



Hamilton

CITY OF HAMILTON

**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division**

TO: Chair and Members Planning Committee	WARD(S) AFFECTED: WARD 4
COMMITTEE DATE: December 3, 2013	
SUBJECT/REPORT NO: Application for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 1500-1502 Main Street East (Hamilton) (PED13185) (Ward 4)	
SUBMITTED BY: Joe-Anne Priel Acting General Manager Planning and Economic Development Department	PREPARED BY: Joe Muto (905) 546-2424 Ext. 7859
SIGNATURE:	

RECOMMENDATION

That approval be given to **Zoning Application ZAC-13-017, by Unicare Limited Partnership, c/o Steve Kozar**, to further modify the site specific “H/S-1462” (Community Shopping and Commercial, Etc.) District, Modified and the “C/S-1462” (Urban Protected Residential, Etc.) District, Modified to the “H/S-1462b” (Community Shopping and Commercial, Etc.) District, Modified and the “C/S-1462b” (Urban Protected Residential, Etc.) District, Modified, to permit a 620 sq. m third storey addition for twenty additional residents to the existing retirement home (for a total of 90 units), as shown on Schedule “A” to Appendix “B” to Report PED13185, on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED13185, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
- (b) That the change in Zoning conforms to the Urban Hamilton Official Plan.

EXECUTIVE SUMMARY

The purpose of this application is to further modify the existing site-specific zone provisions on the subject lands. The applicant is proposing to construct an additional storey to the existing 2-storey portion of the building, to increase the floor area by 620 sq. m and increase the number of permitted residents from 70 to 90.

The proposal has merit and can be supported since the application is consistent with the Provincial Policy Statement, and conforms with Places to Grow and the Urban Hamilton Official Plan. The proposed development is an appropriate infill development that respects neighbouring property owners and accommodates the City's increasing aging population that is in need of such accommodation.

Alternatives for Consideration - See Page 14.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)

Financial: N/A.

Staffing: N/A.

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

HISTORICAL BACKGROUND (Chronology of events)

Previous Application (ZAC-01-56):

On March 20, 2002, a Public Meeting was held to consider a rezoning application for the subject lands to permit a 70 resident retirement home. The application was tabled to allow the Ward Councillor to hold a community consultation meeting; for staff and the applicant to meet; and, for the staff Report to be brought back to Committee. Staff were not in support of the proposal as it was staff's opinion that the proposal, in particular the 4-story portion of the building, did not meet the intent of the former Hamilton Official Plan, the development proposal was an over-intensification of the subject lands, and did not meet the intent of implementing Zoning By-law No. 01-189 which established regulations and Zoning standards for long-term care residential facilities, short-term care facilities, hostels, emergency shelters, retirement homes, corrections residences, and correctional facilities, which established a maximum of fifty residents for retirement homes.

SUBJECT: Application for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located 1500-1502 Main Street East (Hamilton) (PED13185) (Ward 4) - Page 3 of 14

On May 8, 2002, the Hearings Sub-Committee resumed consideration of the Staff Report. The Committee approved the application and directed staff to bring forward detailed, site-specific conditions of approval to Council. On May 15, 2002, the Minutes of the Hearings Sub-Committee were considered by Council. At that meeting, a motion was made to delete staff's recommendation to deny and replace it with one to approve.

An appeal was made to the Ontario Municipal Board (OMB) by one of the neighbours based on Council's decision to approve the application. On January 22, 2003, the OMB dismissed the appeal and approved the application. The OMB was satisfied that the proposed development would be compatible with the existing neighbourhood. In this regard the OMB provided the following:

"...the Board finds no more impact to abutting residential properties than might otherwise result from one rear lot backing onto the side lot of another, prevalent in most corner lot circumstances. The Board finds the combination of required minimum rear yard setback, and the minimum side yard setback, to be adequate in separating the height of buildings existing and proposed."

