



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	June 17, 2014
SUBJECT/REPORT NO:	Application for Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 99-103 Locke Street South (Hamilton) (PED14122)
WARD(S) AFFECTED:	Ward 1
PREPARED BY:	Edward John (905) 546-2424 Ext. 5803
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- a) That approval be given to Zoning Application ZAC-12-020, by Lougain Properties, Owner, for a change in zoning to Hamilton Zoning By-law No. 6593 from the “H” (Community Shopping Centre, etc.) District and the “G-3/S-1108” (Public Parking Lot) District, Modified, to the “E”-‘H’ (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified Holding, in order to permit a six-storey, mixed-use building comprised of 84 residential units and ground floor commercial, as shown on Appendix “A”, on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED14122, that has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the change in zoning is in conformity with the Urban Hamilton Official Plan (UHOP).
- b) That upon finalization of the implementing By-law, the subject lands within the Kirkendall Neighbourhood Plan be re-designated from “Commercial” to “Commercial and Apartments”.

EXECUTIVE SUMMARY

The purpose of the application is to amend Hamilton Zoning By-law No. 6593 in order to permit a six-storey, mixed-use building comprised of 84 residential units and ground floor commercial uses, on lands fronting Locke Street South between Canada Street

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and Jackson Street West (see Appendix “A”). A preliminary set of elevations of the proposed mixed-use building, has been submitted (see Appendix “C”).

The applicant has applied for a change in zoning on the property at 99-103 Locke Street South from the “H” (Community Shopping Centre, etc.) District and the “G-3/S-1108” (Public Parking Lot) District, Modified, to the “E”-“H” (Multiple Dwellings, Lodges, Clubs, etc.) District, Holding Modified in Hamilton Zoning By-law No. 6593, in order to permit the development of a six-storey, mixed-use building comprised of 84 residential units and ground floor commercial uses. A total of 90 parking spaces have been proposed in the form of underground parking.

The proposal can be supported, as it is consistent with the Provincial Policy Statement (PPS), conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and implements the “Mixed Use - Medium Density” Designation of the UHOP. It is a form of residential intensification at a scale, density, design, and massing, that is compatible with surrounding existing residential development.

Alternatives for Consideration – See Page 20

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

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 a Zoning By-law Amendment.

HISTORICAL BACKGROUND

Proposal:

The subject application was originally submitted in June, 2012. As the new UHOP came into full force and effect in August, 2013, the subject proposal was revised in accordance with the UHOP, while including suggestions set out by the Kirkendall Neighbourhood Association. In comparison to the original submission, the gross floor area of the subject building has been reduced, the height has been reduced from seven to six storeys (with setback mechanical penthouse and multipurpose room), and the number of residential units has been reduced by 20, for a total of 84 units.

Furthermore, the principal massing of the building has been located towards Locke Street South to provide a greater street presence, and has been redesigned to provide a podium style design (see Appendix “C”). An additional parking ramp has been added, thereby allowing traffic to enter from Canada Street and exit onto Jackson Street West.

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The originally proposed at-grade parking spaces have also been deleted for improved safety and to promote greater pedestrian activity. A total of 90 parking spaces have been proposed, 44 spaces on Parking Level 1 and 46 parking spaces on Parking Level 2 (see Appendix "C"). In addition, internal bicycle storage is also proposed.

Chronology:

<u>December 14, 2011:</u>	Development Review Committee Meeting for Formal Consultation Application, FC-11-134.
<u>June 29, 2012:</u>	Submission of Application ZAC-12-020 by Lougain Properties Inc.
<u>July 20, 2012:</u>	Application ZAC-12-020 is deemed complete.
<u>July 31, 2012:</u>	Circulation of Notice of Complete Application.
<u>September 20, 2012:</u>	Kirkendall Neighbourhood Association Information Session.
<u>December 06, 2013:</u>	Resubmission of Application ZAC-12-020 by Lougain Properties Inc.
<u>February 06, 2014:</u>	Re-Circulation of Notice of Complete Application.
<u>May 30, 2014:</u>	Notice of Public Meeting.

