



**CITY OF HAMILTON**

**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b> Chair and Members Planning Committee	<b>WARD(S) AFFECTED:</b> WARD 4
<b>COMMITTEE DATE:</b> March 20, 2012	
<b>SUBJECT/REPORT NO:</b> Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 360 Beach Road (Hamilton) (PED12029) (Ward 4)	
<b>SUBMITTED BY:</b> Tim McCabe General Manager Planning and Economic Development Department	<b>PREPARED BY:</b> Greg Macdonald (905) 546-2424, Ext. 4283
<b>SIGNATURE:</b>	

**RECOMMENDATION:**

- (a) That approval be given to **Official Plan Amendment Application OPA-11-010, by Franz Wu, Owner**, for Amendment No. [REDACTED], for a change in designation on Schedule “A” of the Hamilton Official Plan from “Major Institutional” to “Commercial”, and to establish Special Policy Area [REDACTED], in order to permit the conversion of the existing school building for commercial uses, on the lands located at 360 Beach Road (Hamilton), as shown on Appendix “A” to Report PED12029, on the following basis:
  - (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED12029, be adopted by City Council.
  - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement and conforms to the Hamilton-Wentworth Official Plan.

**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 360 Beach Road (Hamilton) (PED12029) (Ward 4) - Page 2 of 17**

---

- (b) That approval be given to Urban Hamilton Official Plan Amendment No. [REDACTED] to amend Map 2 of Volume 3 (Urban Site-Specific Key Map) to establish a new Urban Site-Specific Area # UHN-[REDACTED], and to add the text to permit the conversion of the existing school building for commercial uses, attached as Appendix “C” to Report PED12029, to be held in abeyance until a final decision has been made regarding the Urban Hamilton Official Plan, for lands located at 360 Beach Road (Hamilton).
- (c) That approval be given to **Zoning Application ZAC-11-053, by Franz Wu, Owner**, for changes in zoning to Hamilton Zoning By-law No. 6593 from the “D” (Urban Protected Residential - One and Two Family Dwellings) District (Block 1) and the “H” (Community Shopping and Commercial, Etc.) District (Block 2) to the “H/S-1621” (Community Shopping and Commercial, Etc.) District, with a Special Exception, in order to permit the former school to be converted for commercial uses, as shown on Appendix “A” to Report PED12029, on the following basis:
- (i) That the draft By-law, attached as Appendix “D” to Report PED12029, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
- (ii) That the changes in zoning conform to the Hamilton-Wentworth Official Plan, and will conform to the Hamilton Official Plan upon finalization of Official Plan Amendment No. [REDACTED].
- (d) That upon finalization of the implementing By-law, the subject lands within the Industrial Sector E Neighbourhood Plan be redesignated from “Civic and Institutional” to “Commercial”.

**EXECUTIVE SUMMARY**

The purpose of this application is to amend the Hamilton Official Plan and Zoning By-law in order to permit the conversion of the former Lloyd George Elementary School for commercial uses (see concept plan at Appendix “E”).

The proposal has merit and can be supported as the application is consistent with the Provincial Policy Statement and conforms to the Hamilton-Wentworth Official Plan. The proposed development would allow for the adaptive reuse of a listed historical property, is considered to be compatible and consistent with existing mixed commercial, residential, and employment uses in the immediate area, and provides consistent zoning on a property that is already partially zoned for commercial uses along Beach Road.

*Alternatives for Consideration - See Page 16.*

**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 360 Beach Road (Hamilton) (PED12029) (Ward 4) - Page 3 of 17**

---

**FINANCIAL / STAFFING / LEGAL IMPLICATIONS**

**Financial:** N/A.

**Staffing:** N/A.

**Legal:** As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for an Official Plan Amendment and Zoning By-law Amendment.

**HISTORICAL BACKGROUND**

**Proposal**

The applicant has applied to redesignate the lands on Schedule “A” of the Hamilton Official Plan from “Major Institutional” to “Commercial” in order to permit the adaptive reuse of the former Lloyd George Elementary School to permit commercial uses. Changes in zoning from the “D” (Urban Protected Residential - One and Two Family Dwellings) District (Block 1) and the “H” (Community Shopping and Commercial, Etc.) District (Block 2) to the “H/S-1621” (Community Shopping and Commercial, Etc.) District, Modified, are required to implement the proposal (see Appendix “A”). A number of site-specific provisions are proposed to eliminate certain commercial uses that would not be compatible with the surrounding residential land uses. Other site-specific provisions are needed in order to recognize the existing setbacks of the former school; restrict the commercial uses to within the existing building only; legalize a small, existing parking area; and permit parking space sizes in accordance with Zoning By-law No. 05-200.

**Chronology:**

June 1, 2011: Development Review Committee meeting for Formal Consultation Application FC-11-049 to permit the existing vacant school to be converted to commercial uses.

September 7, 2011: Applications OPA-11-010 and ZAC-11-053 are deemed complete.

September 22, 2011: Circulation of Notice of Complete Application for Applications OPA-11-010 and ZAC-11-053 to all property owners and residents within 120 metres of the subject lands.

October 3, 2011: Public Notice sign posted on the property.

**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 360 Beach Road (Hamilton) (PED12029) (Ward 4) - Page 4 of 17**

---

March 2, 2012: Circulation of Notice of Public Meeting to all residents within 120 metres of the subject lands.

**Details of Submitted Applications:**

**Location:** 360 Beach Road (Hamilton)  
**Owner/Applicant:** Franz Wu  
**Agent:** IBI Group

**Property Description:** **Area:** 0.7 hectares  
**Frontage:** 64 metres (on Beach Road)  
**Depth:** 125 metres (along east property line)

**Servicing:** Full Municipal Services

**EXISTING LAND USE AND ZONING:**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b><u>Subject Lands:</u></b>	Former Lloyd George Elementary School	“H” (Community Shopping and Commercial, Etc.) District and “D” (Urban Protected Residential - One and Two Family Dwellings) District

**Surrounding Lands:**

<b>North</b>	Industrial	Light Industrial (M6, 350, 418) Zone
<b>South</b>	Single Detached Dwellings	“D” (Urban Protected Residential - One and Two Family Dwellings) District
<b>East</b>	Commercial (along Beach Road) and Single Detached Dwellings	“H” (Community Shopping and Commercial, Etc.) District and “D” (Urban Protected Residential - One and Two Family Dwellings) District
<b>West</b>	Commercial (along Beach Road) and Single Detached Dwellings	“H” (Community Shopping and Commercial, Etc.) District and “D” (Urban Protected Residential - One and Two Family Dwellings) District

**POLICY IMPLICATIONS**

**Provincial Policy Statement:**

The application has been reviewed with respect to the Provincial Policy Statement (PPS). The application is consistent with Policy 1.1.3.1, which focuses growth in Settlement Areas. It also implements Policies 1.1.3.2 and 1.4.3 with respect to promotion of densities, which efficiently use land and resources and provide a range of housing types.

However, Policy 1.7.1(e) outlines that long term economic prosperity will be supported by planning so that major facilities (such as airports, transportation corridors, sewage treatment facilities, waste management systems, industries, and aggregate activities) and sensitive land uses are appropriately designed, buffered, and separated from each other to prevent adverse effects from odour, noise and other contaminants, and to minimize risk to public health and safety. The subject lands are intended to be redeveloped for commercial purposes, including a parking and loading area, and are located adjacent to existing residential uses. A more detailed review of any necessary loading spaces will occur at the Site Plan Control stage to determine appropriate buffering or if a Noise Study is required, should a stationary noise source be adjacent to sensitive adjacent residential land uses.

Finally, Policy 2.6.1 states that significant built heritage resources and significant cultural heritage landscapes shall be conserved. In addition, Policy 2.6.3 states that development and site alteration may be permitted on adjacent lands to protect heritage property where the proposed development and site alteration has been evaluated, and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved. The subject lands contain a building identified as being of architectural and/or historical interest (former Lloyd George Elementary School), and is listed within Hamilton's Heritage Volume II. The proposal is for the adaptive reuse of the former elementary school, and special zoning provisions and Official Plan policies are proposed in order to facilitate the retention of the school building, which would satisfy Policies 2.6.1 and 2.6.3.