Proposal:

The existing building has a 4-storey portion and a 2-storey portion (see Appendix "C"). The applicant has submitted an application to modify the existing zoning to allow for an additional storey (for a total of 3-storeys) at the rear of the land. The third storey addition will accommodate an additional 20 residents (see Appendix "D"), and result in a 620 sq. m increase in GFA.

Chronology:

- September 6, 2012: Submission of Formal Consultation Application FC-12-115.
- October 3, 2012: FC-12-019 is discussed at the Development Review Committee, and shortly thereafter a Formal Consultation Document is issued to the applicant identifying the requisite list of planning applications, studies, and reports necessary to deem any future Planning Act application(s) complete.
- May 11, 2013: Application ZAC-13-017 is received. Application is deemed complete on June 10, 2013.
- June 19, 2013: Application ZAC-13-017 is circulated to the relevant departments and agencies.

SUBJECT: Application for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located 1500-1502 Main Street East (Hamilton) (PED13185) (Ward 4) - Page 4 of 14

June 21, 2013: Notice of Complete Application and Preliminary Circulation is mailed to all residents within 120m of the subject lands.

July 10, 2013: Public Notice sign is erected on the property.

November 6, 2013: Public Notice Sign is updated to provide the date of the Public Meeting before the Planning Committee.

November 15, 2013: Notice of Public Meeting is mailed to all residents within 120m of the subject lands.

DETAILS OF SUBMITTED APPLICATIONS:

Location: 1500-1502 Main Street East, Hamilton (See Appendix "A").
Owners: Unicare Limited Partnership c/o Steve Kozar
Agent: IBI Group Inc. (c/o John Ariens)

Property Size: Area: 3.3 ha
 Frontage: 30 m
 Depth: 143.6 m

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Existing Retirement Facility	"H/S-1462a" (Community Shopping) and "C/S-1462a" (Urban Protected) Districts
<u>Surrounding Lands:</u>		
North	Single Detached Dwelling and Surface Parking Lot	"H" (Community Shopping and Commercial, Etc.) District
South	Single Detached Dwellings	"C" (Urban Protected Residential, Etc.) District
East	Single Detached Dwellings	"H" (Community Shopping and Commercial, Etc.) and "C" (Urban Protected Residential, Etc.) Districts

SUBJECT: Application for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located 1500-1502 Main Street East (Hamilton) (PED13185) (Ward 4) - Page 5 of 14

West Single Detached Dwellings “H” (Community Shopping and Commercial, Etc. and “C” (Urban Protected Residential, Etc.) Districts

POLICY IMPLICATIONS/LEGISLATED REQUIREMENTS

Provincial Policy Statement:

The application has been reviewed with respect to the Provincial Policy Statement (PPS). One of the subsections of Policy 1.1 of the PPS identifies that healthy, liveable, and safe communities are sustained by *improving accessibility for persons with disabilities and the elderly by removing and/or preventing land use barriers which restrict their full participation in society*. In this regard, the existing building has been developed with attention to accessibility which strengthens their full participation in society. Further, the application is consistent with the policies that focus on growth in Settlement Areas (Policy 1.1.3.1) as it provides for an opportunity for appropriate intensification within the built up area. With respect to this proposal, Policy 1.4 on Housing is also applicable. In this regard, the intent of this policy is to ensure that planning authorities provide for an appropriate range of housing types, which are to be implemented through the provision of housing, which is affordable to low and moderate income households.

Policy 1.7.1 (e) of the PPS identifies policies related to noise. The applicant is advised that due to the proximity of Main Street East (linear noise source), the proposed sensitive land use will require an undertaking at the Site Plan Control stage to advise the residents of the existing sound levels present.

Based on the foregoing, the application is consistent with the Provincial Policy Statement.

The Growth Plan for the Greater Golden Horseshoe (Places to Grow):

Places to Grow is formally known as The Growth Plan for the Greater Golden Horseshoe, and it was prepared and approved under the Places to Grow Act, 2005, by the Province of Ontario. The Plan’s main objective is to provide direction in developing communities with a better mix of housing, jobs, shops, and services, in close proximity to each other.