Details of Submitted Application:

<u>Location:</u>	99-103 Locke Street South (Hamilton)
<u>Owner:</u>	Lougain Properties Inc.
<u>Agent:</u>	IBI Group
<u>Property Description:</u>	Area: 2000 sq m
	Frontage: 62.18 m
	Depth: 33.29 m (west property line)

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Existing Land Use And Zoning:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Grocery Retail Store (vacant)	"H" (Community Shopping and Commercial) District, Modified
<u>Surrounding Lands:</u>		
North	Miniature Good Year Tire and Automotive Centre	"H" (Community Shopping and Commercial) District, Modified
South	Low Density Residential Housing	"H" (Community Shopping and Commercial) District, Modified and "D" (Urban Protected Residential 1 and 2 Family Dwelling) District
East	Low Density Residential Housing	"G-3" (Public Parking Lots) District, Modified and "D" (Urban Protected Residential 1 and 2 Family Dwelling) District
West	Stacked Multiple Dwellings	"DE-3" (Low Density Multiple Dwellings) District, Modified

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2014):

The application has been reviewed with respect to the PPS 2014. The application is consistent with the policies that focus on growth in Settlement Areas 1.1.3.1. It also implements Policies 1.1.3.2, 1.1.3.4, and 1.4.3 with respect to promotion of densities, which efficiently use land and resources, and appropriate intensification and redevelopment.

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 minimize risk to public health and safety. The subject lands are intended to be developed for residential purposes and are located adjacent to an active rail line and Main Street West. The

proximity of the proposed sensitive land use to road and rail noise sources, triggers the requirement for a noise study.

In addition, the applicant submitted a Phase I site assessment compiled by Landtek Ltd. The study concluded that a Phase II will be required. As such, staff will be placing the lands under a holding provision until such time as a noise study and signed Record of Site Condition (RSC) under Ontario Regulation 153/04, is submitted to the City of Hamilton as well as the Ministry of Environment (MOE) (see Appendix “B”).

Finally additional policies have been included in the PPS 2014, and in particular Policy 3.1.3 which requires Planning authorities to consider the potential impacts of climate change. To this extent, the location of higher densities in an area which is very well served by public transportation, and is within a highly walkable neighbourhood, is considered to encourage more active forms of transportation (walking/cycling etc.). Consequently, it is expected that this, in turn, would reduce the overall number of private vehicle trips, and therefore would assist in the reduction of Greenhouse emissions, consistent with this Policy direction.

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

The subject lands are located within a built-up area, as defined by Places to Grow. Policy 2.2.3.1 states that by the year 2015, and for each year thereafter, a minimum of 40% of all residential development occurring annually within each upper- and single-tier municipality, will be within the built-up area. The proposal also implements Policy 2.2.2.1 with respect to directing new growth to the built-up areas through intensification, and by contributing to complete communities with a diverse mix of land uses, including providing for a mix of housing types.

Based on the foregoing, the proposal conforms to the policies of the Growth Plan for the Greater Golden Horseshoe (Places to Grow).

Urban Hamilton Official Plan:

The new UHOP designates the subject lands as “Neighbourhoods” on Schedule “E” – Urban Structure, and is further designated as “Mixed Use - Medium Density” on Schedule “E-1” - Urban Land Use Designations and identified as Pedestrian Predominant as per Table E.4.3.1. The following policies, among others, are applicable to the subject lands:

B.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:

- c) 40% of the residential intensification target is anticipated to occur within the Neighbourhoods as illustrated on Schedule E – Urban Structure.

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

- 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.

B.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;
- 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;

- 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 subject lands are identified as appropriate in accommodating mixed uses provided the design, compatibility and impact of the proposal on the character and amenity of the area is acceptable.

As will be discussed in the Analysis/Rationale Section of this Report, the revised design is considered to have addressed a number of issues that were raised through the consultation process. The podium approach and reduction in height, in addition to the improvements in the parking access, have combined to ensure the development is in accordance with the UHOP.