**Hamilton-Wentworth Official Plan:**

The subject property is designated "Urban Area" in the Hamilton-Wentworth Official Plan. Policy C-3.1 outlines that a wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas.

**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 360 Beach Road (Hamilton) (PED12029) (Ward 4) - Page 6 of 17**

---

However, Policy B-9.2 states that the City shall consider the protection and preservation of regionally significant historical and cultural resources in the review of proposals for development and redevelopment. Where possible, these attributes will be incorporated into the overall design in a manner which minimizes adverse impacts and encourages maintenance and protection. The subject lands contain a building identified as being of architectural and/or historical interest and are identified within Hamilton's Heritage Volume II (former Lloyd George Elementary School). The proposal is for the adaptive reuse of the former elementary school, and special zoning provisions and Official Plan policies are proposed in order to facilitate the retention of the school building, which would satisfy Policy B-9.2.

**Hamilton Official Plan:**

The subject lands are designated "Major Institutional" on Schedule "A" - Land Use Plan of the Hamilton Official Plan. This designation was put in place to reflect the previous use of the property as an elementary school. As the use of the property for the Lloyd George Elementary School has ceased, and the property is not proposed for another institutional land use, it would be prudent to redesignate the lands to another land use designation. The applicant is proposing to redesignate the property to "Commercial" in order to reflect both the existing commercial zoning on the front portion of the property and because adjacent properties on Beach Road are zoned and used for commercial uses. An adaptive reuse of the school building for residential uses could be difficult due to the close proximity to existing industrial uses on the opposite sides of Beach Road. Infill residential development may be possible at the rear of the subject lands, but this would eliminate any potential parking for the adaptive reuse of the school which, as noted above, is desirable to be retained due to its historical and/or architectural significance. Therefore, a redesignation to "Commercial" is the most viable option in order to retain the school building. The following policies, among others, are applicable to the subject lands:

- "A.2.2.1      The primary uses permitted in the areas exceeding 0.4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities.
  
- A.2.2.14      The EXTENDED COMMERCIAL category applies to existing stretches of individually managed Commercial establishments located along Arterial Roads, serving both pedestrian and automobile borne trade. It consists of:

- i) "Ribbon" Commercial uses on smaller lots serving predominantly residents and pedestrians in the vicinity, with some specialized Commercial uses attracting automobile borne traffic from beyond the local area.
- A.2.2.15 Council recognizes EXTENDED COMMERCIAL areas as viable forms of Commercial development that satisfy the needs of certain businesses for visibility and accessibility.
- A.2.2.19 Development within EXTENDED COMMERCIAL areas will be through infilling and redevelopment in order to consolidate the viability of these areas and to restrict their indiscriminate extension into stable areas of the non-Commercial uses. Such development will only be permitted where: traffic and/or parking problems will not be created; and, on Arterial Roads identified on Schedule "F".
- A.2.2.22 Council will endeavour to maintain or improve the visual amenity and general attractiveness of EXTENDED COMMERCIAL areas, and, in so doing, will:
- i) Encourage the restoration, rehabilitation, or repair of existing storefronts and facades to complement the scale, design, and character of other Commercial developments in the area;
  - iii) Regulate building setbacks to develop and maintain continuity and harmony with adjacent Commercial Uses.
- 2.2.24 Council will encourage and, where feasible, assist in the provision of adequate off-street parking facilities in all other EXTENDED COMMERCIAL areas where existing parking problems are identified. Such parking facilities will be:
- i) Readily accessible from the main thoroughfare serving the EXTENDED COMMERCIAL area, including via side-streets off the main thoroughfare; and,
  - ii) Preferably to the rear of the EXTENDED COMMERCIAL development where their use will not adversely impact the amenity of adjacent Residential areas, subject to the General Provisions herein.
- A.2.2.35 Where COMMERCIAL USES are proposed to be developed adjacent to Residential land uses, Council will be satisfied that the following provisions are adequately met:

**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 360 Beach Road (Hamilton) (PED12029) (Ward 4) - Page 8 of 17**

---

- i) Access drive, parking, and service areas will be screened and/or buffered such that noise, light, or undesirable visual impacts emanating from the COMMERCIAL USE are mitigated;
- ii) Light from standards or other external lighting fixtures, excluding those used for store and window display or wall illumination, will be directed downwards and shielded or oriented as much as practicable away from the adjacent Residential Uses; and,
- iii) Light standards will be of a height that is in scale with the facility, but will not be of a height sufficient to create a nuisance to adjacent land uses. (O.P.A. No. 46)

A.2.2.37 In addition to the provisions of Sub-section B.3.3 of this Plan, adequate parking and loading space will be required in clearly defined areas for all development and redevelopment within the COMMERCIAL designation and will include adequate space for owners, employees, customers, and delivery vehicles. Council will require that, in all normal circumstances, a high standard of parking and loading facilities will be maintained in accordance with current practices. (O.P.A. No. 46)

A.2.2.40 Where possible, loading facilities and parking space for delivery vehicles will be located, buffered, and screened, so as to minimize adverse impacts on adjacent Residential Uses. (O.P.A. No. 46)”

The proposed adaptive reuse of the former elementary school would be an example of the Extended Commercial category of the ‘Ribbon’ variety as the range of the proposed uses would serve predominantly the local community, but with some uses serving the larger community reliant on automobile traffic. This is consistent with the adjacent stretch of commercially zoned lands along Beach Road. However, Policy A.2.2.19 states that Extended Commercial areas must be on arterial roads, as identified on Schedule “F”. This section of Beach Road is not an arterial road. Therefore, the Official Plan Amendment will include a site-specific policy noting that Extended Commercial uses would be permitted notwithstanding Beach Road is not an arterial road. The subject lands would not constitute a Local Commercial category in the Official Plan as the property is larger than 0.4 ha.

Special provisions in the implementing Zoning By-law will prohibit certain automobile oriented uses incompatible with a Ribbon Commercial redevelopment and incompatible with the adaptive reuse of the school. With regard to the commercial parking policies, the proposal would implement these provisions in that adequate off-street parking is provided, which is accessible via side streets off of Beach Road. The parking is located at the rear of the existing building in accordance with the commercial policies. In



**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 360 Beach Road (Hamilton) (PED12029) (Ward 4) - Page 9 of 17**

---

addition to the Commercial policies, the following heritage policies should also be considered:

“C.6.1 It is the intent of Council to encourage the preservation, maintenance, reconstruction, restoration, and management of property that is considered to have historic, architectural, archaeological, or aesthetic value.

C.6.7 Encouragement may be given to Commercial development schemes, in appropriate locations, proposed to incorporate a building, or group of buildings, with HISTORIC character or ARCHITECTURAL value, and to proposals which utilize buildings or lands serving obsolete functions and which are, therefore, underutilized or vacant.”

As the proposal is for the adaptive reuse of an existing building of historical and/or architectural significance, the proposed Official Plan Amendment would implement the heritage policies of Section C.6 of the Hamilton Official Plan. However, in order to provide for greater assurances that the school would be preserved, a Special Policy Area is being created to include a policy that the proposed commercial uses would be limited to only within the existing building.

Based on the above, subject to the Official Plan Amendment from “Major Institutional” to “Commercial” and the Special Policy Area to recognize the Extended Commercial uses, the proposal for an adaptive reuse of the former school for commercial uses would be in conformity with the Hamilton Official Plan.

### **Urban Hamilton Official Plan**

The proposal has been evaluated against the policies of the new Urban Hamilton Official Plan, which was adopted by Council on July 9, 2009. The Minister of Municipal Affairs and Housing issued its decision on March 10, 2011, but the decision has been appealed by a number of parties and, at this time, the new Urban Hamilton Official Plan is not in effect. As such, Council-approved Official Plan Amendments made prior to the final decision will be held in abeyance until their incorporation into the Plan can be requested of the Ontario Municipal Board, or through a future housekeeping amendment.

