form of a student residence. On April 24, 2017, the RSC was certified and subsequently filed on February 1, 2018 to the Environmental Site Registry (RSC #224178). The RSC confirms that:

“...based on a phase one environmental site assessment and phase two environmental site assessment, and any confirmatory sample, there is no evidence of any contaminants in the soil, ground water, or sediment on, in or under the record of site condition property that would interfere with the type of property use to which the record of site condition property will be put, as specified in the record of site condition.”

The findings of the RSC responds directly to OMB decision 3 and provides justification for the removal of the “H” holding symbol.

Conclusion

7.3

Based on the above assessment, it is our opinion that the required Official Plan and Zoning By-law Amendments are appropriate and would facilitate a form of student accommodation at a density that is not only compatible with adjacent land uses and harmonious with the local community context, but also provides greater housing options of higher quality for students. In turn, this will lead to a greater positive impact on housing options for neighbourhoods and households currently affected by the expansion of the secondary rental market to primarily accommodate students.

8.0 RECOMMENDATIONS

It is our opinion that the proposed development and required Official Plan and Zoning By-law Amendments represent good land use planning and should be approved for the following reasons:

- a) The proposed development is consistent with the policies of the 2020 Provincial Policy Statement;
- b) The proposed development is in conformity with A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020;
- c) The proposed development conforms to the land use policies of the Urban Hamilton Official Plan; including the policy guidance provided in the Ainslie Wood Westdale Secondary Plan;
- d) The proposed development provides an opportunity for land use intensification at an appropriate height and scale; and
- e) The proposed development provides for the efficient use of land and infrastructure.

Respectfully,



Brenda Khes, MCIP, RPP
Vice President, Hamilton

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: April 9, 2015

CASE NO(S): PL110331
 PL090779
 PL101381
 PL120574
 PL131287

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, C. P. 13, as amended

Appellants: See Schedule "1"
Subject: Official Plan Amendment No. 35 to the Region of Hamilton-Wentworth Official Plan
Municipality: City of Hamilton
OMB Case No.: PL090779
OMB File No.: PL090779 (See Schedule "1")

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, C. P. 13, as amended

Appellants: See Schedule "1"
Subject: Official Plan Amendment No. 128 to the Town of Ancaster Official Plan (PL090780);
 Official Plan Amendment No. 18 to the Town of Dundas Official Plan (PL090781);
 Official Plan Amendment No. 118 to the Town of Flamborough Official Plan (PL090782);
 Official Plan Amendment No. 75 to the Township of Glanbrook Official Plan (PL090783);
 Official Plan Amendment No. 220 to the City of Hamilton Official Plan (PL090784);
 Official Plan Amendment No. 149 to the City of Stoney Creek Official Plan (PL090785)
Municipality: City of Hamilton
OMB Case No.: PL090779
OMB File Nos.: PL090780-PL090785 (See Schedule "1")

PROCEEDING COMMENCED UNDER subsection 17(40) of the *Planning Act*, R.S.O. 1990, C. P. 13, as amended

Appellant: See Schedule "2"
 Subject: Failure of the Minister of Municipal Affairs and Housing to announce a decision respecting the City of Hamilton Urban Official Plan
 Municipality: City of Hamilton
 OMB Case No.: PL101381
 OMB File No.: PL101381 (See Schedule "2")

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, C. P. 13, as amended

Appellants: See Schedule "3"
 Subject: The new City of Hamilton Urban Official Plan
 Municipality: City of Hamilton
 OMB Case No.: PL110331
 OMB File No.: PL110331 (See Schedule "3")

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Auburn Developments Inc.
 Subject: Application to amend Zoning By-law 6593 – Refusal of application by the City of Hamilton
 Existing Zoning: "J" (Light and Limited Heavy Industrial, etc.) District
 Proposed Zoning: "E-3" (High Density Multiple Dwellings) District
 Purpose: To permit a 10 storey student residential building
 Property Address/Description: 17 Ewen Road
 Municipality: City of Hamilton
 Municipal File No.: ZAC-07-062
 OMB Case No.: PL120574
 OMB File No.: PL120574

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Auburn Developments Inc.
 Subject: Request to amend the Official Plan – Refusal of request by the City of Hamilton
 Existing Designation: "Industrial"
 Proposed Designation: "High Density Residential"

Purpose: To permit a 10 storey student residential building
 Property Address/Description: 17 Ewen Road
 Municipality: City of Hamilton
 Approval Authority File No.: OPA-07-016
 OMB Case No.: PL120574
 OMB File No.: PL120575

Schedule "1"

Appellants to the amendments to the in-force Official Plans of the former Region of Hamilton-Wentworth, Towns of Ancaster, Dundas and Flamborough, Township of Glanbrook and Cities of Hamilton and Stoney Creek (OMB Case No. PL090779)

OMB FILE NO.	APPELLANT NAME
PL090784	Shawcor Ltd.

Schedule "2"

Appellants to the failure of the Minister of Municipal Affairs and Housing to announce a decision respecting the City of Hamilton Urban Official Plan (OMB Case No. PL101381)

OMB FILE NO.	APPELLANT NAME
PL101381	A. DeSantis Developments Ltd.
	LIUNA Group Corp.
	St. Joseph's Villa

Schedule "3"

Appellants to the new City of Hamilton Urban Official Plan (OMB Case No. PL110331)

OMB FILE NO.	APPELLANT NAME
PL110331	2000963 Ontario Inc.
	2051206 Ontario Inc.
	2084696 Ontario Inc.
	2188410 Ontario Inc.
	456941 Ontario Ltd., 1263339 Ontario Ltd., and Lea Silvestri
	909940 Ontario Inc.
	Artstone Holdings Limited
	Carmen Chiaravelle, 1694408 Ontario Ltd., John Edward Demik, Peter Demik, Demik Brothers Hamilton Ltd., and Elaine Vyn
	City of Hamilton

	Corpveil Holdings Limited
	Flamborough Power Centre Inc., Flamborough South Centre Inc., Clappison Five Six Properties Inc.
	Freeland Developments Limited
	Gino and Olindo DalBello
	Lynmount Developments Limited
	Mondelēz Canada Inc. (formerly Kraft Canada Inc.)
	Mud and First Inc.
	Multi-Area Developments Inc.
	Norman Vartanian
	Paletta International Corporation
	Paletta International Corporation (re: Elfrida)
	Spallacci & Sons Limited
	Sullstar Twenty Limited
	Twenty Road Developments Inc.
	Upper Centennial Developments Ltd.
	Waterdown Bay Ltd.

PROCEEDING COMMENCED UNDER subsection 17(40) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: City of Hamilton
Subject: Failure of Ministry of Municipal Affairs and Housing to announce a decision respecting Proposed Official Plan Amendment No. 25-OP-2009

Municipality: City of Hamilton
OMB Case No.: PL131287
OMB File No.: PL131287

Heard: March 6, 2015 in Hamilton, Ontario

APPEARANCES:

Parties

Counsel

City of Hamilton

M. Minkowski

Auburn Developments Inc.
17 Ewen (Hamilton) Corp.

I. Kagan

Mondelez Canada Inc.

M. Bull

**MEMORANDUM OF ORAL DECISION DELIVERED BY SUSAN de AVELLAR
SCHILLER ON MARCH 6, 2015 AND ORDER OF THE BOARD**

INTRODUCTION

[1] The matters before the Board are appeals related to the new City of Hamilton (“City”) Urban Hamilton Official Plan (“UHOP”) adopted by the City on July 9, 2009, and approved by the Minister of Municipal Affairs and Housing (“MMAH”) with modifications on March 16, 2011, appeals of the failure of the MMAH to make a decision regarding the UHOP, prior to March 16, 2011, and appeals related to amendments to the in-force official plans of the former Region of Hamilton-Wentworth, Towns of Ancaster, Dundas and Flamborough, Township of Glanbrook and Cities of Hamilton and Stoney Creek.

[2] Also before the Board are appeals by Auburn Developments Inc. (“Auburn”) regarding a proposed official plan amendment and associated zoning by-law amendment to permit a 10-storey student residence on lands zoned and designated for industrial use.

[3] At the parties’ request, the Board agreed to divide the hearing into several segments. Each hearing segment deals with one or more specific topic areas. Pre-hearing conferences to deal with motions, settlements, procedural orders for various hearing segments, and so on, have been, and will continue to be, interspersed between hearing segments to move matters along in an efficient manner. Decisions issued at the close of each segment set out the specific matters dealt with at that segment.

[4] This appearance deals with the Auburn appeal.

[5] At the outset of the hearing, the Board was advised that Auburn had sold the property and that 17 Ewen (Hamilton) Corp. (known as “Rise”) has carried the appeal forward.

[6] These matters, previously scheduled for hearing, were adjourned to permit the parties to consider the implications of new noise guidelines issued by the former

Ministry of the Environment, now Ministry of the Environment and Climate Change (“MECC”). The new guideline applicable to this matter is NPC – 300, which replaces NPC – 205.

[7] The Rise proposal before the Board is for a 10-storey student residence within the block bounded by Main Street West to the north, Ewen Road to the west, Rifle Range Road to the east and Whitney Avenue to the south. The site has frontage on both Ewen Road and Rifle Range Road.