With particular reference to the “Mixed Use – Medium Density” designation the following goals shall apply:

- E.4.1.1 Create and retain vibrant mixed use areas that accommodate a range of uses and are accessible by automobile, transit, and *active transportation*.
- E.4.1.3 Create comfortable, walkable and stimulating pedestrian streets along key roads within the mixed use areas.
- E.4.1.4 Maintain an appropriate distribution of retail and commercial services in each neighbourhood in order to meet the day-to-day and weekly shopping needs of residents and in locations which are highly accessible by *active transportation*, and transit, as well as the automobile.

The subject lands, and the range of residential and local commercial uses proposed, satisfy the above policy direction.

As noted the above, the subject lands are located on a portion of Locke Street which has been identified as ‘Pedestrian Predominant’, and, as such, the following policy must be considered:

- Policy E.4.3.4 In addition to the policies of the specific Commercial and Mixed Use designations, the following policies shall apply to *pedestrian predominant streets*:
 - a) A minimum of 75% of the block face located between two roads shall be developed with buildings.

- b) Buildings shall be built up to the streetline and parking, driveways or lanes shall not be permitted between the buildings and the street, except as set out in E.4.3.4 g).
- c) Each building or store front shall face onto the *pedestrian predominant street* with the main entrance of each building or store and substantial fenestration facing on to the street.
- d) Residential uses shall not be permitted on the ground floor of a building facing on to a *pedestrian predominant street*.
- e) On-street parking shall be provided where feasible and appropriate.
- f) A minimum height of two storeys shall be encouraged.
- g) Single use buildings exceeding a ground floor area of 5,000 square metres shall generally be directed to the interior of a property with smaller stores oriented onto the *pedestrian predominant street* in front of the larger stores. Alternatively, larger stores could be located up to the streetline provided they are lined with smaller stores, multiple entrances, or other similar means to animate the streetscape.
- h) Sidewalks shall be required on both sides of the street and shall be of sufficient width to:
 - i) accommodate anticipated pedestrian volumes;
 - ii) comfortably and safely accommodate the needs of persons with disabilities and seniors;
 - iii) ensure sufficient space for coordinated street furnishings, public utilities, and tree plantings; and,
 - iv) accommodate sidewalk cafés, kiosks, and street vendors where possible.
- i) Transit shelters and stops shall be provided, where appropriate;
- j) New buildings and spaces shall be designed to reflect a human scale of development, contribute to public safety and security, and create a significantly enhanced pedestrian environment.

- k) New buildings shall be encouraged to have awnings, canopies, arcades, or front porches to provide weather protection.

As is discussed in further detail in the Analysis/Rationale Section of this Report, the proposed revised building is considered to adequately reflect its urban setting. The building is located close to the street, with covered underground parking. The retail/commercial uses would be suitably located on the ground floor accessible from the pedestrian predominant street, and the overall height would ensure the site is efficiently used and is at an appropriate human scale. As such, staff considers the design of the building to maintain and complement the pedestrian predominant designation of the street. This is further captured in the amending by-law, which shall require the 75% space of the block face to be developed with buildings, and for 60% of the ground floor elevation facing Locke Street South to consist of windows and doors.

Finally, with respect to the specific designation of Mixed Use - Medium Density, staff note that the general intent is to increase the number of people who work and live within these designations, as it is a designation that is considered most appropriate in accommodating a range of housing and services. The function is to serve as a focus for the community, creating a vibrant pedestrian realm. In particular, it is noted that the following policies shall apply:

E.4.6.4 It is also the function of areas designated Mixed Use - Medium Density to serve as vibrant people places with increased day and night activity through the introduction of residential *development*. Residential *development* enhances the function of these areas as *transit supportive* nodes and corridors.

The introduction of 86 residential units above the proposed ground floor retail/commercial uses would be consistent with the above policy intent, which seeks to increase the residential densities in these designations, in order to promote a vibrant public realm.