It is prudent and part of natural justice to identify any changes to the Urban Hamilton Official Plan as part of the public notice, in the staff report, and notice of adoption.

**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 360 Beach Road (Hamilton) (PED12029) (Ward 4) - Page 10 of 17**

---

The new Urban Hamilton Official Plan designates the subject lands as “Neighbourhoods” on Schedule “E” Urban Structure and Schedule “E-1” Urban Land Use Designations. The “Neighbourhoods” designation permits Local Commercial uses, which would include all of the uses proposed by the applicant except for a medical clinic. City staff will be undertaking a housekeeping amendment to add medical clinics as a permitted use, but an amendment is needed as part of this application since the housekeeping amendment has not yet been brought forward. However, there are three Local Commercial policies that would have to be amended, along with the establishment of the Urban Site-Specific Area, to require that the commercial uses be contained within the historic portion of the school building. These are Policies 3.8.2(b), 3.8.8(a), and 3.8.9(a). While the applicant does not have a finalized development plan for the building, it is important to maintain flexibility to encourage commercial uses to locate in the building, hence increasing the likelihood the historical building will be suitably maintained in perpetuity.

Policy 3.8.2(b) only allows medical uses where it fronts on an arterial road and is adjacent to other commercial uses. The subject land is adjacent to other commercial uses but Beach Road, east of Ottawa Street North, is not an arterial road. Therefore, this policy should be exempted. It should be noted that the zoning on adjacent properties already permits medical uses, as does the zoning of the employment lands on the opposite side of Beach Road, so this would be consistent with the existing zoning of Beach Road. Policy 3.8.8(a) states that individual office uses cannot exceed 500 square metres. Again, in order to permit flexibility, an exemption to this policy would be prudent. It should be noted that the employment lands on the opposite side of Beach Road permit up to 3,000 square metres of office space, and the adjacent commercially zoned lands also do not have such a restriction. Finally, Policy 3.8.9(a) requires development or redevelopment of local uses to occur on arterial or collector roads. This section of Beach Road is not an arterial or collector road within the Urban Hamilton Official Plan, therefore, this section must be exempted.

As the new Urban Hamilton Official Plan has been appealed to the Ontario Municipal Board (OMB), the applicant is currently unable to amend it as it is not in force and effect. Therefore, the proposed amendments to the Urban Hamilton Official Plan (see Appendix “C”) will be held in abeyance until a final decision has been made regarding the Urban Hamilton Official Plan.

**Industrial Sector E Neighbourhood Plan**

The subject lands are designated “Civic and Institutional” in the Industrial Sector E Neighbourhood Plan. A change in designation to “Commercial” would be required in order to implement the proposal.

## **RELEVANT CONSULTATION**

The following Departments and Agencies had no comments or objections:

- Taxation Division, Corporate Services Department.
- Source Water Protection, Public Works Department.
- Hamilton Conservation Authority.
- Horizon Utilities.

The following Departments and Agencies submitted the following comments:

**Forestry and Horticulture Section, (Public Works Department)** has advised that there are municipal tree assets that could be impacted by the development, but that some existing municipal trees of insignificance could be removed. This will be addressed through a tree preservation plan that would be required as a condition of the future Site Plan Control application.

**Traffic Engineering Section (Public Works Department)** has advised that parking spaces on the existing parking lot on the north side of the property may not be dimensioned properly and some may need to be removed, and that review of the parking lot layout, including maneuvering for delivery vehicles, will be undertaken at the Site Plan Control stage of development.

**Hamilton Municipal Parking Systems** has advised that on-street parking is limited and that all required parking should be provided on the subject lands. The applicant is proposing a substantial parking lot to provide the required parking.

## **PUBLIC CONSULTATION**

In accordance with the new provisions of the Planning Act and Council's Public Participation Policy, Notices of Complete Application and Preliminary Circulation were circulated to 146 property owners and tenants within 120 metres of the subject property on September 22, 2011. A Public Notice sign was also posted on the property on October 3, 2011, and Notice of the Public Meeting was given in accordance with the requirements of the Planning Act. To date, one response from the owner of the commercial property to the west on Beach Road has been received expressing concerns with the proposal (see Appendix "F"). A discussion of these concerns is contained in the Analysis/Rationale for Recommendation section of this Report below.

**ANALYSIS / RATIONALE FOR RECOMMENDATION**

1. The proposal has merit and can be supported for the following reasons:
  - (i) It is consistent with the Provincial Policy Statement;
  - (ii) It conforms to the Hamilton-Wentworth Official Plan;
  - (iii) Upon redesignation from “Major Institutional” to “Commercial” it conforms with the intent of the Hamilton Official Plan and, upon establishing an Urban Hamilton Site-Specific Area, it conforms with the intent of the new Urban Hamilton Official Plan;
  - (iv) The proposed development provides for an adaptive reuse of the former elementary school, which is identified as being of architectural and/or historical interest which would aid in preserving the existing built heritage; and,
  - (v) The proposal is compatible with the existing commercially zoned properties along Beach Road and would provide for an appropriate range of commercial uses to predominantly serve the local community with adequate off-street parking.
  
2. The applicant has acknowledged in their planning justification report that it is important that the range of commercial uses within the building be appropriate for both the local neighbourhood and uses that would be commercially viable to be implemented as part of the conversion of the existing vacant elementary school. In this regard, the applicant has requested the following uses:
  - Catering Service;
  - Commercial Entertainment;
  - Commercial Recreation;
  - Commercial School;
  - Communications Establishment;
  - Craftsperson Shop;
  - Day Nursery;
  - Financial Establishment;
  - Funeral Home;
  - Laboratory;
  - Medical Clinic and Office;
  - Office;
  - Personal Services;
  - Place of Worship;

**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 360 Beach Road (Hamilton) (PED12029) (Ward 4) - Page 13 of 17**

---

- Private Club or Lodge;
- Repair Service;
- Restaurant;
- Retail;
- Studio;
- Tradesperson's Shop; and,
- Veterinary Service.

Many of the proposed uses are not defined within Zoning By-law No. 6593, but are defined within Zoning By-law No. 05-200. Based on a review of the proposed uses, the proposed "H" (Community Shopping and Commercial, Etc.) District would permit all of the proposed uses except for a Craftsperson Shop, Funeral Home (the "H" District only permits existing funeral homes), and Veterinary service (the "H" District only permits Veterinary Services setback 30m from a residential district). Therefore, it would be more appropriate for the implementing By-law to preclude certain incompatible commercial uses instead. These precluded uses are incompatible with either the abutting residential properties, particularly due to the depth of the subject lands which extend into the neighbourhood, or are incompatible with the retention of the school building. Therefore, the following uses that are currently permitted in the "H" District should be prohibited:

- Automobile Service Station;
- Public Garage;
- Public Parking Lot;
- Car Wash; and,
- Drive-thru associated with any other permitted use.

The proposed craftsperson shop, as it is a use that is not permitted within the "H" (Community Shopping and Commercial, Etc.) District, will have to be defined using the definition from Zoning By-law No. 05-200. This commercial use can be supported, as it is explicitly noted as a local commercial use permitted within the "Neighbourhoods" designation of the Urban Hamilton Official Plan. A funeral home should also be permitted, as it is a permitted use within this designation of the Urban Hamilton Official Plan. There would be no neighbourhood impacts associated with a funeral home, as Zoning By-law No. 6593 does not permit a crematorium associated with a funeral home. A Veterinary Service can also be supported, as it will be limited to within the existing building, with no outdoor cages or runs, so there would be no impacts on the residential uses to the south.