Policy 2.2.3 of the Plan identifies general intensification policies. More specifically, and in keeping with the PPS, this policy identifies that all municipalities will develop and implement, thorough Official Plans and other supporting documents, a strategy and

SUBJECT: Application for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located 1500-1502 Main Street East (Hamilton) (PED13185) (Ward 4) - Page 6 of 14

policies to phase in and achieve intensification. One of the suggested strategies is to plan for a range and mix of housing, taking into account affordable housing needs. The term *affordable* is defined in the same way as in the PPS.

Based on the foregoing, this proposal conforms to Places to Grow.

Urban Hamilton Official Plan:

The proposal has been evaluated against the policies of the new Urban Hamilton Official Plan (UHOP). The OMB approved the UHOP, in part, on August 16, 2013. At this time, the majority of the policies in the Urban Hamilton Official Plan are now in effect.

The UHOP also designates the subject lands “Neighbourhoods” and “Mixed-Use - Medium Density” on Schedule “E” - Urban Structure Plan, and is identified as “Neighbourhoods” and “Corridor - Primary” on Schedule “E-1” - Urban Land Use Designations. The general policy goals of the “Neighbourhoods” designation are to develop compact, mixed-use, transit-supportive, friendly neighbourhoods, where people can live, work, shop, learn, and play. More importantly, one of the primary goals is to develop a complete community which provides for a range of housing types and densities, taking into account affordable housing needs, and promote residential intensification that is appropriate in scale. Staff are of the opinion that the proposed third storey and additional twenty residents is minor, and considered compatible with the surrounding area in terms of scale and design.

Schedule “E-1” of the UHOP also designates the front portion of the subject lands “Mixed-Use - Medium Density”. This designation permits *multiple dwellings*. The UHOP defines *multiple dwellings* as “a building or part thereof containing three or more dwelling units but shall not include a street townhouse dwelling. Examples of such dwellings include block townhouse dwellings, stacked townhouse dwellings, and apartment dwellings”. In this regard, it is staff’s opinion that the proposed retirement home can be categorized as a form of apartment dwelling and therefore permitted. With respect to the rear portion, the subject lands are designated as “Neighbourhoods”. The permitted uses in this designation include residential dwellings, as well as *housing with supports*. The UHOP defines “*housing with supports*” as “...public, private or non-profit owned housing with some form of support component, beyond economic support, intended for people who need support services to live independently in the community, where providers receive funding for support services. The tenure may be long term. Housing with supports includes special needs housing as defined by the PPS.” In this regard, staff are of the opinion that the proposal would conform with the “Neighbourhoods” designation.

Main Street East is identified as an Urban Corridor in the UHOP. A full range of retail, service commercial, entertainment, and residential (multiple dwellings) and institutional uses are permitted in Urban Corridors. With respect to scale, the designation permits a range of building heights and densities to a maximum height of 6-storeys, wherein the predominant built form shall be mid-rise and low-rise buildings.

Urban corridors are planned to link communities together. The UHOP identifies corridors as providing a significant opportunity for creating vibrant pedestrian and transit-oriented places through investment in infrastructure, residential intensification, infill, and redevelopment. The policies identify that corridors shall be the location for a range of higher density land uses along the corridor. Further, corridors shall be a focus for intensification. Staff are of the opinion that the proposed development respects the existing built form and meets the general intent of the “Urban Corridor” policies.

Chapter B of the UHOP provides policies regarding General Residential Intensification, which are as follows:

“2.4.1 General Residential Intensification Policies

2.4.1.1 Residential intensification shall be encouraged throughout the entire built-up area in accordance with the policies of Chapter E - Urban Systems and Designations and Chapter F - Implementation.

2.4.1.2 The City’s primary intensification areas shall be the Urban Nodes and Urban Corridors as illustrated on Schedule E - Urban Structure and as further defined in secondary plans and corridor studies for these areas, included in Volume 2.