[8] Immediately south of the proposed student residence is the Mondelez industrial operation known in the neighbourhood as the Cadbury Candy Factory. This facility operates on 24 hour shifts, seven days a week, all year.

[9] The Hamilton – Brantford Rail Trail is a cycling and pedestrian trail. It separates the Rise site from the Mondelez site to the south.

[10] The site is within the Ainslee Wood – Westdale Secondary Plan area.

[11] The Rise site is and the Mondelez site are within a relatively small enclave of predominantly industrial uses that is surrounded by residential uses.

[12] The Rise site held an earlier designation as Industrial, with associated zoning. The UHOP redesignated the site for residential use. Mondelez appealed this redesignation.

[13] Auburn filed a site-specific official plan amendment and associated zoning by-law to permit the student residence on the site. The City failed to make a decision on these site specific applications and Auburn appealed the non-decision to this Board.

[14] At the outset of the hearing, the Board was advised that Rise, the City and Mondelez had now reached a settlement and all appeared in support of proposed modifications to the UHOP and to the zoning by-law.

[15] The Board heard from two expert witnesses, Chris Pidgeon and John Ariens. Both men are full Members of the Canadian Institute of Planners and Registered Professional Planners in Ontario. Both men also executed the Board's Acknowledgement of Expert's Duty form. The Board qualified each man to provide the Board with independent expert opinion evidence in land use planning matters.

[16] In summary, the settlement applies the requirements of the NPC -300 noise guidelines, removes outdoor amenity space including balconies, re-designates some surrounding lands Mixed Use, District Commercial and Employment Area – Industrial Lands and provides for vehicular access only from Rifle Range Road.

[17] The purpose of these changes is to strike an appropriate balance between the interests of the residential neighbourhood that surrounds this industrial area, the interests of the future residents of the proposed Rise student housing, the interests of Mondelez to continue to operate this key industrial facility and the interests of the City to maintain employment uses compatibly within a larger residential area.

[18] To implement the settlement, the parties have proposed certain modifications to the UHOP as set out in Tab 6 of Exhibit 73 as filed in these proceedings and found at Attachment 1 to this decision. There are also proposed amendments to Zoning By-law No. 6593 (Hamilton) ("By-law") as set out in Tab 7 of Exhibit 73 as filed in these proceedings and as found at Attachment 2 to this decision.

[19] The By-law includes a key holding provision as follows:

That the 'H' symbol applicable to lands referred to in Section 1 of this By-law shall be removed conditional upon:

- a. The submission of a signed Record of Site Condition (RSC) to the City of Hamilton and the Ministry of the Environment (MOE). The RSC must be to the satisfaction of the City of Hamilton, Director of Planning, including an acknowledgement of receipt of the RSC by the MOE; and
- b. That conditional site plan approval has been granted which, among other things, includes noise mitigation to implement MOE Noise Guideline NPC-300.

[20] Since one purpose of the settlement is to ensure that Mondelez can continue to operate its facility with the proposed student residence nearby, the parties have asked the Board to withhold its Order regarding the By-law until the Board has been advised by the parties that the further necessary steps have progressed sufficiently to ensure that Mondelez is able to continue to secure its environmental compliance approvals relating to its operation in close proximity to the proposed student residence.

[21] The Board also heard from two participants.

[22] Lavinia Welsh represents the Ainslee Wood/Westdale Community Association of Resident Homeowners Inc. She testified that this organization supports the settlement and the Rise proposal. Discussions between her organization and Rise have resulted in an agreement in principle regarding bicycle parking, a shuttle bus for students to reach campus for special events, an advisory committee to deal with problems which may arise and a financial contribution for community purposes.

[23] Mary Kiss is part of an unincorporated group of area volunteers. She appeared in opposition to the Rise proposal and to the settlement. She continued to express concerns particularly regarding the protection of employment lands and the continued operation of the Mondelez facility. She disagreed with the results of the extensive studies undertaken on the Rise proposal but, as a participant, she called no evidence to challenge the expert work and analysis that underpins the proposed modifications.

[24] The Board attaches little weight to Ms. Kiss's testimony. The proposal has been the subject of extensive, detailed study resulting in proposed modifications to the UHOP and amendments to the By-law. While Ms. Kiss may express her worry over the impact on the Mondelez plant, the Board finds that the best evidence on this impact was presented by Mondelez itself who is a party to these proceedings and appeared in support of the proposals now before the Board.

[25] On the unchallenged evidence of Messrs. Pidgeon and Ariens, the Board finds that the proposed modifications to the UHOP and the proposed amendments to the By-

law have had appropriate regard for the matters of provincial interest as set out in s. 2 of the *Planning Act*, R.S.O. 1990, c. P. 13 ("Act"), are consistent with the 2014 Provincial Policy Statement and conform to the Growth Plan for the Greater Golden Horseshoe.

[26] The Board also finds that the By-law conforms to the UHOP as modified.

[27] Having regard to s. 2.1 of the Act, the Board notes that the matters before the Board have been adopted by the City as part of the settlement.

[28] Rise advised the Board that with the proposed modifications to the UHOP, the appeal regarding the site-specific official plan amendment is withdrawn.

[29] Mondelez advised the Board that with the proposed modifications to the UHOP, the balance of the Mondelez appeal of the UHOP is now settled.

[30] The appeal by Auburn Developments Inc., continued by 17 Ewen (Hamilton) Corp., regarding Zoning By-law No. 6593 is allowed in part and Zoning By-law No. 6593 is amended as set out in Attachment 2 to this decision. At the request of the parties, the Board's Order is withheld until the parties advise the Board that sufficient progress has been made such that the Order may issue.

ORDER

[31] The Board orders that the appeal by Mondelez Canada Inc. is allowed in part and the Urban Hamilton Official Plan is modified as set out in Attachment 1 to this decision.

"Susan de Avellar Schiller"

SUSAN de AVELLAR SCHILLER
VICE-CHAIR

If there is an attachment referred to in this document,
please visit www.elfo.gov.on.ca to view the attachment in PDF format.

Ontario Municipal Board

A constituent tribunal of Environment and Land Tribunals Ontario
Website: www.elfo.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

ATTACHMENT 1

Modification to the Urban Hamilton Official Plan

Mapping Changes

1. Modify Schedule E-1 to the Urban Hamilton Official Plan as follows and as illustrated in attached Schedule A:
 - a. re-designate the lands located at 45 Ewen Road (Mondelez Canada plant) from Neighbourhoods to Industrial Land;
 - b. re-designate the lands located at 20, 22, 28, 58 and 60 Ewen Road, 5 Ofield Road and 20 Rifle Range Road from Neighbourhoods to District Commercial; and
 - c. re-designate the lands located at 17 Ewen Road from Neighbourhoods to Mixed Use Medium Density.
2. Modify Map B 6.2-1 to the Ainslie Woods Westdale Secondary Plan as follows and as illustrated on attached Schedule B:
 - a. delete Area C and replace it with a new Area C comprising the lands at 20, 22, 28, 45, 58 and 60 Ewen Road, 5 Ofield Road and 20 Rifle Range Road.
 - b. re-designate the lands located at 45 Ewen Road (Mondelez Canada plant) from Mixed Use - Medium Density, Site Specific Policy - Area C to Employment Area - Industrial Lands, Site Specific Policy - Area C
 - c. re-designate the lands located at 20, 22, 28, 58 and 60 Ewen Road, 5 Ofield Road and 20 Rifle Range Road from Mixed Use - Medium Density, Site Specific Policy - Area C to District Commercial, Site Specific Policy - Area C;
 - d. re-designate the lands located at 64 and 66 Ewen Road from Mixed Use – Medium Density, Site Specific Policy - Area C to Low Density Residential 2; and
 - e. re-designate the lands located at 17 Ewen Road from District Commercial, Site Specific Policy – Area D to Mixed Use – Medium Density, Site Specific Policy – Area D.

Text Changes

1. Volume 2, Chapter B, Policy 6.2.4(i) is to be deleted.
2. Volume 2, Chapter B, Policy 6.2.16.1(c), is to be deleted and replaced with the following:

6.2.16.1(c) Site Specific Policy – Area C – Lands located at 20, 22, 28, 45, 58 and 60 Ewen Road, and 5 Ofield Road.

3. Volume 2, Chapter B, Policy 6.2.16.4 is to be deleted and replaced with the following:

6.2.16.4 The lands located at 20, 22, 28, 45, 58 and 60 Ewen Road, 5 Ofield Road and 20 Rifle Range Road, designated as Employment Area - Industrial Land or District Commercial, are identified as Site Specific Policy – Area C on Map B.6.2-1 – Ainslie Wood Westdale – Land Use Plan. The following policies shall apply to Site Specific Policy – Area C.