**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 360 Beach Road (Hamilton) (PED12029) (Ward 4) - Page 14 of 17**

---

3. The applicant is proposing that the existing school would be converted for commercial uses. The school building (former Lloyd George Elementary School) is listed in the City of Hamilton's inventory of buildings of historic and/or architectural value. In order to ensure retention of the school, the implementing By-law and Official Plan Amendments have requirements that the commercial uses are only permitted within the existing school building. It should be noted that the more contemporary gymnasium addition at the front of the school is not historically and/or architecturally significant and could be removed, although the applicant has advised that they will be using this space.
4. The applicants have submitted a concept plan (see Appendix "E"), which shows the existing building, the more contemporary existing gymnasium addition at the front, the existing 14 space parking lot at the corner of Beach Road and Agincourt Avenue, and the proposed 102 space parking lot at the rear of the school, along with 2 proposed loading spaces (in accordance with Zoning By-law No. 6593). In total, 116 parking spaces are proposed. The school is 2-storeys in height, with a basement.

At this time, no specific uses have been identified that will occupy the school, but the building would be multi-tenanted with a broad range of potential uses. The proposed "H" (Community Shopping and Commercial, Etc.) District would permit a range of retail, office, and service commercial uses, along with other uses such as a commercial school, studio space, commercial recreation (such as a yoga or martial arts studio), catering services, or restaurants. Many of these uses share parking requirements, but some of the parking requirements are different (such as for restaurants or commercial schools). In order to provide flexibility due to the unknown nature of the specific uses, and to allow for leasing of space in the building as tenants change, the applicant has proposed a ratio of 1 parking space per 31.0 square metres of gross leasable floor area. This ratio is acceptable, as it is consistent with the parking requirements for offices, banks, retail uses, laboratories, and shopping centres. This ratio is actually stricter than what the Zoning By-law currently requires for many uses, as Zoning By-law No. 6593 contains exemptions for the first 450 square metres of gross floor area for retail, offices, and shopping centres.

However, to provide increased flexibility in the total number of parking spaces, it is recommended that a final ratio of 1 parking space per 33.0 square metres of gross leasable floor area be provided. This would enable a small number of existing parking spaces on the northeast corner of the property to be removed for improved landscaping at the Site Plan Control Stage of development. Based on the total gross leasable area provided by the applicant, with this ratio, a total of 111 parking spaces would be required, which can be provided on the site.

**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 360 Beach Road (Hamilton) (PED12029) (Ward 4) - Page 15 of 17**

---

5. In addition to the changes in zoning to the “H” (Community Shopping and Commercial, Etc.) District, a small number of other zoning modifications are needed, including:

Modifications to Address the Location of the Existing School

While the existing building appears to comply with the required minimum setbacks, floor area ratio, and lot area requirements, in order to ensure that no further modifications are identified at the Site Plan Control stage of development and, as the exact height of the existing building has not been identified, a modification to recognize the existing as-built location of the building has been included in the implementing By-law.

Modifications for an Animal Hospital/Veterinary Clinic, Funeral Home, and Craftsperson’s Shop

These modifications were partially discussed in Sub-section 2 of the Analysis/Rationale for Recommendation section of this Report. The “H” District allows existing funeral homes, and only allows veterinary clinics where they are distant at least 30m from a residential district. These uses are both appropriate for the subject lands, in that they would be contained within the existing school building, and the By-law would neither permit outdoor runs for any animal related use and the funeral home use does not permit a crematorium. A craftsperson’s shop is also an appropriate use, as it is permitted under the “Neighbourhoods” designation in the Urban Hamilton Official Plan as a local commercial use, and the nature of the building with classrooms that could be rented/leased to artists or craftspeople for minor custom manufacturing and associated retail sale could be a viable alternative use.

Modification for Parking Standards

This was discussed in Sub-section 3 of the Analysis/Rationale for Recommendation section of this Report, where it was noted that an appropriate ratio of 1 parking space per 33 square metres of gross leasable floor area could be supported. Finally, in order to provide additional flexibility in parking design for the new, rear parking lot, the new parking stall size standards from Zoning By-law No. 05-200 have been included, which are 2.6m wide and 5.5m long.

**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 360 Beach Road (Hamilton) (PED12029) (Ward 4) - Page 16 of 17**

---

6. The proposal would be contained within the existing building, and no additions are planned. This would require a Change in Use Permit from the Building Services Division. Substantial alterations to the building to accommodate the change to commercial tenants would also trigger the requirement for a Site Plan Control Application in order to address external improvements to the property for the new parking lot and landscaped buffers along the neighbouring streets and adjacent to the residential properties to the south. Through this Site Plan Control process, a review of the loading space requirement, location, buffering, and whether a Noise Study would be needed due to proximity to adjacent residential uses will be undertaken.
7. The Public Consultation section of this Report noted that one letter was received from an area property owner noting a number of concerns about the proposed change in zoning (see Appendix “F”). The primary concern was that the existing building was to be demolished for a commercial plaza, which would not be viable, exasperating nuisance impacts from crime. In this regard, the proposal is not to demolish the school, but rather to adaptively reuse the building for compatible commercial uses that could include offices, studio space, medical clinics, craftsperson space, and a commercial school. While retail and restaurant type uses would be permitted, it is not envisioned that they would be the predominate users of such a converted building. There is no information available to support the statement that a commercial reuse of the school, which would otherwise have likely sat vacant for many years, would contribute to crime. Rather, having viable commercial uses in the building, with people coming and going from the property and more eyes on the street, would likely reduce instances of loitering or other activities that may contribute to crime or property standard issues.

**ALTERNATIVES FOR CONSIDERATION:**

If the applications are denied, the lands could be developed in accordance with the current “H” (Community Shopping and Commercial, Etc.) District and “D” (Urban Protected Residential - One and Two Family Dwellings) District. However, since the zoning boundary between these two zones crosses the middle of the existing building, it would be difficult to establish permitted uses within the existing building without a change in zoning. Therefore, only uses not restricted by the Zoning By-law, such as certain public or institutional uses, would be permitted. These uses would still be permitted upon approval of the subject application.



**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 360 Beach Road (Hamilton) (PED12029) (Ward 4) - Page 17 of 17**

---

**CORPORATE STRATEGIC PLAN**

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability, 3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development, 6. Environmental Stewardship, 7. Healthy Community

**Financial Sustainability**

- ◆ Generate assessment growth/non-tax revenues.