2.4.1.3 The residential intensification target specified in Policy A.2.3.3.4 shall generally be distributed through the built-up area as follows:

- a) The Downtown Urban Growth Centre shall be planned to accommodate approximately 20% of the intensification target.*
- b) The Urban Nodes and Urban Corridors identified in Section E.2.0 - Urban Structure, excluding the Downtown Urban Growth Centre, shall be planned to accommodate approximately 40% of the residential intensification target.*
- c) 40% of the residential intensification target is anticipated to occur within the Neighbourhoods as illustrated on Schedule E - Urban Structure.*

2.4.1.4 Residential intensification developments shall be evaluated based on the following criteria:

- a) The relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;*
- b) The development's contribution to maintaining and achieving a range of dwelling types and tenures;*
- c) The compatible integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;*
- d) The development's contribution to achieving the planned urban structure as described in Section E.2.0 - Urban Structure;*
- e) Infrastructure and transportation capacity; and,*
- f) The ability of the development to comply with all applicable policies.*

2.4.2 Residential Intensification in the Neighbourhoods Designation

2.4.2.1 Residential intensification within lands designated Neighbourhoods identified on Schedule E-1 - Urban Land Use Designations shall comply with Section E.3.0 - Neighbourhoods Designation.

2.4.2.2 When considering an application for a residential intensification development within the Neighbourhoods designation, the following matters shall be evaluated:

- a) The matters listed in Policy B.2.4.1.4;*
- b) Compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;*
- c) The relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;*
- d) The consideration of transitions in height and density to adjacent residential buildings;*

SUBJECT: Application for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located 1500-1502 Main Street East (Hamilton) (PED13185) (Ward 4) - Page 9 of 14

- e) The relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;*
- f) The provision of amenity space and the relationship to existing patterns of private and public amenity space;*
- g) The ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;*
- h) The ability to complement the existing functions of the neighbourhood;*
- i) The conservation of cultural heritage resources; and,*
- j) Infrastructure and transportation capacity and impacts.”*

The proposed development has been reviewed against the above noted intensification policies and staff are of the opinion that the proposed development is compatible as the additional storey and twenty residents would not negatively affect the adjacent residential uses.

The UHOP Housing Policies encourage a range of housing types, forms, and densities to meet the social, health and well-being requirements of all current and future residents, and provide complete communities. Furthermore, the increase in Hamilton’s stock of affordable housing of all types, including those whose needs are inadequately met by existing housing forms or tenure, affordability, or support options, is an objective established in the UHOP.

Based on the foregoing, no modifications to the UHOP will be necessary and therefore would be in keeping with the general intent of the Urban Hamilton Official Plan.

RELEVANT CONSULTATION

The following Departments and Agencies had no comments or objections:

- Recreation (Community Services Department).
- Taxation (Corporate Services Department).
- Strategic Planning (Public Works Department).
- Hamilton Municipal Parking System.
- Corridor Management Division (Public Works Department).
- Forestry and Horticulture Section (Public Works Department).

Corporate Assets and Strategic Planning (Public Works Department) has advised that the Urban Hamilton Official Plan provides that appropriate daylight triangles for driveways be provided and, a road widening may be required. They also advise that the City of Hamilton is undergoing a Pedestrian Master Plan and this development needs to provide appropriate pedestrian amenities from the City's ROW to building access points to encourage walking, consider the needs of Pedestrians with disabilities (i.e. AODA regulations and barrier free designs), standards for sidewalks along the right-of-way, and through the site are required to be a minimum 1.5m wide. As well, they advise that Transportation Demand Management (TDM) initiatives must be incorporated into the design. They advise that Rapid Transit will provide additional comment at the Site Plan Control stage. In this regard, if approved, the proposed addition will be subject to Site Plan Control. At that time, staff will provide technical comment pertaining to these technical matters such as accessibility and the ultimate road width.