- a) The objective for 45 Ewen Road is to protect employment uses from new sensitive land uses that are not compatible with employment land uses.
- b) Notwithstanding the permitted uses of Sections E.5.2.4, E.5.2.5, E.5.3.2 of Volume 1 – Industrial designations, only manufacturing, warehousing, and storage uses and accessory uses shall be permitted on the lands located at 45 Ewen Road.
- c) The permission to allow “live work units” in Section E.4.7.2a) and all of Section E.4.7.2c) of Volume 1 shall not apply to the lands located at 20, 22, 28, 58 and 60 Ewen Road, 5 Ofield Road and 20 Rifle Range Road.
- d) Subject to c) above, in addition to the permitted uses in Sections E.4.2.5, E.4.7.1, E.4.7.2 of Volume 1 – District Commercial designation, the following additional uses may be permitted for the lands located at 20, 22, 28, 58 and 60 Ewen Road, 5 Ofield Road and 20 Rifle Range Road, provided they comply with criteria in Policy 6.2.16.4:
 - i) uses existing at the date of the Urban Hamilton Official Plan comes into effect for these sites;
 - ii) open space and recreation;
 - iii) light employment uses such as storage or warehousing; and
 - iv) institutional uses related to McMaster University or the Medical Centre, such as a research and development facility.
- e) Notwithstanding Section 6.2.16.4 d), the lands shall be zoned on a site specific basis to allow for the continuation of existing employment (industrial) uses that existed on the day of the adoption of Urban Hamilton Official Plan.
- f) The following criteria shall be used in the evaluation of future rezoning applications for the lands located within Site Specific Policy Area - C:
 - i) the type, form, height and other features of the new proposed land use shall be compatible with and not create a negative effect on adjacent land uses;

- ii) the use shall not negatively impact the planned function of the area;
 - iii) the new proposed land use is permitted within the existing land use designation;
 - iv) a Record of Site Condition has been completed and filed with the City and the Province for the proposed use;
 - v) the use must have regard for Provincial guidelines; and
 - vi) it must be demonstrated that the proposed development will be compatible with existing uses.
- g) Should manufacturing, warehousing, and storage uses and accessory uses cease at 45 Ewen Road, the lands identified in Site Specific Policy – Area C may be re-designated to Mixed Use - Medium Density designation without the need to undertake a Municipally Initiated Comprehensive Review for employment lands.

4. Volume 2, Chapter B, Policy 6.2.16.5 is to be deleted and replaced with the following:

Site Specific Policy – Area D

6.2.16.5 Notwithstanding Policy B.6.2.5.5 a) and b), for the lands designated Mixed Use – Medium Density, located at 17 Ewen Road, and identified as Site Specific Policy – Area D on Map B.6.2-1 – Ainslie Wood Westdale – Land Use Plan, the following policies shall apply:

- a) the maximum height of any proposed building or structure shall be limited to 10 storeys;
- b) the maximum residential densities shall range from 300 to 375 units per gross hectare;
- c) as long as manufacturing, warehousing, storage and accessory uses continue to operate at 45 Ewen Road, any use on the lands shall:
 - (i) not contain any outdoor amenity areas as defined by Ministry of the Environment Guideline NPC-300; and
 - (ii) any multiple dwelling shall be designed as student accommodation.
- (d) The following criteria shall be used in the evaluation of future applications under the *Planning Act* for the lands located within Site Specific Policy Area - D:
 - (i) The development will be compatible with and not create a negative effect on the industrial uses at 45 Ewen Road; and

- (ii) The development will have regard for Ministry of the Environment Guideline NPC 300.
- e) Site Specific Policy Area D is hereby identified as a Class 4 Area pursuant to Ministry of the Environment Guideline NPC 300.

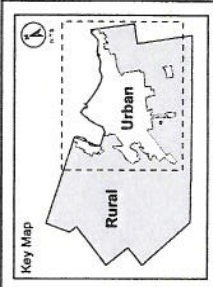
**OMB Settlement (Group 4 - Mondeleze (formerly Kraft)/Auburn Development
Urban Hamilton Official Plan
Case No. PL110331/PL120574**

APPEALS

The southern urban boundary that generally extends from Upper Centennial Parkway and Mud Street East in the east, following the hydro corridor and encompassing the **Woods Bay** and **Highway 403** **Neighbourhoods**, to Airport Business Park, and following Twenty Road and Garner Road to Pipers Creek Road in the west terminates under appeal.

Lands Under Appeal

- 17, 20, 22, 26, 28, 58 and 60 Ewen Road, 5 Offield Road and 20 Rifle Range Road (AWM Lands)
- 272 First Road West (PIN No. 170971125)
- 0 Rymal Road East (PIN No. 170840029)
- 212 Glover Road (PIN No. 170840059)



Note: For Rural Land Use Designations, refer to Schedule D of the Rural Hamilton Official Plan.

Legend

- Neighbourhoods
- Open Space
- Institutional
- Utility

Commercial and Mixed Use Designations

- Downtown Mixed Use Area
- Mixed Use - High Density
- Mixed Use - Medium Density
- District Commercial
- Arenial Commercial

Employment Area Designations

- Industrial Land
- Business Park
- Airport Business Park
- Shipping & Navigation

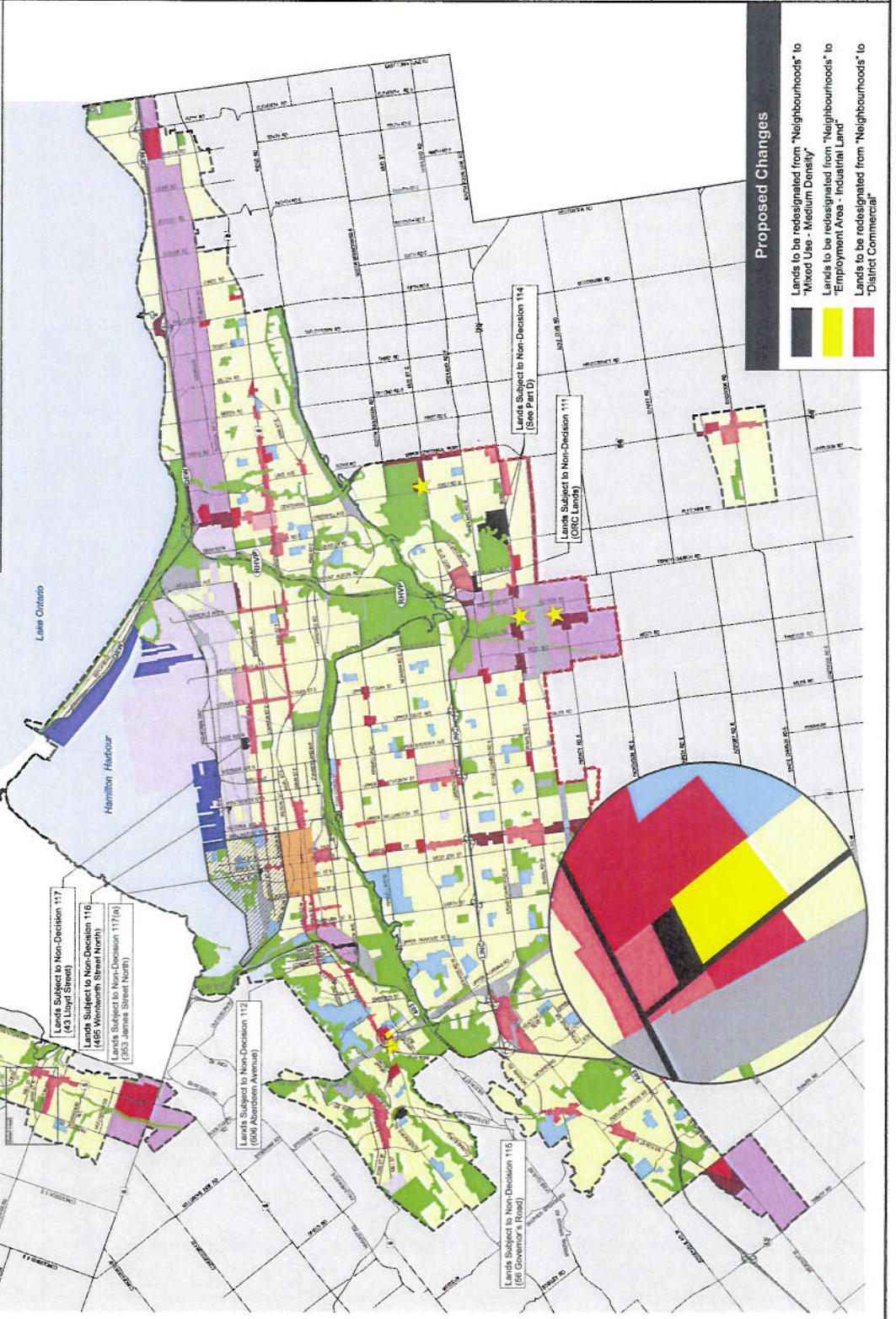
Other Features

- Rural Area
- John C. Munro Hamilton International Airport
- Niagara Escarpment
- Urban Boundary
- Municipal Boundary
- Lands Subject to Non-Decision 113 West Harbour Sitting Salt

Council Adoption: July 9, 2009
Ministerial Approval: March 16, 2011
Effective Date: August 16, 2013

**Urban Hamilton Official Plan
Schedule E-1
Urban Land Use Designations**

Hamilton
PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT
Date: April 24, 2014
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Proposed Changes

