



December 12, 2022

371-20

**Via Email**

Mr. Mark Michniak,  
Planner I, Development Planning, Heritage and Design

City of Hamilton,  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, ON L8P 4Y5

Dear Mr. Michniak:

**RE: 570 Upper Ottawa Street, Hamilton  
Official Plan & Zoning By-law Amendment Resubmission (UHOPA-22-019 / ZAC-22-045)**

As you know, UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions), is the authorized planning consultant for 2650494 Ontario Inc. (Owner) and is pleased to provide the following Official Plan & Zoning By-law Amendment resubmission application for the lands known municipally as 559 Garner Road East, in the City of Hamilton, on their behalf.

An Official Plan & Zoning By-law Amendment was previously submitted for the initial iteration of the proposed concept on June 22, 2022 (UHOPA-22-019 / ZAC-22-045). City of Hamilton staff reviewed the Concept Plan and provided comments to be addressed in August of 2022. Since that submission, the proposed development has been revised and altered to address comments provided by the various City departments as well as public comments. The revised and enclosed development concept now provides:

- Reduction in Townhouse units height from 3-storeys to 2-storeys
  - Reduction in Townhouse height now ensures site complies with angular plane policies
- Overall unit count reduced from 470 dwelling units to 428 dwelling units
  - Reduction in unit count alters proposed density from 325 units per hectare to 289 units per hectare
- Townhouse dwellings changed from back-to-back townhouses to standard townhouses
- Increase in landscape area in rear yards of proposed townhouse dwellings
- Introduction of decorative paving for internal sidewalks and proposed fire/garbage truck turnaround area
- Small reduction in proposed commercial floor area from 2,070 sq.m. to 2,030 sq.m.
- Addition of 5 parking spaces
- Increased landscape buffer along north and west property lines from 1.3 metres to 1.5 metres
- Introduction of landscape buffer plantings along north and west property lines
- Introduction of bicycle racks in front of Upper Ottawa Street entrance

The updated Site Plan has been included in the resubmission package for review. Further, the draft Zoning By-law Amendment has been adjusted to reflect the minor changes to the proposed development concept and to address the Zoning comments received on the previous submission.

The Development Planning comments provided requested the proposed amendments to the Zoning By-law be further evaluated. In addition to the analysis provided within the Planning Justification Report, an analysis of the proposed site specific provisions has been provided below accordingly:

### **Setbacks**

The proposed setbacks contained in the amending By-law are established to secure appropriate transition in heights by tying required yard setbacks to specific building heights. These setbacks secure a built form which has regard for the surrounding context and comply with angular plane design to ensure compatibility with those neighboring low-rise land uses to the north and west of the site. The proposed setbacks maintain a massing which does not present adverse shadow impacts to any abutting properties and is in keeping with the surrounding area. Adequate surface area for stormwater management and landscape buffering is also secured through the proposed setbacks. Accordingly, the intent of the Zoning By-law provisions related to setbacks are still achieved through the proposed site-specific regulations.

### **Building & Façade Height**

The amending By-law seeks to permit a maximum building height of 12-storeys/39.0 metres, whereas the maximum permitted building height within the C5 Zone is 22.0 metres. This provision is necessary to facilitate the proposed built form and represents an acceptable departure from the parent Zoning By-law regulations. While the proposed building height exceeds that which is permitted within the C5 Zone, implementation of step backs, setbacks and the location of the multiple dwelling at the corner of Upper Ottawa Street and Fennell Avenue East ensure there is adequate transition to surrounding properties. Further, the proposed structures on site ensure angular plane requirements are met on those property lines which abut low-rise residential dwellings. The previously submitted Sun/Shadow Study also demonstrated compliance with the City's shadow impact policies as all abutting parcels and public spaces maintained continuous sunlight for 5-hours. As such, the increase in permitted height is appropriately mitigated and compatible with the surrounding community. In addition to the increase in maximum building height, the amending By-law previously sought to reduce the minimum permitted façade height for any portion of a building along a street line from 7.5 metres to 7.0 metres. This reduction is no longer necessary to facilitate the proposed multiple dwelling podium height fronting on Upper Ottawa Street and Fennell Avenue East as it has been increased to 7.75 metres to comply with the regulation. Ultimately, the intent of the applicable zoning provisions are met by the proposal as the streetscape is well framed by the proposed multiple dwelling and maintains a pronounced podium design.

### **Omitted Site Specific Regulations**

The previous iteration of the concept plan required the Zoning By-law Amendment to provide relief to minimum planting strip width and minimum amenity area. As a result of the increased landscape buffer along the northern and western property lines, these provisions of the By-law are satisfied and no longer require revision to accommodate the development proposal.

The Development Planning comments obtained from the City also requested an indication of how community concerns that were raised during the Neighbourhood Information meeting hosted by the

Ward Councillor were addressed. Accordingly, a Neighbourhood Information Meeting Comment Response Letter has been prepared by UrbanSolutions and included in the resubmission package.

In support of the Official Plan Amendment and Zoning By-law Amendment resubmission, please find enclosed the following:

- One (1) copy of the Airport Zoning Regulation Plan prepared by A.T. McLaren Limited;
- One (1) copy of the Crane Logistics Drawing Elevation prepared by Oxford Builders Supplies;
- One (1) copy of the Concept Plan prepared by KNYMH Architects;
- One (1) copy of the Architectural Drawing Set inclusive of Sun/Shadow Study prepared by KNYMH Architects;
- One (1) copy of the Master Comment Response Tracking Chart prepared by UrbanSolutions;
- One (1) copy of the Neighbourhood Information Meeting Comment Response Letter prepared by UrbanSolutions;
- One (1) copy of the draft Zoning By-law prepared by UrbanSolutions;
- One (1) copy of the updated Landscape Plan prepared by OMC Landscape;
- One (1) copy of the updated Tree Protection Plan prepared by OMC Landscape;
- One (1) copy of the updated Functional Servicing Report prepared by Odan Detech Group Inc.;
- One (1) copy of the updated Grading & Servicing Plan prepared by Odan Detech Group Inc.; and,
- One (1) copy of the Comment Response Letter prepared by Odan Detach Group Inc.

We look forward to working with you and your staff in the review of this application. Should you have any questions or require anything further, please do not hesitate to contact the undersigned.

Kind Regards,  
**UrbanSolutions**



Matt Johnston, MCIP, RPP  
*Principal*



Scott Beedie, MCIP, RPP  
*Planner*

cc: 2650494 Ontario Inc.  
Councillor Tom Jackson, Ward 6, City of Hamilton (cover letter and concept only)