PUBLIC CONSULTATION

In accordance with the new provisions of the Planning Act and the Council-approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 253 property owners within 120m of the subject lands on June 21, 2013, and a Public Notice sign was posted on the property on July 10, 2013. One email of concern was submitted (see Appendix "E"), and is discussed in the Analysis/Rationale for Recommendation section of this Report. The Notice of Public Meeting was also circulated in accordance with the provisions of the Planning Act.

ANALYSIS / RATIONALE FOR RECOMMENDATION

(include Performance Measurement/Benchmarking Data, if applicable)

1. The application has merit and can be supported for the following reasons:
 - a) The application is consistent with the Provincial Policy Statement, and conforms with Places to Grow.
 - b) It conforms to the Urban Hamilton Official Plan.
 - c) The proposed development is considered to be compatible with the existing development and does not negatively impact the immediate area.
 - d) The proposed development is appropriate intensification for the area that accommodates an aging population.
2. The existing building is currently 4-storeys at the portion of lands which front onto Main Street East. The rear portion of the building which extends into the "C" District is currently 2-storeys in height. The proposed addition will incorporate

the additional (third) storey to this area of the existing building (see Appendix “D”). The conceptual elevation provides for a sympathetic design that contains smaller windows abutting the single detached dwellings to the east and west of the subject lands. If approved, the proposed design will be reviewed in further detail at the Site Plan control stage.

3. The proposed Zoning modifications have been drafted in a manner which maintains the intent of the existing implementing Zoning By-law. The current implementing Zoning By-law (see Appendix “B”) repeals three components of the previous By-law, and replaces them, as discussed below:

Maximum Number of Residents:

The current site-specific By-law permits a maximum of seventy senior residents to be accommodated on the subject lands. The applicant is now seeking approval for an additional twenty residents in the proposed addition. The maximum proposed in the implementing Zoning By-law would allow for a total of ninety residents. There is a growing number of Hamiltonians over the age of 65, and it is estimated that this demographic is likely to double in the next decade. Staff are of the opinion that the provision of additional accommodations for seniors is very much required throughout the City. The additional twenty units to an existing facility with seventy units, which are all currently occupied, is considered minor, and therefore supportable. The additional units would not necessitate the requirement for a modification to parking, as additional parking was provided previously. If approved, the existing underground parking would comply with the provisions of the By-law.

Gross Floor Area (GFA):

The Zoning permits a total GFA of 3,700 sq. m. The applicant is now seeking approval for a total of 4,320 sq. m., which is a total addition of 620 sq. m. The proposed 620 sq. m. will be constructed through the addition of the proposed third storey. Staff are of the opinion that the proposed increase in GFA is considered minor and appropriate, as the additional GFA is sympathetic to the existing neighbourhood since the windows seem to be smaller and there are no balconies proposed. If the implementing Zoning By-law is approved, the proposed addition would be subject to Site Plan Control. At that time, staff will review the proposed addition in greater detail and, if applicable, will request that additional design treatments be implemented.

Maximum Height:

The applicant is seeking an increase in height to permit 3-storeys, whereas the By-law currently permits 2-storeys. The height along Main Street East varies between 2- and 4-storeys along the corridor. The subject lands are currently 4-storeys for the portion of land which fronts onto Main Street East. Staff are of the opinion that the UHOP policies allow for this minor increase to the rear for the reasons mentioned above. This portion of the property backs onto neighbouring single detached dwellings to the east and west. Staff are supportive of one additional storey, as there is a significant setback between the existing building and the single detached dwellings; as well, the concept plan identifies smaller windows. If the application is approved, construction of the additional storey will be subject to Site Plan Control. At that time, staff will further review the design to ensure it is sympathetic to the neighbouring properties.

4. As mentioned above, the original development proposal was dealt with in 2002. At the time, staff's previous recommendation was to deny the proposed development. Staff's reasons at the time for this denial was that it conflicted with the intent of the former Hamilton Official Plan, represented an over-intensification, and the proposal did not meet the intent of By-law No. 01-143 which established a maximum of fifty residents for retirement homes. Council approved the proposal. However, a neighbour opposed Council's decision, and the matter went before the Ontario Municipal Board (OMB). The OMB dismissed the appeal and approved the retirement home proposal.