- Lands to be redesignated from "Neighbourhoods" to "Mixed Use - Medium Density"
- Lands to be redesignated from "Neighbourhoods" to "Employment Area - Industrial Land"
- Lands to be redesignated from "Neighbourhoods" to "District Commercial"

★ Lands Under Appeal

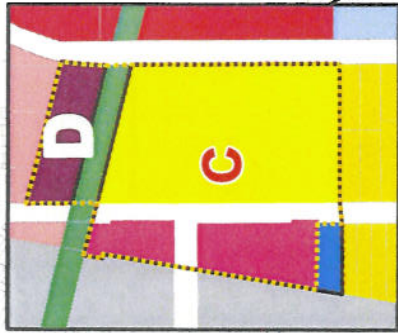
- Specific Policy Areas C & D

Proposed Changes

- Lands to be redesignated from "High Density Residential 1" to "Mixed Use - Medium Density"
- Lands to be redesignated from "Mixed Use - Medium Density" to "Low Density Residential 2"
- Lands to be redesignated from "Mixed Use - Medium Density" to "Employment Area - Industrial Lands"
- Lands to be redesignated from "Mixed Use - Medium Density" to "District Commercial"
- Modified boundary for the Site Specific Policy Area "C"



**OMB Settlement (Group 4 - Mondeleze (formerly Kraft)/Auburn Development
Urban Hamilton Official Plan
Case No. PL110331/PL120574**



Legend

Residential Designations

- Low Density Residential 2
- Low Density Residential 3C
- High Density Residential 1

Commercial and Mixed Use Designations

- Local Commercial
- Mixed Use - Medium Density
- Mixed Use - Medium Density - Postman Probiomment
- District Commercial

Parks and Open Space Designations

- Parkette
- Neighbourhood Park
- Community Park
- General Open Space
- Natural Open Space

Other Designations

- Institutional
- Employment Area - Industrial Lands
- Utility

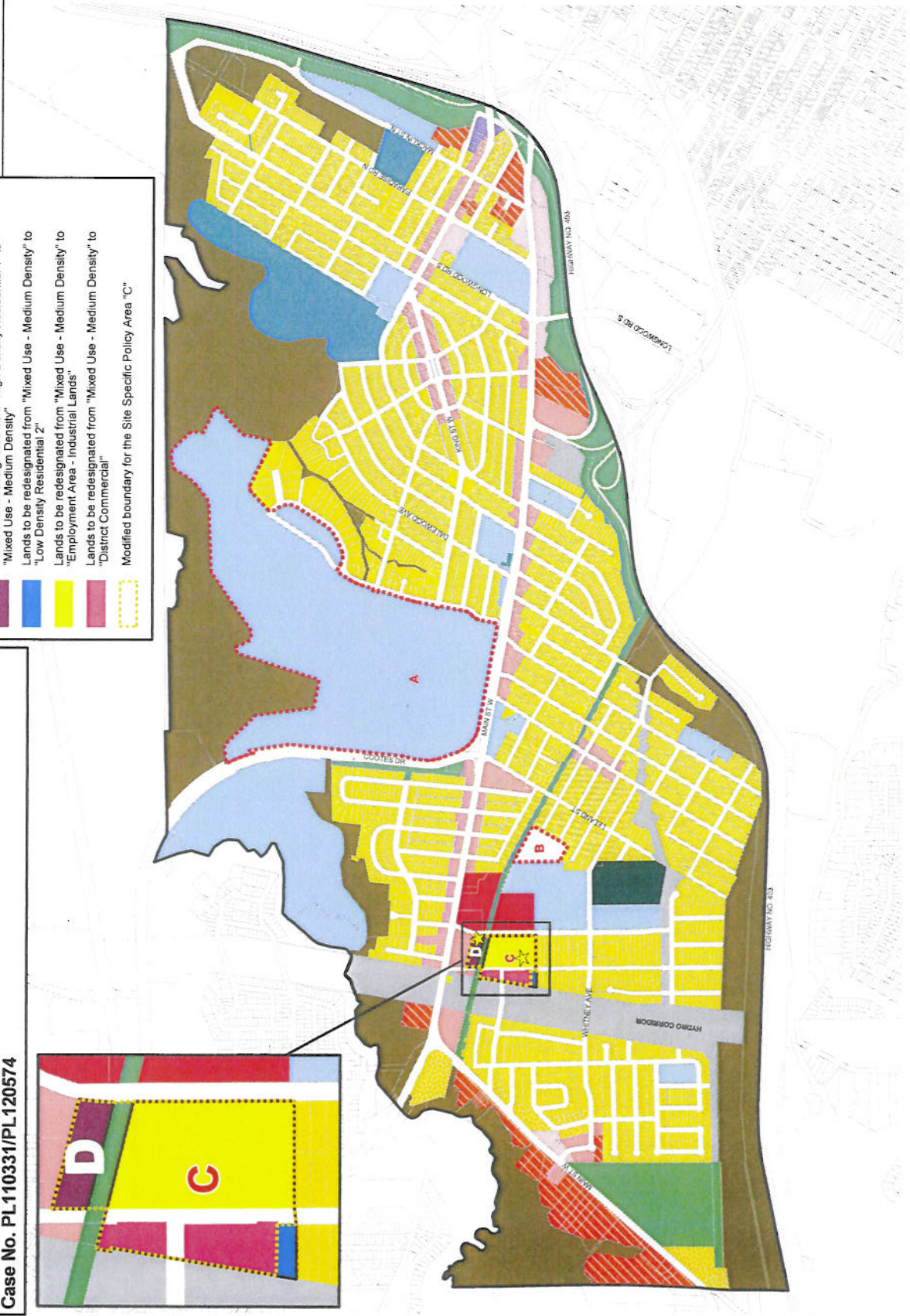
Other Features

- Area or Site Specific Policy
- Secondary Plan Boundary

Council Adopted: July 9, 2009
 Ministerial Approval: March 16, 2011
 Effective Date: August 16, 2013

Urban Hamilton Official Plan
Ainslie Wood Westdale
 Secondary Plan
 Land Use Plan
 Map B 6 2-1

DATE: July 15, 2013
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]
 PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT
 City of Hamilton
 100 King Street West, Hamilton, Ontario L8N 2K5
 TEL: 905.521.2271
 FAX: 905.521.2274



ATTACHMENT 2

CITY OF HAMILTON BY-LAW NO.

To Amend Zoning By-law No. 6593 (Hamilton), respecting
lands located at 17 Ewen Road

September 8, 2014

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the "The Corporation of the City of Hamilton and is the successor to the former Regional Municipality, namely, "The Regional Municipality of Hamilton-Wentworth";

AND WHEREAS the City of Hamilton Act, 1999, provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS the Council of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan under the Planning Act, upon approval by the Ontario Municipal Board of the Urban Hamilton Official Plan, as modified;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Sheet No. W-46 of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended by changing the zoning from the "J/S-1552" (Light and Limited Heavy Industry, Etc.) District, Modified, to the "E-3"-H' (High Density Multiple Residential – Holding) District, Modified, on the lands the extent and boundaries of which are shown on the plans hereto annexed as Schedule "A".
2. That the "E-3"-H' (High Density Multiple Residential – Holding) District regulations, as contained in Section 11C of Zoning By-law No. 6593, be modified to include the following special requirements:
 - (a) That notwithstanding Section 11C.(1) of Zoning By-law No. 6593, the following use shall be the only permitted:
 - (i) A "***Student Residence***"
 - (b) For the purposes of this By-law, a "***Student Residence***" shall be defined as:

“Student Residence” means the whole of any multiple dwelling designed for accommodating students and consisting of 3 or more **Dwelling Units**, each providing up to 5 bedrooms for hire or gain directly or indirectly that does not have the exclusive use of both a kitchen and a bathroom. The building may also include common areas.