The UHOP similarly provides guidance on the scale of development considered appropriate within the Mixed Use - Medium Density. Policy E.4.6.7 states a maximum height of six-storeys, however, this maximum may be increased up to eight-storeys where it is demonstrated that there are no adverse shadow impacts, and where the building is suitably set back (as per Policy E.4.6.8).

With respect to the revised proposal, the building would be six occupied storeys, which introduces a number of design features, including a two-storey podium to reflect many of the existing heights of buildings in the area, and stepped-back upper floors. A mechanical penthouse would be located above six-storeys, and would have a multipurpose room attached and an outdoor amenity area. This portion of the building would be significantly stepped-back, and occupy a total of 278 sq m.

The initial application was supported through the submission of a shadow study, and as such, following the further reduction in height and additional step-backs, staff are satisfied that the revised design conforms to the above policy intent.

Finally, the UHOP contains a number of policies related to informing the design of buildings within the Mixed Use - Medium Density designation. These include:

- E.4.6.16 New *development* shall be designed and oriented to create comfortable, vibrant and stimulating pedestrian oriented streets within each area designated Mixed Use - Medium Density.
- E.4.6.17 Areas designated Mixed Use - Medium Density are intended to develop in a *compact urban form* with a streetscape design and building arrangement that supports pedestrian use and circulation and create vibrant people places.
- E.4.6.22 *Development* applications shall be encouraged to provide a mix of uses on the site.

With respect to the three preceding policies, staff are of the opinion that the application to provide a compact development that is street-oriented and that will accommodate a mix of residential and commercial uses, such that an inviting, vibrant and pedestrian friendly realm will be created.

The design policies also provide the option of introducing a gradation of building heights in order to minimize shadow and overview issues, as per Policy E.4.6.24, which states:

- E.4.6.24 New *development* shall respect the existing built form of adjacent neighbourhoods by providing a gradation in building height and densities, and by locating and designing new *development* to minimize the effects of shadowing and overview on properties in adjacent neighbourhoods.

Staff note that the building incorporated a two-storey podium with additional step-backs on the upper floors for the portions of the building that adjoin the lower density residential areas to the rear. It is considered that this design treatment successfully addresses the impact of the building with respect to the amenity and character of the existing lower density residential area.

Finally, within the Mixed Use - Medium Density Residential designation, emphasis is placed upon the encouragement of active transportation, and in the same vein, reduction of required parking, as per the below policies.

- E.4.6.26 Automobile access shall continue to be an important mode of transportation from the surrounding neighbourhoods, but it shall be

balanced with the need to improve pedestrian access and opportunities for *active transportation*.

- E.4.6.27 Reduced parking requirements shall be considered to encourage a broader range of uses and take advantage of a higher level of transit service.

The building would be providing a total of 90 parking spaces in order to serve 86 residential units and 1500 sq m of commercial space. Given that the parking is to be provided underground, it is anticipated that the parking would be exclusive to the owners/tenant of the residential and commercial units. On this basis, each residential unit could feasibly be provided one space and, additionally, four spaces would be available to the operators/tenant of the commercial units. It is noted however, that this would result in no visitor parking being provided.

It is noted that similar parking provisions currently exist within areas of Hamilton Downtown, and that like the downtown, this area benefits from many of the similar opportunities that have encouraged reduced parking requirements (services/transit/parkland). Furthermore, it is noted that a number of options will be reviewed in greater detail at the site plan stage, including bike storage and parking allocations.

On this basis, it is considered that the proposed development would encourage active transportation, and take advantage of the existing services available within this desirable and walkable neighbourhood.

Neighbourhood Plan:

The subject property is designated “Commercial”, in the Kirkendall Neighbourhood Plan. A re-designation to “Commercial and Apartments” is required to reflect the proposed development. Policy F.1.2.8 of the UHOP permits amendments to a Neighbourhood Plan evaluated against Policies F.1.1.3 and F.1.1.4. In this regard, the proposed amendment does not conflict with these policies, as it implements a form of development at a location consistent with that contemplated within the “Mixed Use - Medium Density” designation.