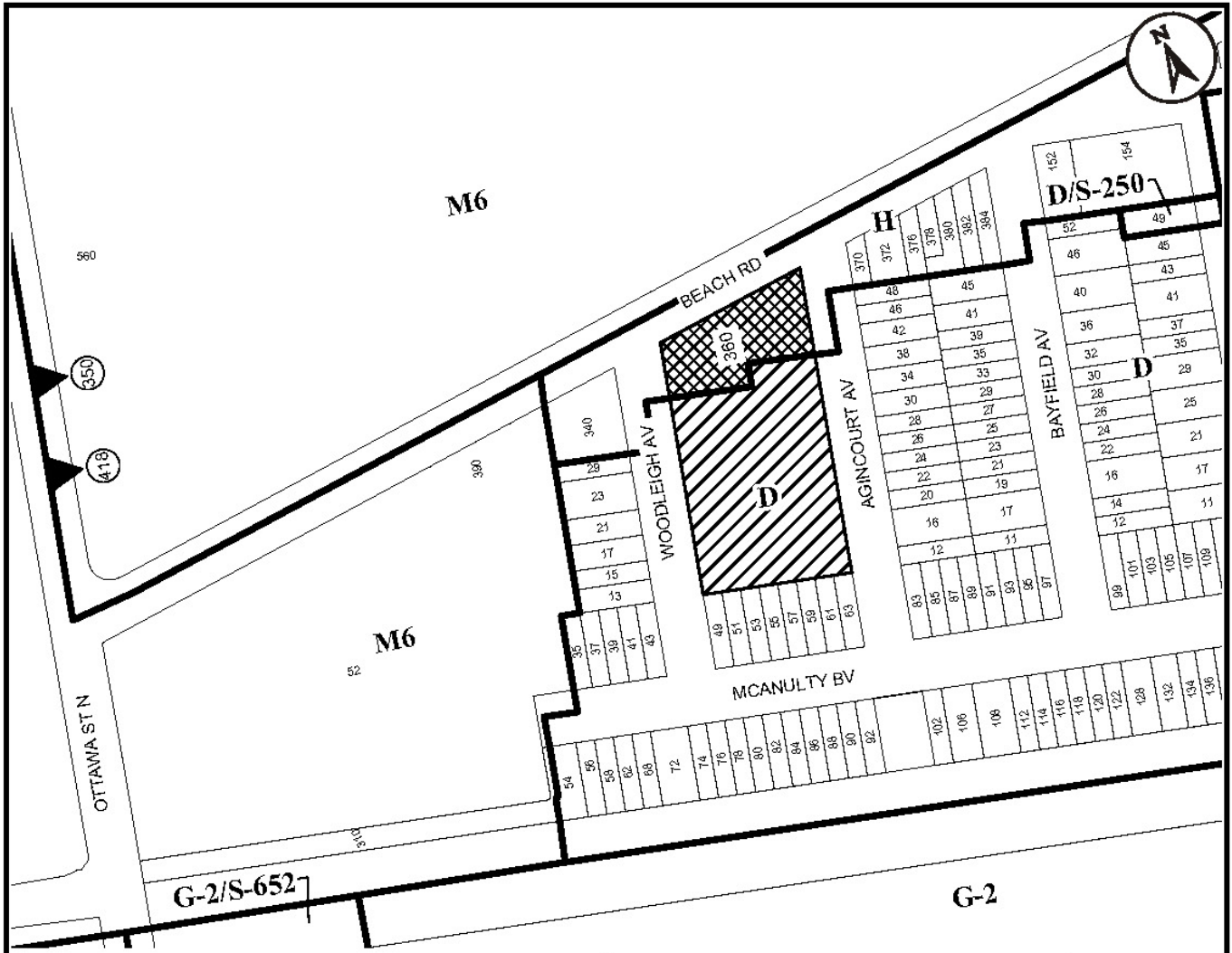
**Healthy Community**

- ◆ Plan and manage the built environment.

**APPENDICES / SCHEDULES**

- Appendix "A": Location Map
- Appendix "B": Draft Official Plan Amendment to the Hamilton Official Plan
- Appendix "C" Draft Official Plan Amendment to the Urban Hamilton Official Plan
- Appendix "D": Draft Zoning By-law Amendment
- Appendix "E": Concept Plan
- Appendix "F": Public Comments

:GM  
Attachs. (6)



● Site of the Application



Ward 4 Key Map

N.T.S.



## Location Map



**Hamilton**

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

**File Name/Number:**  
ZAC-11-053/OPA-11-010

**Date:**  
February 13, 2012

**Appendix "A"**

**Scale:**  
N.T.S.

**Planner/Technician:**  
GM/NB

### Subject Property

360 Beach Road, Hamilton



Block 1: Change in Zoning from the "D" (Urban Protected Residential - One and Two Single Family Dwellings) District to the "H/S-1621" (Community Shopping and Commercial, Etc.) District, Modified



Block 2: Change in Zoning from the "H" (Community Shopping and Commercial, Etc.) District to the "H/S-1621" (Community Shopping and Commercial, Etc.) District, Modified

**--DRAFT--**

**Amendment**

**to the**

**Official Plan of the City of Hamilton**

The following text, together with Schedule "A"8 - Land Use Concept and Schedule "B" - Special Policy Areas, attached hereto, constitutes Official Plan Amendment No. [REDACTED] of the Official Plan of the City of Hamilton.

**Purpose:**

The purpose of this Amendment is to redesignate the subject lands from "Major Institutional" to "Commercial" and Establish Special Policy Area No. [REDACTED] in order to permit the existing school to be redeveloped for commercial purposes.

**Location:**

The lands affected by this Amendment, being approximately 0.7ha, are located at 360 Beach Road, at the intersection of Beach Road, Woodleigh Avenue, and Agincourt Avenue, in the City of Hamilton.

**Basis:**

- It is consistent with the Provincial Policy Statement and conforms to the Hamilton-Wentworth Official Plan;
- The proposed development provides for an adaptive reuse of the former elementary school, which is identified as being of architectural and/or historical interest, which would aid in preserving existing built heritage; and,
- The proposal is compatible with the existing commercially zoned properties along Beach Road, and would provide for an appropriate range of commercial uses to predominantly serve the local community with adequate off-street parking.

**Actual Changes:**

Schedule Changes

1. Schedule "A" - Land Use Concept - be revised by changing from the "Major Institutional" designation to the "Commercial" designation, as shown on the attached Schedule "A" to this Amendment; and,
2. Schedule "B" - Special Policy Areas - be revised by establishing Special Policy Area No. [REDACTED], and denoting reference to Policy No. A.2.9.3. [REDACTED], as shown on attached Schedule "B" to this Amendment.

Text Changes

3. That a new Policy be added to the City of Hamilton Official Plan as Policy No. A.2.9.3. [REDACTED]:  
  
A.2.9.3. [REDACTED] For the lands known municipally as 360 Beach Road, shown on Schedule "B" as Special Policy Area [REDACTED], permitted uses shall be located only within the existing building. Also, notwithstanding Policy A.2.2.19, redevelopment shall be permitted notwithstanding that 360 Beach Road is not on an Arterial Road identified on Schedule "F".

**Implementation:**

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

This is Schedule "1" to By-law No. [REDACTED] passed on the [REDACTED] day of [REDACTED], 2012.