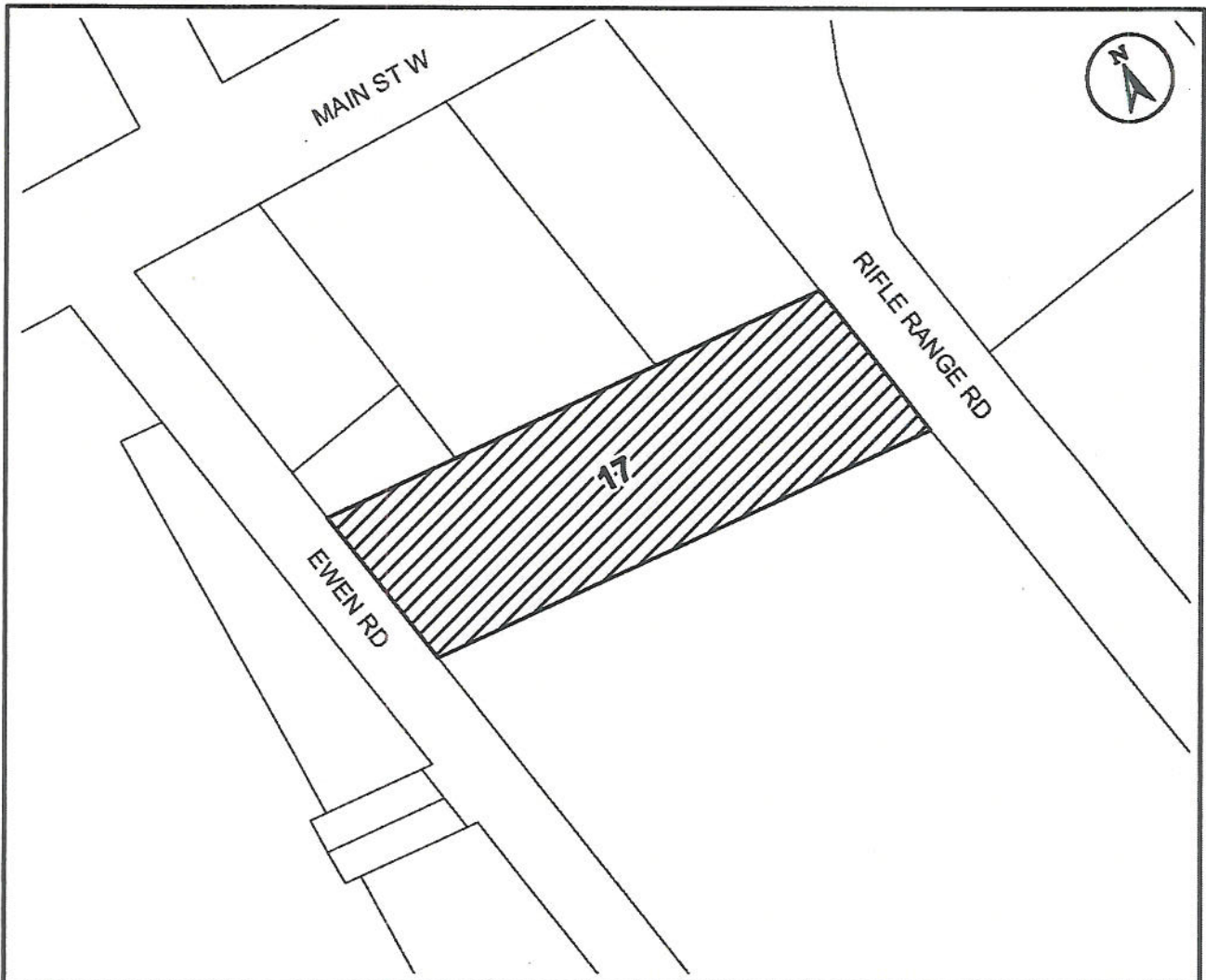
- (c) That notwithstanding Section 11C (1a) of Zoning By-law No. 6593, the height of a building or structure shall not exceed 10-storeys and 35 metres.
- (d) That notwithstanding Section 11C(2) of Zoning By-law No. 6593, the following yards shall be required:
 - 1) A westerly yard (Ewen Road) having a depth of not less than 2.1 metres adjacent to a building height of 21 metres (7 storeys); 5.9 metres adjacent to a building height of 24 metres (8 storeys); and 11.39 metres adjacent to a building height of 35 metres (10 storeys), shall be provided and maintained for all buildings and structures.
 - 2) A northerly yard having a depth of not less than 12 metres shall be provided and maintained for all buildings and structures.
 - 3) A southerly yard having a depth of not less than 3.0 metres shall be provided and maintained for all buildings and structures.
 - 4) An easterly yard (Rifle Range Road) having a depth of not less than 2.1 metres adjacent to a building height of 21 metres (7 storeys); and 13.7 metres adjacent to a building height of 35 metres (10 storeys), shall be provided and maintained for all buildings and structures.
- (e) That notwithstanding Section 11C(4) of Zoning By-law No. 6593, no buildings or structures shall have a total Gross Floor Area of more than 19,000m².
- (f) That notwithstanding Section 11C(5) of Zoning By-law No. 6593, there shall be provided and maintained at least 15% of the area of the lot as landscaped area.
- (g) That notwithstanding Section 18A. (1) of Zoning By-law No. 6593, the minimum parking ratio shall be 1.3 parking spaces per unit inclusive of visitor parking;
- (h) That notwithstanding Section 18A. (1)(c) of Zoning By-law No. 6593, no loading spaces shall be required.
- (h) That notwithstanding Section 18A. (14g) of Zoning By-law No. 6593, required parking shall be permitted in a required front yard.
- (i) That no vehicular access or egress shall be provided to Ewen Road.
- (j) That the maximum density shall be 375 units per hectare.

- (k) That the principal pedestrian entrance shall be from/to Rifle Range Road.
- (l) That no communal outdoor amenity areas and no rooftop amenity area shall be permitted.
- 3. That the 'H' symbol applicable to lands referred to in Section 1 of this By-law shall be removed conditional upon:
 - a. The submission of a signed Record of Site Condition (RSC) to the City of Hamilton and the Ministry of the Environment (MOE). The RSC must be to the satisfaction of the City of Hamilton, Director of Planning, including an acknowledgement of receipt of the RSC by the MOE; and
 - b. That conditional site plan approval has been granted which, among other things, includes noise mitigation to implement MOE Noise Guideline NPC-300.

The 'H' symbol shall be removed by amendment to this By-law, and the development of the lands referred to in Section 1 of this By-law may, at such time, proceed in accordance with the "E-3" District, Modified provisions, subject to the special requirement referred to in Section 2 of this By-law.

- 4. That no building or structure shall be erected, altered, extended or enlarged; nor shall any building or structure or part thereof be used; nor shall any land be used, except in accordance with the "E-3" (High Density Multiple Residential) District provisions, subject to the special requirements referred to in Sections 2 and 3.
- 5. That By-law No. 6593 (Hamilton) is amended by adding this by-law to Section 19B as Schedule S-1609.
- 6. That Sheet No. W-46 of the District Maps is amended by marking the lands referred in Section 1 of this By-law as S-1609.
- 7. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this ____ day of _____, 2014.



This is Schedule "A" to By-Law No. 14-

Passed the day of, 2014

Clerk

Mayor

Schedule "A"

Map Forming Part of
By-Law No. 14-_____

to Amend By-law No. 6593

Subject Property

17 Ewen Road, Hamilton



Change in Zoning from the "J" (Light and Limited Heavy Industrial, etc) District, Modified, to the "E-3"-H' (High Density Multiple Residential Holding) District, Modified.

Scale:
N.T.S.

File Name/Number:
ZAC-07-062

Date:
September 4, 2014

Planner/Technician:
EJVS



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Note: The City of Hamilton is in the process of creating a new comprehensive Zoning By-law for the entire City. The new Zoning By-law is being prepared in phases by Land Use topic. New Rural, Commercial and Residential zoning may be implemented which could be different than the current zoning. Accordingly, additional applications may be required. If a Building Permit has not been issued by the City prior to the new zoning coming into effect, the approved site plan may be affected, related to zoning compliance, which may require further planning approvals (i.e. Minor Variance, Zoning Amendment, etc.).

FEES REQUIRED

City of Hamilton:	Urban Hamilton Official Plan Amendment.....	\$34,945.00
	Zoning By-law Amendment.....	\$36,815.00
	PLUS \$570 per unit (for units 11 to 60).....	\$28,500.00
	MINUS 25% for combined applications.....	\$25,065.00
	TOTAL OPA / Zoning By-law Amendment.....	\$75,195.00
	Site Plan Control (Full).....	\$25,350.00
Conservation Authority Review Fees:	N/A	
Other:	Tariff of Fees	
	\$1,005 per residential unit for first 10 units.....	\$10,050.00
	PLUS \$605 per residential unit for units 11-50....	\$24,200.00
	TOTAL Tariff of Fees.....	\$34,250.00
TOTAL:\$134,795.00	

Notes:

- *Formal Consultation fee may be credited towards a future application*
- *Notwithstanding the fees noted above, all fees are payable based on the rate in the fee schedule by-law in effect on the date the payment is made.*
- *Further fees may be required at a later date as per the fee schedule.*
- *Separate cheques are payable to the City of Hamilton and the applicable Conservation Authority.*
- *A Cost Acknowledgement Agreement for potential costs at the Ontario Municipal Board may also be required.*

DESIGN REVIEW PANEL

The Design Review Panel shall provide urban design advice to Planning Division staff on Planning applications with respect to complex Zoning and Site Plan applications in the following Design Priority Areas:

- (a) Downtown Hamilton Secondary Plan Area;
- (b) Areas of Major Change and Corridors of Gradual Change within the West Harbor Secondary Plan Area;
- (c) Primary Corridors as shown on Schedule E – “Urban Structure” of the Urban Hamilton Official Plan;

- (d) Any other large scale projects that may impact the physical environment functionally and/or aesthetically.

The Director of Planning or his or her designate may waive projects from the review of the Design Review Panel, if the project is not deemed to have the potential to significantly impact the physical environment functionally and/or aesthetically.

Design Review Panel review required? Yes No

REQUIRED INFORMATION AND MATERIALS

All identified reports, studies, and/or plans must be submitted before an application is deemed complete. Unless otherwise noted, 5 copies of each item and an electronic digital file in PDF locked file format must be submitted.