In context to the applicable policies of the UHOP, staff are of the opinion that the design of the proposed addition builds upon desirable established patterns and built form. In this regard, urban design techniques can be utilized to ensure further compatibility with respect to scale, form, and character. Staff will further evaluate the relationship of the proposed addition with the adjacent buildings at Site Plan Control. In principle, staff are satisfied that the intent of the rezoning application conforms to the definition of compatibility in the UHOP.

5. One letter of concern was received on the proposed application (see Appendix "E"). The resident raises a series of concerns in objection to the proposal as it relates to planning:
 - Incompatibility with the existing single family dwellings;
 - Loss of privacy and sunlight from increased height;
 - Noise due to additional residents; and,
 - Traffic congestion.

SUBJECT: Application for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located 1500-1502 Main Street East (Hamilton) (PED13185) (Ward 4) - Page 13 of 14

Staff provide the following response to the planning concerns raised above:

Incompatibility

With respect to incompatibility, staff differs in opinion. As mentioned above, the UHOP identifies the subject lands as an area for intensification. As well, no Official Plan Amendment is required, therefore, the retirement home use is permitted.

Height:

A second concern relates to building height, specifically that the additional height will negatively impact access to sunlight and privacy. Staff are of the opinion that one additional storey is minimal, and would not significantly impact sunlight. With respect to privacy, the facility has ground level amenity space south of the existing building, as well as indoor amenity space. The proposed elevation provides for smaller windows and no balconies. Further, the existing side yard setbacks are being maintained, thereby, maintaining the existing distance to the single detached dwellings to the east and west of the subject lands. Lastly, the property at 12 Tragina Avenue South does not entirely abut the existing building; therefore, her perceived impacts would be less than stated in her letter. Staff are confident that the concerns regarding design of the building will be formally reviewed with respect to the UHOP policies mentioned above and addressed at the site plan control stage.

Noise:

A concern that the proposed twenty additional residents would generate noise from the subject lands was also raised. Staff are aware of some past noise complaints from the subject lands. However, there have been no current noise complaints generated from the subject lands, and staff does not share the same opinion that 20 additional residents would create a noise disturbance.

Traffic:

The existing building has underground parking, with one access from Main Street East. The applicant is not seeking relief for parking as the existing and proposed 20 additional residents would not necessitate the need to modify the By-law for parking or access. Staff are confident that all access generated from the site will be from Main Street East, with no significant impact to the adjacent local roads.

ALTERNATIVES FOR CONSIDERATION

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

Should the applications be denied, the lands could not be developed to allow an additional 20 residential units to the existing retirement home. Therefore, the lands would continue to be used only for the current retirement home maximum of 70 units, and only 2-storeys to the rear.

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN:

Strategic Priority #1:

A Prosperous and Healthy Community

WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.

Strategic Objective:

1.5 Support the development and implementation of neighbourhood and City wide strategies that will improve the health and well-being of residents.

APPENDICES / SCHEDULES

- Appendix “A”: Location Map
- Appendix “B”: Draft Zoning By-law Amendment
- Appendix “C”: Concept Site Plan
- Appendix “D”: Concept Elevation Plan
- Appendix “E”: Resident Letter

:JM

Attachs. (5)



● Site of the Application



Ward 4 Key Map

N.T.S.

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-13-017

Date:
June 10, 2013

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
JM/AL

Subject Property

1500-1502 Main Street East

Authority: Item [REDACTED]
Planning Committee
Report 13 [REDACTED] (PED13185)
CM: [REDACTED]

Bill No. [REDACTED]

CITY OF HAMILTON

BY- LAW NO. [REDACTED]

**To Amend Zoning By-law No. 6593
Respecting Lands Located at 1500-1502 Main Street East (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 13-[REDACTED] of the Planning Committee, at its meeting held on the [REDACTED] day of [REDACTED] 2013, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan, approved by the Minister under the Planning Act on March 16, 2011.