**The City of Hamilton**

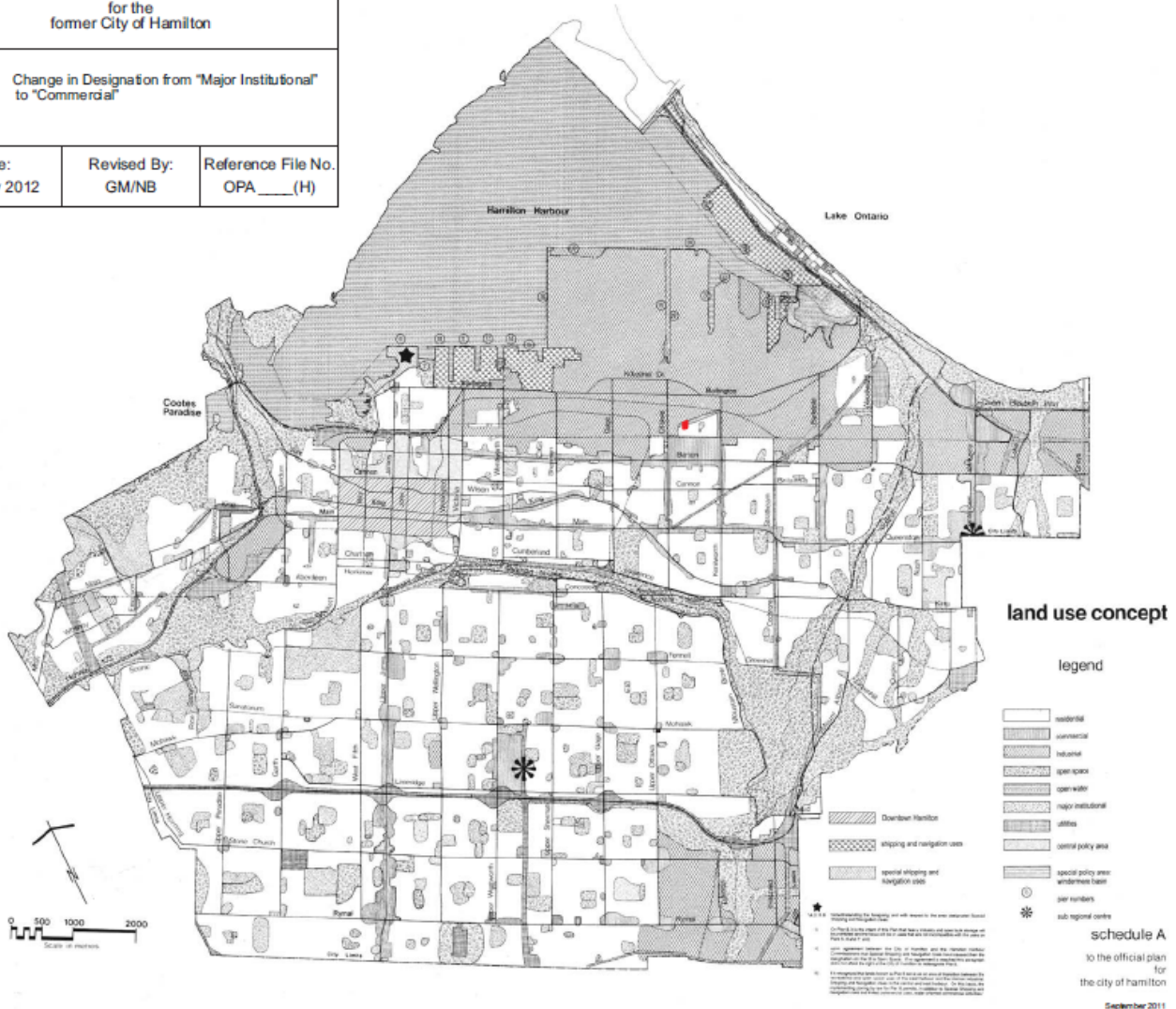
---

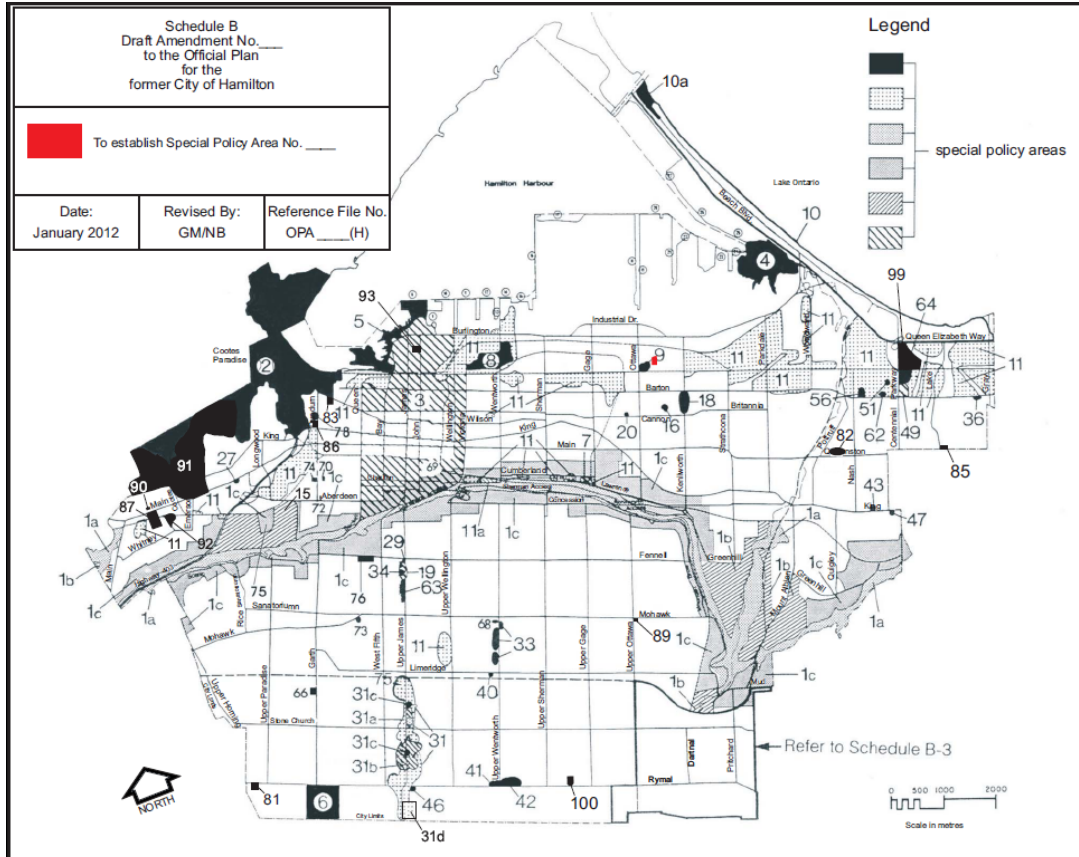
R. Bratina  
Mayor

---

Rose Caterini  
Clerk

Schedule A Draft Amendment No. ____ to the Official Plan ____ for the former City of Hamilton		
 Change in Designation from "Major Institutional" to "Commercial"		
Date: January 2012	Revised By: GM/NB	Reference File No. OPA ____ (H)





special policy areas

AREA	REF ID POLICY	AREA	REF ID POLICY
1(a)	A2.9.1	56	A2.9.3.51
1(b)	A2.9.1	62	A2.9.3.57
1(c)	A2.9.1	63	A2.9.3.58
2	A2.9.2	64	A2.9.3.59
3	A2.9.3	65	A2.9.3.60
	A2.9.3.1	66	A2.9.3.61
4	A2.9.3.2	67	"Deleted"
5	A2.9.3.3	68	A2.9.3.63
6	A2.9.3.4	69	A2.9.3.64
7	A2.9.3.5	70	A2.9.3.65
8	A2.9.3.6	71	A2.9.3.66
9	A2.9.3.7	72	A2.9.3.67
10	A2.9.3.8	73	A2.9.3.68
10(a)	A2.9.3.8	74	A2.9.3.69
11	A2.9.3.9	75	A2.9.3.70
11(a)	A2.9.3.9	76	A2.9.3.71
16	A2.9.3.14	77	A2.9.3.72
17	"Deleted"	78	A2.9.3.73
18	A2.9.3.16	79	"Deleted"
19	A2.9.3.17	80	Deleted by OMB
20	A2.9.3.18	81	A2.9.3.75
26	A2.9.3.21	82	A2.9.3.77
27	A2.9.3.22	83	A2.9.3.78
29	A2.9.3.24	84	Planning
30	A2.9.3.25	85	A2.9.3.80
31	A2.9.3.26	86	A2.9.3.81
31(a)	A2.9.3.26	87	A2.9.3.82
31(b)	A2.9.3.26	88	A2.9.3.84
31(c)	A2.9.3.26	89	A2.9.3.85
32	A2.9.3.27	90	A2.9.3.85
33	A2.9.3.28	91	A2.9.3.85
34	A2.9.3.29	92	A2.9.3.85
35	A2.9.3.30	99	A2.9.3.92
36	A2.9.3.31		
37	A2.9.3.32		
38	A2.9.3.31		
40	A2.9.3.35	100	A2.9.3.93
41	A2.9.3.36		
42	A2.9.3.37		
43	A2.9.3.38		
45	A2.9.3.40		
46	A2.9.3.41		
47	A2.9.3.42		
48	"Deleted"		
49	A2.9.3.44		
50	A2.9.3.45		
51	A2.9.3.46		
53	"Deleted"		
54	"Deleted"		
55	A2.9.3.50		

For other Special Policy Areas numbers, refer to Schedules: B-1, B-2, and B-3.

**schedule B**  
 to the official plan  
 for  
 the City of Hamilton  
 September 2011

**DRAFT Amendment No. [REDACTED]  
to the  
Urban Hamilton Official Plan**

The following text, together with Appendix "A" – Urban Hamilton Official Plan, Volume 3: Map 2 – Urban Site-Specific Key Map, attached hereto, constitutes Official Plan Amendment No. [REDACTED] to the Urban Hamilton Official Plan.

**1.0 Purpose and Effect:**

The purpose of this Amendment is to create a site-specific policy to permit local commercial uses in a former school building.

**2.0 Location:**

The lands affected by this Amendment are located at 360 Beach Road, in the former City of Hamilton.

**3.0 Basis:**

The basis for permitting this Amendment is as follows; the Amendment:

- Is consistent with the Provincial Policy Statement and Places to Grow.
- Provides for an adaptive reuse of the former elementary school, which is identified as being of architectural and/or historical interest which would aid in preserving existing built heritage; and,
- Is compatible with the existing commercially zoned properties along Beach Road, and would provide for an appropriate range of commercial uses to predominantly serve the local community with adequate off-street parking.