Reports, Studies, Plans	Required	Staff Responsible for providing guidelines or terms of reference
Background Information		
Survey Plan	<input checked="" type="checkbox"/>	Development Planning – Mark Kehler, Ext. 4148 [all applications]
Concept Plan	<input checked="" type="checkbox"/>	Development Planning – Mark Kehler, Ext. 4148 [Official Plan Amendment and Rezoning Stage]
Planning		
Affordable Housing Report/Rental Conversion Assessment	<input type="checkbox"/>	
Draft OPA, and By-laws	<input checked="" type="checkbox"/>	Development Planning – Mark Kehler, Ext. 4148 [Official Plan Amendment and Rezoning Stage]
Land Use/Market Needs Assessment	<input type="checkbox"/>	
Planning Justification Report	<input checked="" type="checkbox"/>	Development Planning – Mark Kehler, Ext. 4148 [Official Plan Amendment and Rezoning Stage]
Site Plan and Building Elevations	<input checked="" type="checkbox"/>	Development Planning – Mark Kehler, Ext. 4148 [Site Plan Control stage]
Urban Design Report	<input type="checkbox"/>	
Cultural		
Archaeological Assessment	<input type="checkbox"/>	
Cultural Heritage Impact Assessment	<input type="checkbox"/>	

Environmental		
Aggregate Resource Assessment	<input type="checkbox"/>	
Aggregate/Mineral Resource Analysis	<input type="checkbox"/>	
Air Quality Study	<input type="checkbox"/>	
Channel Design and Geofluvial Assessment	<input type="checkbox"/>	
Chloride Impact Study	<input type="checkbox"/>	
Cut and Fill Analysis	<input type="checkbox"/>	
Demarcation of top of bank, limit of wetland, limit of natural hazard, limit of Environmentally Significant Area (ESA), or limit of Conservation Authority regulated area	<input type="checkbox"/>	
Environmental Impact Statement (EIS)	<input type="checkbox"/>	
Erosion Hazard Assessment	<input type="checkbox"/>	
Fish Habitat Assessment	<input type="checkbox"/>	
Floodline Delineation Study/Hydraulic Analysis	<input type="checkbox"/>	
General Vegetation Inventory (GVI)	<input type="checkbox"/>	
Impact Assessment for new Private Waste Disposal Sites	<input type="checkbox"/>	
Karst Assessment/Karst Contingency Plan	<input type="checkbox"/>	
Landscape Plan	<input checked="" type="checkbox"/>	Development Planning – Ana Cruceru, Ext. 5707 [as a condition of Site Plan approval]
Linkage Assessment	<input type="checkbox"/>	
Meander Belt Assessment	<input type="checkbox"/>	
Nutrient Management Study	<input type="checkbox"/>	
Odour, Dust and Light Assessment	<input type="checkbox"/>	
Restoration Plan	<input type="checkbox"/>	
Shoreline Assessment Study/Coastal Engineers Study	<input type="checkbox"/>	
Slope Stability Study and Report	<input type="checkbox"/>	
Species Habitat Assessment	<input type="checkbox"/>	
Tree Management Plan/Study	<input checked="" type="checkbox"/>	Urban Forestry – Sam Brush, Ext. 7375 [Official Plan Amendment and Rezoning stage]
Tree Protection Plan (TPP)	<input type="checkbox"/>	
Environmental/Servicing and Infrastructure		
Contaminant Management Plan	<input type="checkbox"/>	
Record of Site Condition (RSC)	<input type="checkbox"/>	
Erosion and Sediment Control Plan	<input checked="" type="checkbox"/>	Development Engineering – Aaron Inrig, Ext. 4196 [as a condition of Site Plan approval]
Hydrogeological Study	<input checked="" type="checkbox"/>	Development Engineering – Aaron Inrig, Ext. 4196

		[as a condition of Site Plan approval]
Grading Plan	<input checked="" type="checkbox"/>	Development Engineering – Aaron Inrig, Ext. 4196 [as a condition of Site Plan approval]
Master Drainage Plan	<input type="checkbox"/>	
Stormwater Management Report/Plan and/or update to an existing Stormwater Management Plan	<input type="checkbox"/>	
Soils/Geotechnical Study	<input checked="" type="checkbox"/>	Development Engineering – Aaron Inrig, Ext. 4196 [as a condition of Site Plan approval]
Sub-watershed Plan and/or update to an existing Sub-watershed Plan	<input type="checkbox"/>	
Financial		
Financial Impact Analysis	<input type="checkbox"/>	
Market Impact Study	<input type="checkbox"/>	
Servicing and Infrastructure		
Recreation Feasibility Study	<input type="checkbox"/>	
Recreation Needs Assessment	<input type="checkbox"/>	
School Accommodation Issues Assessment	<input type="checkbox"/>	
School and City Recreation Facility and Outdoor Recreation/Parks Issues Assessment	<input type="checkbox"/>	
Functional Servicing Report	<input checked="" type="checkbox"/>	Development Engineering – Aaron Inrig, Ext. 4196 [Official Plan Amendment and Rezoning Stage]
Servicing Options Report	<input type="checkbox"/>	
Water and Wastewater Servicing Study	<input checked="" type="checkbox"/>	Development Engineering – Aaron Inrig, Ext. 4196 [as a condition of Site Plan approval]
Land Use Compatibility		
Agricultural Impact Assessment	<input type="checkbox"/>	
Dust Impact Analysis	<input type="checkbox"/>	
Land Use Compatibility Study	<input type="checkbox"/>	
Landfill Impact Study	<input type="checkbox"/>	
Minimum Distance Separation Calculation	<input type="checkbox"/>	
Noise Impact Study	<input checked="" type="checkbox"/>	Development Planning – Mark Kehler, Ext. 4148 [Official Plan Amendment and Rezoning Stage]
Odour Impact Assessment	<input type="checkbox"/>	
Sun/Shadow Study	<input type="checkbox"/>	
Vibration Study	<input type="checkbox"/>	
Wind Study	<input type="checkbox"/>	

Transportation		
Cycling Route Analysis	<input type="checkbox"/>	
Transportation Impact Study	<input checked="" type="checkbox"/>	Transportation Planning – Transportation.Planning@hamilton.ca [Official Plan Amendment and Rezoning Stage]
Parking Analysis/Study	<input checked="" type="checkbox"/>	Development Planning – Mark Kehler, Ext. 4148 [Official Plan Amendment and Rezoning Stage]
Pedestrian Route and Sidewalk Analysis	<input type="checkbox"/>	
Roadway/Development Safety Audit	<input type="checkbox"/>	
Modern Roundabout and Neighbourhood Roundabout Analysis	<input type="checkbox"/>	
Neighbourhood Traffic Calming Options Report	<input type="checkbox"/>	
Transit Assessment	<input type="checkbox"/>	
Transportation Demand Management Options Report	<input type="checkbox"/>	
Cost Recoveries		
Cost Acknowledgement Agreement	<input checked="" type="checkbox"/>	Development Planning – Mark Kehler, Ext. 4148 [all applications]
DRP Submission Requirements	<input type="checkbox"/>	
Public Consultation Strategy	<input checked="" type="checkbox"/>	Development Planning – Mark Kehler, Ext. 4148 [Official Plan Amendment and Rezoning Stage]
Other:		
Watermain Hydraulic Analysis	<input checked="" type="checkbox"/>	Development Engineering – Aaron Inrig, Ext. 4196 [as a condition of Site Plan approval]
Site Servicing Plan	<input checked="" type="checkbox"/>	Development Engineering – Aaron Inrig, Ext. 4196 [as a condition of Site Plan approval]
Storm Drainage Area Plan	<input checked="" type="checkbox"/>	Development Engineering – Aaron Inrig, Ext. 4196 [as a condition of Site Plan approval]
Comprehensive Construction Management Plan	<input checked="" type="checkbox"/>	Development Engineering – Aaron Inrig, Ext. 4196 [as a condition of Site Plan approval]
Shoring Agreement	<input checked="" type="checkbox"/>	Development Engineering – Aaron Inrig, Ext. 4196 [as a condition of Site Plan approval]

Vibration Study	☒	Development Engineering – Aaron Inrig, Ext. 4196 [as a condition of Site Plan approval]
Ground Settlement Report	☒	Development Engineering – Aaron Inrig, Ext. 4196 [as a condition of Site Plan approval]
External Works Agreement	☒	Development Engineering – Aaron Inrig, Ext. 4196 [as a condition of Site Plan approval]

ADDITIONAL INFORMATION

Additional Agencies to be contacted: N/A

Comments:

The maximum residential density in Site Specific Policy – Area D is 375 units per gross hectare, whereas a density of 837 units per hectare is proposed. Therefore, an Urban Hamilton Official Plan Amendment is required.

The applicant is proposing to rezone the property to a further modified “E-3” (High Density Multiple Dwellings) District zoning approved by the Ontario Municipal Board in April 2015 which has yet to be implemented through a Board Order. Therefore, a Zoning By-law Amendment application is required.