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

1. That Sheet Nos. E-64 and E-65 of the District maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended as follows:

- (a) By changing the zoning from the "H/S-1462" (Community Shopping and Commercial, Etc.) District, Modified, and the "C/S-1462" (Urban Protected Residential, Etc.) District, Modified, to the "H/S-1462b" (Community Shopping and Commercial, Etc.) District, Modified, and the "C/S-1462b" (Urban Protected Residential, 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 Sections of By-law No. 02-189 are repealed and replaced with the following for Blocks "1" and "2":

That Section 1.(a)(i) and 1.(b) is amended as follows:

- (a)(i) A retirement home with a maximum of ninety (90) residents; and,
(b) That the total gross floor area of any building or structure shall not exceed 4,320 sq. m.

That Section 3.(a) is amended as follows:

- (a) No building or structure shall exceed three (3) storeys in height.

3. That By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1462b.

4. That Sheet Nos. E-64 and E-65 of the District Maps is amended by marking the lands referred to in Section 1 of this By-law as S-1462b.

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 and the "C" (Urban Protected Residential, Etc.) District provisions, subject to the special requirements referred to in Section 2 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], 2013.

R. Bratina
Mayor

Rose Caterini
Clerk



This is Schedule "A" to By-law No. 13-

Passed the day of, 2013

Mayor

Clerk

Schedule "A"

Map Forming Part of
By-law No. 13-_____

to Amend By-law No. 6593

Subject Property

1500 - 1502 Main Street East, Hamilton



Block 1 - Further Modification to the "H/S-1462"
(Community Shopping and Commercial, etc.)
District, Modified



Block 2 - Further Modification to the "C/S-1462"
(Urban Protected Residential, etc.) District,
Modified

Scale:
N.T.S.