**4.0 Changes:**

**4.1 Text Changes:**

**Volume 3 – Special Policy Areas, Area Specific Policies and Site-Specific Policies**

4.1.1 Volume 3, Chapter C – Urban Site-Specific Policies is amended by adding the new Site-Specific Policy, as follows:

"UHN-X Lands located at 360 Beach Road, former City of Hamilton.

- 1.0 In addition to the local commercial uses permitted in Policy E.3.8.2 – Local Commercial – Neighbourhoods Designation of Volume 1, a medical clinic shall also be permitted only within the existing building located at 360 Beach Road.
- 2.0 The uses permitted in Policy UHN-x shall only be permitted within the former school building located at 360 Beach Road.
- 3.0 Policies E.3.8.2b), E.3.8.8a), and E.3.8.9a) of Volume 1 shall not apply to the local commercial uses located at 360 Beach Road.

**4.2 Mapping Changes:**

4.2.1 Urban Hamilton Official Plan Volume 3, Map 2 – Urban Site-Specific Key Map is revised by adding the location of Site-Specific Policy UHN-X, as shown on Appendix "A", attached to this Amendment.

**5.0 Implementation:**

An implementing Zoning By-law Amendment and Site Plan will give effect to this Amendment.



This is Schedule "1" to By-law No. [REDACTED] passed on the [REDACTED] day of [REDACTED], 2012.

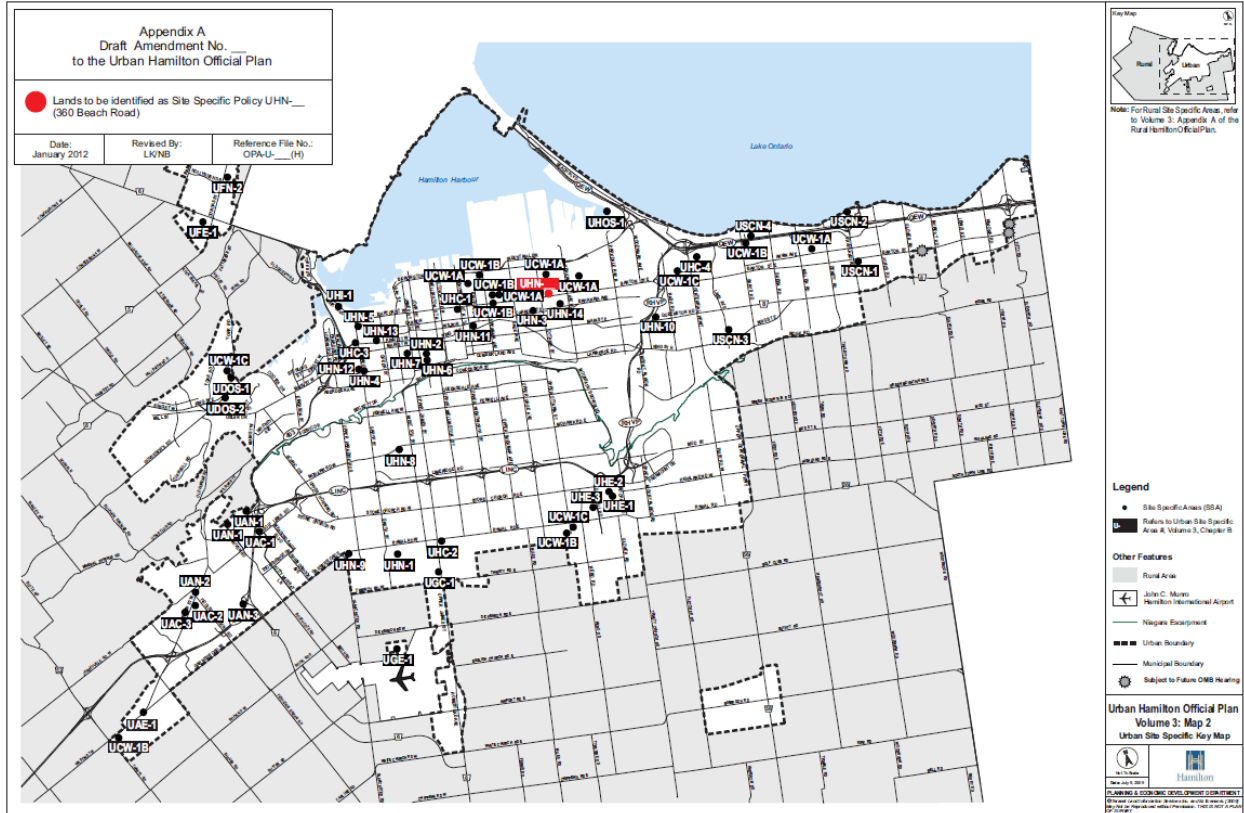
The  
City of Hamilton

---

R. Bratina  
Mayor

---

Rose Caterini  
Clerk



**Authority:** Item [REDACTED]  
Planning Committee  
Report 12 [REDACTED] (PED12029)  
CM: [REDACTED]

**Bill No.** [REDACTED]

**CITY OF HAMILTON**

**BY- LAW NO.** [REDACTED]

**To Amend Zoning By-law No. 6593  
Respecting Lands Located at 360 Beach Road (Hamilton)**

**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 Corporation 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** the Council of the City of Hamilton, in adopting Item [REDACTED] of Report 12-[REDACTED] of the Planning Committee, at its meeting held on the [REDACTED] day of [REDACTED] 2012, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

**AND WHEREAS** this By-law will be in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982, upon approval of Official Plan Amendment No. [REDACTED].

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

1. That Sheet No. E-52 of the District maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended as follows:
  - (a) That Block 1 be rezoned from the "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District to the "H/S-1621" (Community Shopping and Commercial, Etc.) District, Modified; and,
  - (b) That Block 2 be rezoned from the "H" (Community Shopping and Commercial, etc.) District to the "H/S-1621" (Community Shopping and Commercial, Etc.) District, Modified;

on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule 'A'.

2. That the following special regulations shall apply to lands identified as Blocks "1", and "2":
  - (a) That notwithstanding Section 14 of Zoning By-law No. 6593, all permitted uses, including any additional uses permitted under this By-law, shall be contained within the building existing at the date of the passing of this By-law, being the [REDACTED] day of [REDACTED], 2012, and that Sub-sections 14.(2), 14.(3), 14.(4), 14.(5), and 18A.(36) of Zoning By-law No. 6593 shall not apply to this building.
  - (b) That notwithstanding Sub-sections 14.(1), 14.(1)(xv), and 14.(6)(iv) of Zoning By-law No. 6593, the following additional uses shall be permitted:
    - (i) Animal hospital, kennel, or any building or structure where animals are commercially kept or raised, but no outside cages or runs shall be permitted;
    - (ii) Undertaker's establishment or funeral home; and,
    - (iii) Craftsperson shop, defined for the purposes of this By-law as:

"an establishment used for the creation, finishing, refinishing, or similar production of custom or hand-made commodities, together with the retailing of such commodities."

- (c) That notwithstanding Sub-section 14.(1) of Zoning By-law No. 6593, the following uses shall be prohibited:
- (i) Automobile Service Station;
  - (ii) Public Garage;
  - (iii) Public Parking Lot;
  - (iv) Car Wash; and,
  - (v) Drive-thru associated with any permitted use.
- (d) That notwithstanding Sub-section 18A.(7) of Zoning By-law No. 6593, every parking space, other than a parallel parking space, shall have dimensions not less than 2.6 metres wide and 5.5 metres long.
- (e) That notwithstanding Sub-section 18A.(1). of Zoning By-law No. 6593, parking shall be provided at a rate of one parking space per 33 square metres of gross leasable floor area for any permitted use(s).
3. That By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1621.
4. That Sheet No. E-52 of the District Maps is amended by marking the lands referred to in Section 1 of this By-law as S-1621.
5. 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 "H" (Community Shopping and Commercial, Etc.) District provisions, subject to the special requirements referred to in Section 2 of this By-law.
6. 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 [REDACTED] day of [REDACTED], 2012.