Site Specific Policy – Area D includes policies related to the existing manufacturing use at 45 Ewen Road, including:

- That the development not contain any outdoor amenity areas as defined by MOECP Guideline NPC-300;
- That any multiple dwelling shall be designed as student accommodation; and,
- That the development shall be compatible with and not create a negative effect on the industrial uses at 45 Ewen Rd.

PLEASE BE ADVISED OF THE FOLLOWING:

1. *The purpose of this document is to identify the information required to commence processing a complete application as set out in the Planning Act. Formal Consultation does not imply or suggest any decision whatsoever on behalf of City staff or the City of Hamilton to either support or refuse the application.*
2. *This document expires 1 year from the date of signing or at the discretion of the Director of Planning.*

3. *In the event this Formal Consultation Document expires prior to the application being accepted by the City, another document may be required.*

4. *If an application is submitted without the information and materials identified in this Formal Consultation Document the City may deem such an application incomplete and refuse to accept the application.*

5. *In accordance with the Planning Act, it is the policy of the City of Hamilton to provide public access to all Planning Act applications and supporting documentation submitted to the City. Therefore, the information contained in an application and any documentation, including reports, studies and drawings, provided in support of an application, by the owner, or the owner’s agents, consultants and solicitors, constitutes public information and will become part of the public record. With the filing of an application, the applicant consents to the City of Hamilton making the application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.*

6. *It may be determined during the review of the application that additional studies or information will be required as a result of issues arising during the processing of the application.*

7. *The above requirements for deeming an application complete are separate and independent of any review under the Ontario Building Code (OBC) as part of the Building Permit review process. In the event that a building permit application does not comply with the OBC, a letter outlining the deficiencies or areas of non-compliance will be issued to the owner and/or agent. Formal consultation and building permit review are separate and independent processes.*

SIGNATURES

Planning Staff	Planning Staff Signature	Date
Mark Kehler	<i>Mark Kehler</i>	February 23, 2022
Planning Staff	Planning Staff Signature	Date
Engineering Staff	Engineering Staff Signature	Date
Owner	Owner Signature	Date

Applicant (I have the authority
to bind the Owner)

Applicant Signature

Date

Agent (I have the authority
to bind the Owner)

Agent Signature

Date

Other Staff or Agency

Signature

Date

Other Staff or Agency

Signature

Date

Other Staff or Agency

Signature

Date

DRAFT

Urban Hamilton Official Plan

Amendment No. [REDACTED]

The following text constitutes Official Plan Amendment No. [REDACTED] to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to modify Site-Specific Policy Area D for the lands located at 17 Ewen Road, to permit a 10-storey student residence with a maximum density of 359 units (545 bedrooms).

2.0 Location:

The lands affected by this Amendment are known municipally as 17 Ewen Road, within the former City of Hamilton.

3.0 Basis:

The basis for permitting this Amendment is :

- The requested density increase is consistent with the Provincial Policy Statement 2020 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020;
- The proposed development conforms to the Urban Hamilton Official Plan with the exception of the maximum density; and
- The proposed development will serve the Ainslie Wood Westdale community by providing new purpose-built student housing that will add housing choice to students in proximity to McMaster University as well as active transportation infrastructure, public transit networks, and commercial amenities, health services, and public service infrastructure.

4.0 Actual Changes:

4.1 Text Changes

Urban Hamilton Official Plan Volume 2, Chapter B, Specific Policy – Area D, Policy B.6.2.17.4 b) is deleted and replaced with the following:

- b) a student residence with a maximum of 359 units (545 bedrooms) shall be permitted;

5.0 Implementation:

An implementing Zoning By-law Amendment and Site Plan will give effect to the intended use on the subject lands.


This Official Plan Amendment is Schedule “1” to By-law No. _____ passed on the ___ day of _____, 2023.

**The
City of Hamilton**

MAYOR

CITY CLERK

Appendix A
Amendment No. ____
to the Urban Hamilton Official Plan

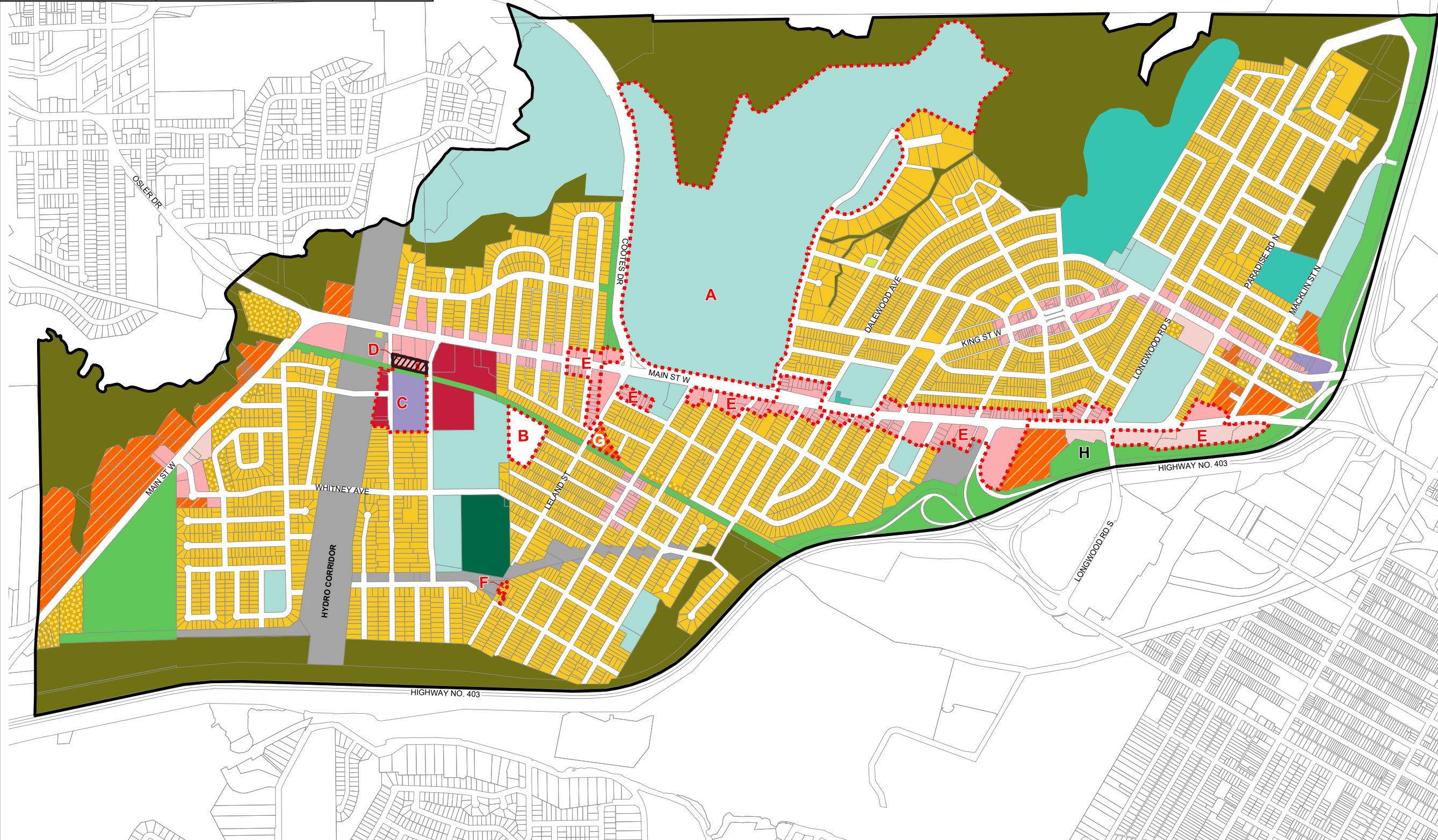
 Lands to be redesignated from "Mixed Use – Medium Density" to "Mixed use – Medium density" Site Specific Policy Area ____.

(17 Ewen Road)

Date:
April 8, 2022




Revised By:
GSP

Reference File No:







Legend






Residential Designations

-  Low Density Residential 2
-  Low Density Residential 3c
-  High Density Residential 1




Commercial and Mixed Use Designations

-  Local Commercial
-  Mixed Use - Medium Density
-  Mixed Use - Medium Density - Pedestrian Focus
-  District Commercial



Parks and Open Space Designations

-  Parkette
-  Neighbourhood Park
-  Community Park
-  General Open Space
-  Natural Open Space

Other Designations

-  Institutional
-  Employment Area - Industrial Lands
-  Utility

Other Features

-  Area or Site Specific Policy
-  Secondary Plan Boundary

Council Adopted: July 9, 2009
Ministerial Approval: March 16, 2011
Effective Date: August 16, 2013

Urban Hamilton Official Plan
Ainslie Wood Westdale
Secondary Plan
Land Use Plan
Map B.6.2-1



**PROPOSED DRAFT
CITY OF HAMILTON
BY-LAW NO.**

**To Amend Zoning By-law No. 6593 (Hamilton), respecting
lands located at 17 Ewen Road**

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality “City of Hamilton”;

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the “The Corporation of the City of Hamilton and is the successor to the former Regional Municipality, namely, “The Regional Municipality of Hamilton-Wentworth”;

AND WHEREAS the City of Hamilton Act, 1999, provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS the Council of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan under the Planning Act, upon approval by the Ontario Municipal Board of the Urban Hamilton Official Plan, as modified;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Sheet No. W-46 of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended by changing the zoning from the “J/S-1552” (Light and Limited Heavy Industry, Etc.) District, Modified, to the “E-3” High Density Multiple Residential) District, Modified, on the lands the extent and boundaries of which are shown on the plans hereto annexed as Schedule “A”.
2. That the “E-3” (High Density Multiple Residential) District regulations, as contained in Section 11C of Zoning By-law No. 6593, be modified to include the following special requirements:
 - (n) That notwithstanding Section 11C.(1) of Zoning By-law No. 6593, the following use shall be the only permitted:
 - (i) A “**Student Residence**”
 - (o) For the purposes of this By-law, a “Student Residence” shall be defined as:
“**Student Residence**” means the whole of any multiple dwelling designed for accommodating students and consisting of **3 or more Dwelling Units**, each providing up to 5 bedrooms for hire or gain directly or indirectly that does not

have the exclusive use of both a kitchen and a bathroom with the exception of bachelor and one-bedroom units for which exclusive use of both a kitchen and bathroom shall be permitted. The building may also include common areas.”