RELEVANT CONSULTATION

Hamilton Municipal Parking System (HMPS) has noted that the plan is deficient in the number of parking spaces and note that this is of concern due to the restricted parking in the area, and that this continues to be a contentious issue. Staff also identify concerns with the surface parking spaces and the potential conflict with traffic and pedestrian traffic. Furthermore, it is advised that the applicant ensures that the minimum dimensions for parking spaces are met. It is also recommended that columns,

retaining walls, pillars, etc., be set back at least 0.5 m from the end of the spaces, to make it easier for drivers to exit or enter.

In response to these concerns, the applicant revised the original plans in order to reduce the number of units by 20 units, and omitted the surface parking spaces. As a consequence, the parking ratio was improved such that at least one space per residential unit could be guaranteed. This provision would be consistent with the parking ratio for similar developments in By-law 05-200, as it applies to the Downtown.

Staff will also be recommending at the Site Plan and Condominium stages, that warning clauses be provided to future owners/tenants regarding the restrictions for parking within the neighbourhood. Finally, staff note that the development is located within a highly walkable community, which is well served by transit and commercial, institutional and parkland uses. As such, the provision of parking which would provide at least one space per unit is considered appropriate.

Corridor Management has a few minor detailed technical recommendations which will be reviewed further at the Site Plan Control Stage. Corridor Management requires detailed Engineering Plans that demonstrate the location of existing underground services, as well as a Construction Management Plan, that details any construction activity that will encroach onto the municipal road allowance.

PUBLIC CONSULTATION

In accordance with the provisions of the Planning Act and the Council-approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 364 individuals within 120 m of the subject lands on July 31, 2012. Following this circulation, 25 letters were received. In addition, the project was presented to the Kirkendall Neighbourhood Association on two separate occasions, being September 20, 2012, and October 29, 2012.

Although there were a number of residents that support this proposal, the following is a list of common themes of concern among residents:

- Nature of retail units permitted on ground floor may adversely affect residents (would prefer a library over a lodge/club);
- Proximity to 100 year old houses may deteriorate character;
- Construction will be a nuisance;
- Lack of parking;
- Configuration of entrance and exit into property poses issues to traffic;
- Privacy issues; and,
- Scale and size of building is too large.

Following the revision to the proposal, the application was recirculated and the sign updated on December 24, 2013. Only 2 additional letters were received, one requesting the parking plan and the second requesting the commercial uses to be restricted.

The Notice of Public Meeting was also circulated in accordance with the provisions of the Planning Act.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposed changes in zoning have merit and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow);
 - (ii) It conforms to the Urban Hamilton Official Plan and, in particular, the Mixed Use - Medium Density and Pedestrian Predominant Designation;
 - (iii) The proposed development is considered to be compatible with the existing and planned development in the immediate area; and,
 - (iv) The proposed development represents good planning by providing an urban form that is efficient and utilizes the existing services and infrastructure within the urban area.
2. The proposed revised development consists of a six-storey, mixed-use building comprised of 84 residential units and ground floor commercial uses. A total of 90 parking spaces have been proposed in the form of underground parking. The parking facilities would benefit from one way access in from Canada Street, and would exit one way onto Jackson Street West.
3. In evaluating the planning merits of the appropriateness of the proposed development, the overriding issue is essentially the scale and density of the development. As discussed in the policy review section, the “Mixed Use - Medium Density” designation encourages a mix of residential and commercial uses, and notes in particular that mixed use buildings offer greater efficiency in built form.

As discussed in the policy review section of this Report, the subject lands are in a location contemplated for higher density residential development – particularly of mixed uses, based on the fact that they are within the built-boundary, in close proximity to the Downtown, and are in an area that already contains a wide

variety of uses and services within walking distance including access to comprehensive public transit.