File Name/Number:
ZAC-13-017

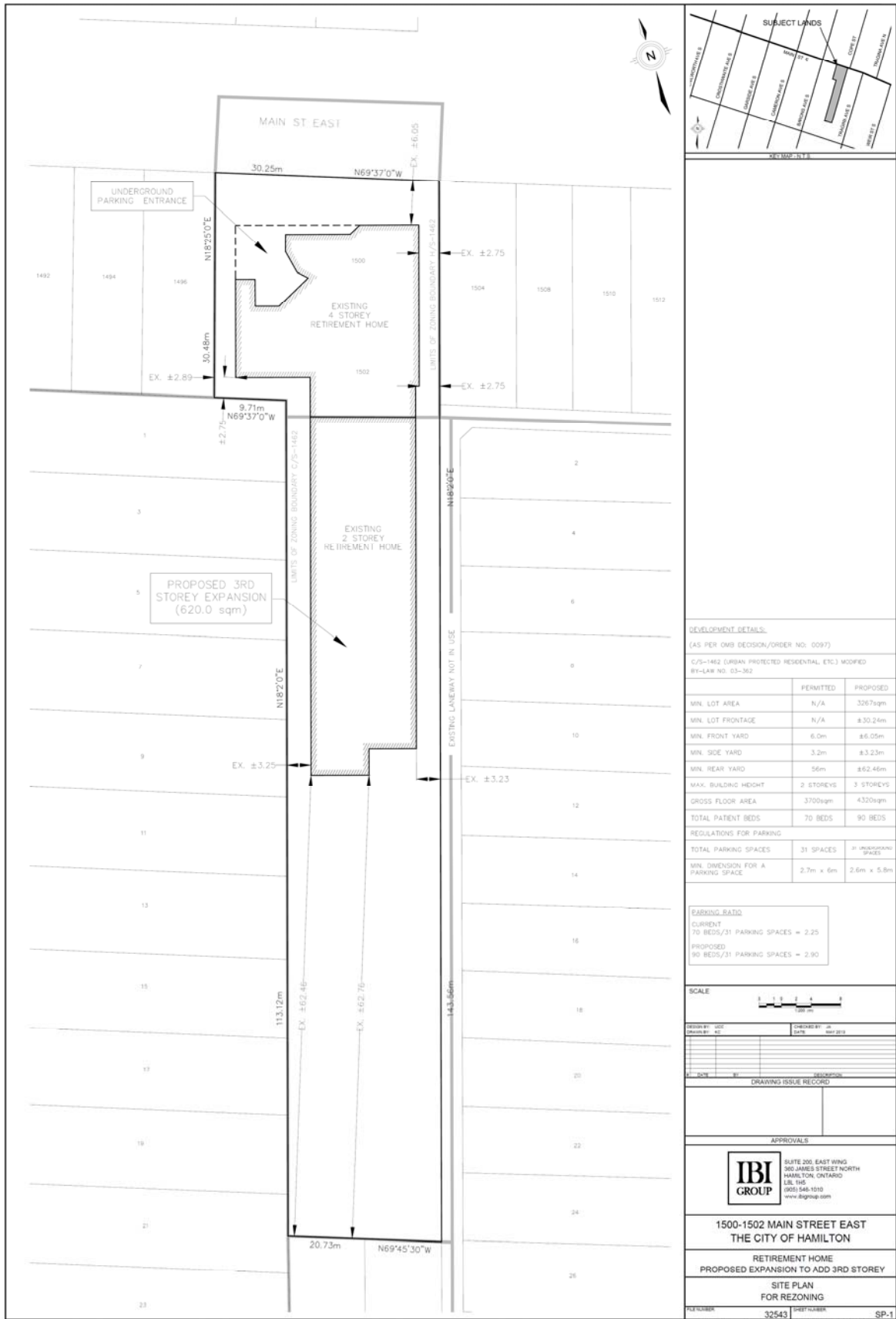
Date:
October 23, 2013

Planner/Technician:
JM/DB



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT





July 4/2013.

File No: ZAC-13-017

Dear Mr. Joe Muto,

RECEIVED

JUL - 9 2013

Re: Zoning by-law amendment for property located at 1500-1502 Main St. East. Hamilton.

I am not in favour of a zoning by-law amendment to allow a third storey addition to the existing rear two storey structure, for the following reasons:

1. A 3-storey large building is incompatible with the 1-2 storey single family dwellings in the surrounding area, not to mention proximity to my property. This will result in my loss of privacy, loss of sunlight and daylight entering my backyard and home, especially during the winter months. This will also cause more noise due to overcrowding (more people) as well as site construction. A building of this size will also obstruct air reaching my property and home.
2. Allowing a zoning by-law amendment, will also encourage the owners/developers of the property to continue their overly ambitious plans to heighten, lengthen, widen, the building, or possibly even converting it to apartment buildings or even a hotel in the future. Where and when does it stop? Will the next step be building into my backyard?

Dealing with this issue every few years is stressful. There is no respect or consideration for the residents in this area. Positive change and progress is not measured by allowing one group of people to trample over another group of people.

3. A zoning by-law amendment will also draw and encourage new developers to build in this area as well. For example buying ~~a~~ residential homes in this area tearing ~~it~~ ^{them} down and building apartments etc. drastically changing the character of this neighbourhood. I do not want tall buildings all around me towering over me.
4. The value of my home will go down for the reasons I have already mentioned above.
5. I am also concerned about traffic congestion, and employees and visitors parking in front of my home, partially blocking my ramp, this is already an existing problem.
6. Adding another 20 senior residents will not allow for them to be cared for properly, unless of course, the owner has other future plans for the building.

Finally I would just like to say, that this building has taken over the neighborhood, and is a huge eye sore, on an over developed and over crowded small lot. I sincerely hope city Council will side with the residents on this matter and not allow for this to happen. I thank you for reading my letter

Sincerely,

Frances Mungo

Maia Mungo

P.S. I can be reached at
I would also like to be informed of any
decisions regarding this matter thank you.