- (p) That notwithstanding Section 11C (1a) of Zoning By-law No. 6593, the height of a building or structure shall not exceed 10-storeys and 35 metres.
- (q) That notwithstanding Section 11C(2) of Zoning By-law No. 6593, the following yards shall be required:
 - 5) A westerly yard (Ewen Road) having a depth of not less than 2.1 metres adjacent to a building height of 22.22.3 metres (7 storeys); 5.9 metres adjacent to a building height of 24 metres (8 storeys); and 11.39 metres adjacent to a building height of 35 metres (10 storeys), shall be provided and maintained for all buildings and structures.
 - 6) A northerly yard having a depth of not less than 12 metres shall be provided and maintained for all buildings and structures.
 - 7) A southerly yard having a depth of not less than 3.0 metres shall be provided and maintained for all buildings and structures.
 - 8) An easterly yard (Rifle Range Road) having a depth of not less than 2.1 metres adjacent to a building height of 24.22.3 metres (7 storeys); and 13.7 metres adjacent to a building height of 35 metres (10 storeys), shall be provided and maintained for all buildings and structures.
- (r) That notwithstanding Section 11C(4) of Zoning By-law No. 6593, no buildings or structures shall have a total Gross Floor Area of more than 19,000m² plus 4,234m² below grade parking structure totaling 23,234m².
- (s) That notwithstanding Section 11C(5) of Zoning By-law No. 6593, there shall be provided and maintained at least 15% of the area of the lot as landscaped area.
- (t) That notwithstanding Section 18A. (1) of Zoning By-law No. 6593, the minimum parking ratio shall be 0.25 parking spaces per bedroom inclusive of visitor parking;
- (u) That notwithstanding Section 18A. (1)(c) of Zoning By-law No. 6593, no loading spaces shall be required.
- (v) That notwithstanding Section 18A. (14g) of Zoning By-law No. 6593, required parking shall be permitted in a required front yard.
- (w) That no vehicular access or egress shall be provided to Ewen Road.
- (x) That the maximum density shall be 359 units including a maximum of 545 bedrooms.
- (y) That the principal pedestrian entrance shall be from/to Rifle Range Road.
- (z) That no communal outdoor amenity areas and no rooftop amenity area shall be permitted.

3. That the 'H' symbol applicable to lands referred to in Section 1 of this By-law shall be removed conditional upon:

- a. The submission of a signed Record of Site Condition (RSC) to the City of Hamilton and the Ministry of the Environment (MOE). The RSC must be to the

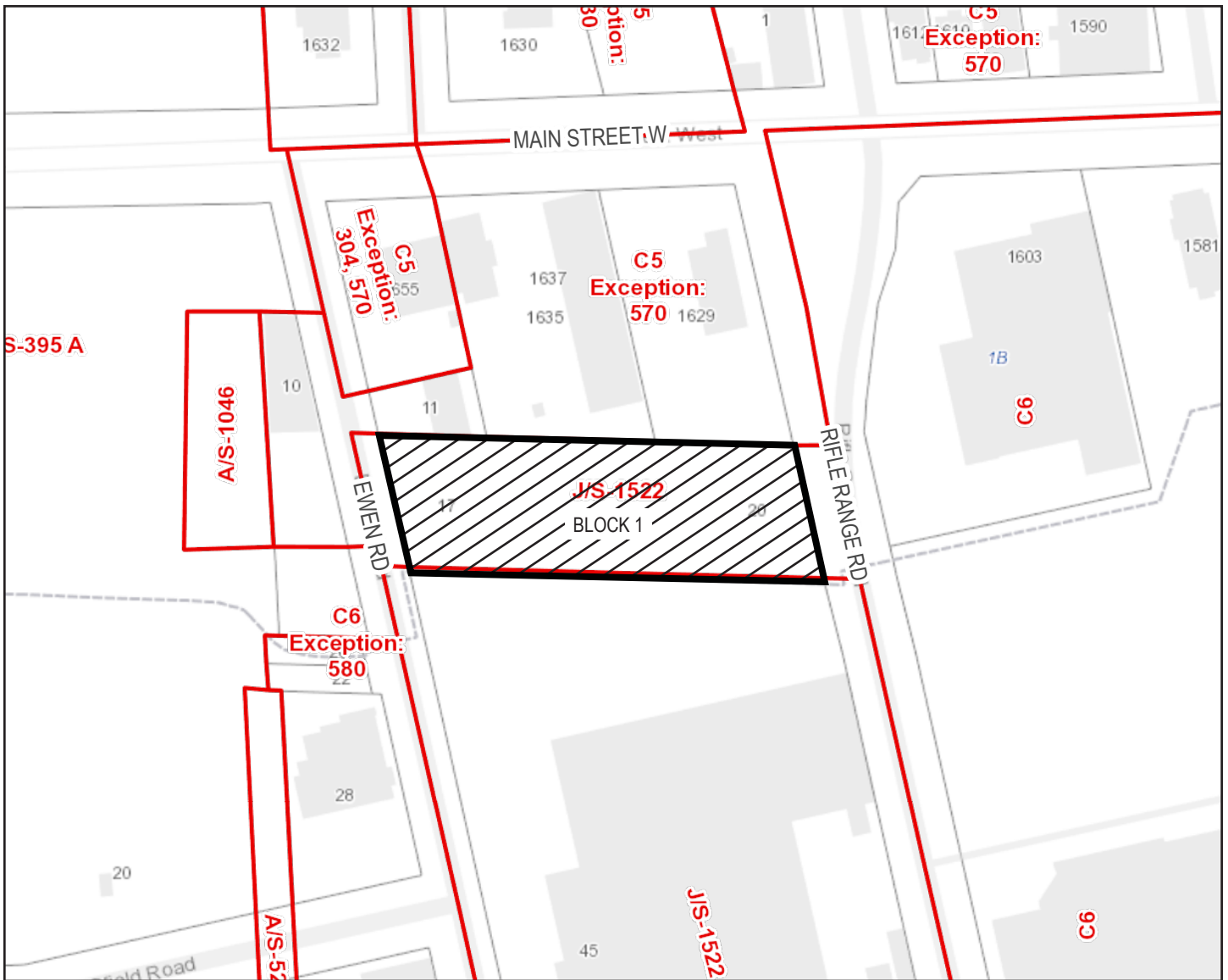
satisfaction of the City of Hamilton, Director of Planning, including an acknowledgement of receipt of the RSC by the MOE; and

~~b. That conditional site plan approval has been granted which, among other things, includes noise mitigation to implement MOE Noise Guideline NPC-300.~~

~~The 'H' symbol shall be removed by amendment to this By-law, and the development of the lands referred to in Section 1 of this By-law may, at such time, proceed in accordance with the "E-3" District, Modified provisions, subject to the special requirement referred to in Section 2 of this By-law.~~

4. That no building or structure shall be erected, altered, extended or enlarged; nor shall any building or structure or part thereof be used; nor shall any land be used, except in accordance with the "E-3" (High Density Multiple Residential) District provisions, subject to the special requirements referred to in Sections 2 and 3.
5. That By-law No. 6593 (Hamilton) is amended by adding this by-law to Section 19B as Schedule S-169.
6. That Sheet No. W-46 of the District Maps is amended by marking the lands referred in Section 1 of this By-law as S-1609.
7. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this ____ day of _____, 2023.



This is Schedule "A" to By-Law No. 22-

Passed the ____ day of _____ 2022

Mayor

Clerk

Schedule "A"

Map Forming Part of
By-law No. 22-____

to Amend By-law No. 05-200

Subject Properties

1629 - 1655 Main Street West



BLOCK 1: Lands to be rezoned from
"Light And Limited Heavy Industry"
(J/S-1522) to the "Mixed use Medium
Density" (C5, ____) Zone

Scale:
N.T.S

File Name/Number:
-____

Date:
April 8, 2022

Prepared By:
GSP Group