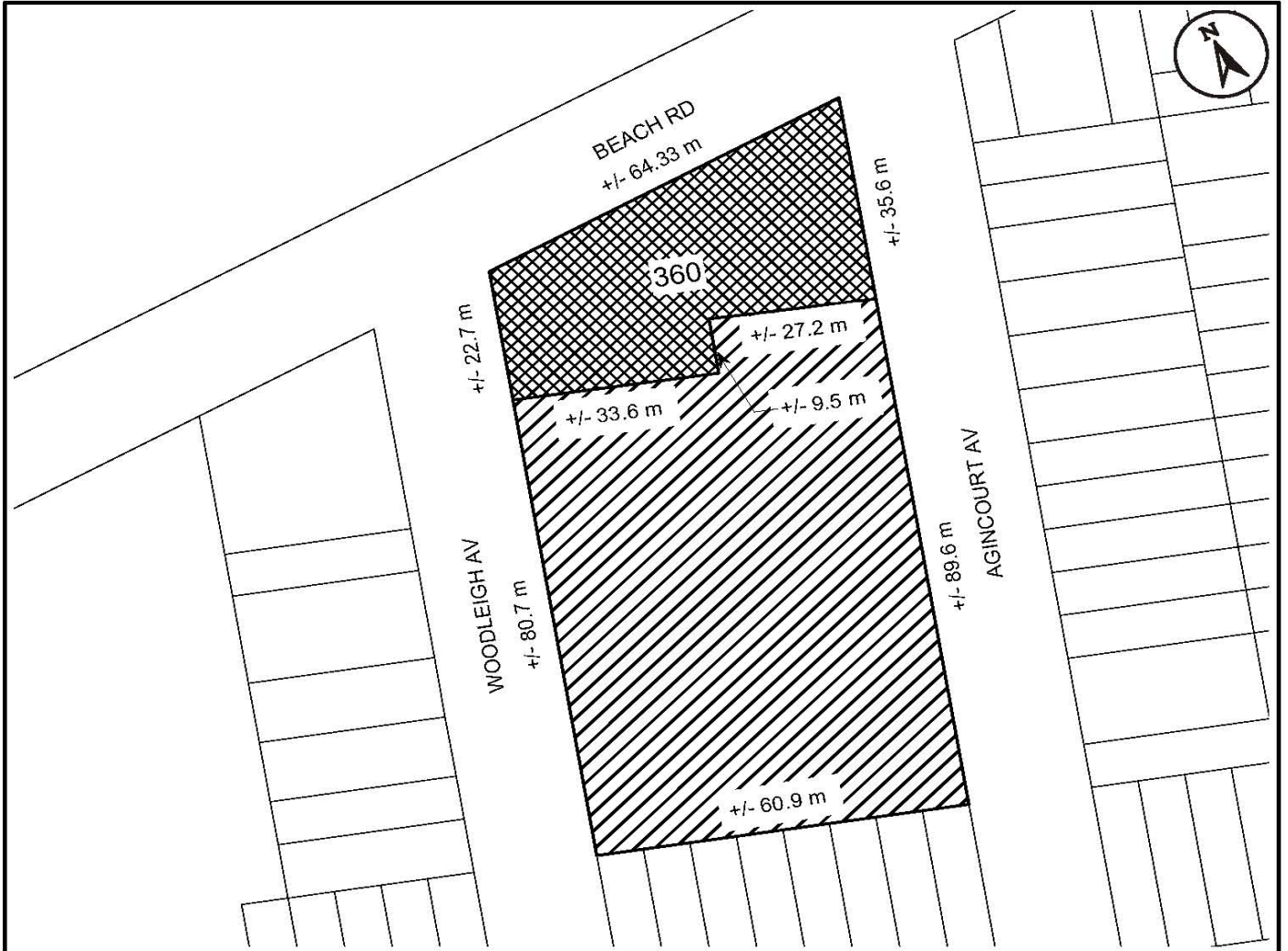
---

R. Bratina  
Mayor

---

Rose Caterini  
Clerk

ZAC-11-053/OPA-11-010



This is Schedule "A" to By-Law No. 12-

Passed the ..... day of ....., 2012

-----  
Clerk

-----  
Mayor

## Schedule "A"

Map Forming Part of  
By-Law No. 12-\_\_\_\_\_

to Amend By-law No. 6593

### Subject Property

360 Beach Road, Hamilton



Block 1: Change in Zoning from the "D" (Urban Protected Residential - One and Two Single Family Dwellings) District to the "H/S-1621" (Community Shopping and Commercial, Etc.) District, Modified



Block 2: Change in Zoning from the "H" (Community Shopping and Commercial, Etc.) District to the "H/S-1621" (Community Shopping and Commercial, Etc.) District, Modified

Scale:  
N.T.S.

File Name/Number:  
ZAC-11-053/OPA-11-010

Date:  
February 23, 2012

Planner/Technician:  
GM/KA



**Hamilton**

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT



**PARKING:**  
 EXISTING SPACES  
 14 EXISTING SPACES  
 PROPOSED SPACES  
 102 TOTAL SPACES  
 2 LOADING SPACES

**DEVELOPMENT DETAILS:**

FLOOR AREA	AREA (sqm)
EXISTING BUILDING	116
PROPOSED SPACES	102
LOADING SPACES	2
<b>TOTAL</b>	<b>220</b>

1 SINCE PER SHIP  
 \* IF UNABLE TO OBTAIN COUNCIL  
 APPROVAL FOR THE  
 PROPOSED DEVELOPMENT

**NOT FOR TENDER**

**BI GROUP**  
 390 BEACH ROAD  
 PRELIMINARY CONCEPT PLAN  
 CITY OF HAMILTON

DATE: 15/01/2024  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 PROJECT NO: [Number]

# **BOB'S AUTOMOTIVE**

Oct 7/11

**CLASS A MECHANIC  
SAFETY CHECKS - FULL AUTOMOTIVE REPAIR FACILITY**

Attention: Matthew Blevins  
Re file # OPA-11-010 + ZAC-11-053

I am writing to officially launch my opposition to the proposed zoning by-law amendment application made by Franz Wu on lands located at 360 Beach Rd. We are against this change for numerous reasons. Demolishing the school will result in airborne asbestos being transferred into this neighbourhood which already suffers enough from the emissions from Dofasco/Steelco + surrounding industries. In the past this property was granted a severance amendment for the back parking lot area on grounds of re-development which never took place and very soon

**350 BEACH ROAD - HAMILTON, L8H 3K3**



# **BOB'S AUTOMOTIVE**

**CLASS A MECHANIC  
SAFETY CHECKS - FULL AUTOMOTIVE REPAIR FACILITY**

after 360 Beach Rd was put on the market for 3 times what he paid solely based on the severance the city granted. Also the large trees on this property are very mature & add to the community landscape - who's going to preserve these trees from being destroyed? Why is there a need for a commercial plaza directly behind the newly re-developed Centre Mall that offers everything. There is a variety store down the street on Beach Rd near Kenilworth that has repeatedly failed. I find it highly suspicious why anyone would develop & invest in a commercial plaza in an area already economically depressed

**350 BEACH ROAD - HAMILTON, L8H 3K3**

# **BOB'S AUTOMOTIVE**

**CLASS A MECHANIC  
SAFETY CHECKS - FULL AUTOMOTIVE REPAIR FACILITY**

+ crime ridden! This appears on the surface to be strictly a money grab on the part of Mr Wu to gain commercial plaza status for resale only - there is no benefit to those living in the area - it will only add to the already high crime / drug problem in the area. The only benefit is to Mr Wu for resale value + to the City of Hamilton for the potential tax dollars collectable!

yours truly

Bob + Wendy Norris

BOB / Wendy Norris  
owners 340 / 350 Beach Rd.

**350 BEACH ROAD - HAMILTON, L8H 3K3**