No comments or concerns from either a safety or level-of-service perspective were raised by the Public Works Department about the capacity of the road infrastructure, or the ability of the infrastructure to handle increased traffic. Locke Street South and Main Street West ('Collector' and 'Major Arterial', respectively, within the UHOP Road Classification Schedule "C"), are major roads planned and expected to handle higher traffic volumes.

While the height of the building would be notably taller than surrounding buildings to the east (two storey residential), and existing commercial/institutional buildings along Locke Street South (two three-storey) a number of design treatments have been proposed in order to reduce the scale and massing of the building. Firstly, the building would have a two-storey podium which would reflect the principle datum line of existing development within the area. Secondly, step-backs from the low density residential development to the east have been incorporated, and would consist of floors 3-6 being stepped back 7.5 m from the adjoining property boundary. Finally, through the use of large portions of fenestration and other architectural details, the building is considered to be both visually interesting, while successfully mitigating the perception of the building's scale.

A sun/shadow study completed by SRN Architects Inc. illustrates that the proposed building does not create any significantly adverse shading of any existing outdoor amenity areas adjacent to the property, beyond that which would exist under the existing as of right height permissions.

The subject lands are in an area with a mix of community and public services available nearby. The site is located within close proximity to Main Street West and fronts onto Locke Street South, which is a vibrant commercial street offering numerous retail and service related uses. The area benefits from a well-served transit system, parkland, and is within walking distance to Hamilton Downtown, which offers significant employment and transportation opportunities.

Given the range of services and uses within proximity to the site, and the walkability of the neighbourhood, staff consider that the location offers a significant opportunity for future residents to live, work, and play, without the need for private vehicle ownership.

Based on the above, staff are satisfied that the subject lands are an appropriate location for a medium profile mixed use building, and that sufficient buffering, building setbacks, and the building design (with various building step-backs to push the height away from low density residential), will be in place to ensure compatibility with existing and future land uses in the area.

4. The development of lands for a mixed use building is subject to Site Plan Control, in accordance with Site Plan Control By-law No. 03-294. Final review of matters such as grading, drainage, storm water management, servicing, landscaping, tree preservation, final parking access locations and parking layout, fencing, and final architectural design, will be addressed at the Site Plan Control stage of development. Subsequent to, or concurrent with the Site Plan Control Application, the proponent will likely submit an application for a Draft Plan of Condominium (Standard Form), to establish condominium tenure for the building. As part of this application, implementation of any necessary warning clauses with respect to noise from adjacent roadways will be undertaken.
5. In order to implement the development as proposed (see Appendix “C”), a number of zoning modifications are required, many of which relate to provisions to ensure that the building is located appropriately on the property, including all proposed step-backs. A review of the required modifications is as follows:

Minimum Front Yard, Rear Yard and Southerly Side Yard (Jackson Street):

The development would require that these three yards be reduced to 0.0 m. The intention is to have the proposed podium extend to the limit of the property boundary in order to firstly address the urban design objective of maintaining the built form close to the frontage of Locke Street South, in order to achieve an urban street edge, in accordance with the pedestrian predominant policies of the Official Plan and the existing built form along Locke Street South.

Secondly, the entrance and exit to the underground parking is to be located adjacent to the rear boundary. This access/exit is to be covered in order to mitigate any potential nuisance impacts, as well as to provide security, and, as such, would be located at the property boundary. It is noted that step-backs exist at the 2nd and 3rd to 6th floors, of 3 m and 7.5 m respectively, and, as such, the portion of the building adjacent to the property line would predominately be at single-storey height. In order to ensure this is the case, additional modifications to the By-law have been included, to ensure the step-backs are incorporated (see Appendix “B”).

Minimum Side Yard (Canada Street):

The development would require that this yard be reduced to 2.5 m. This distance would maintain the design objectives that would encourage buildings close to the street, whilst also maintaining sufficient area for site circulation and access requirements.

Maximum Height:

The “E” District permits a maximum height of 12-storeys (39 m), for all buildings setback at least 30 m from a low density residential district. The provision within the By-law shall limit this to 6-storeys (22 m). Additionally, the mechanical

penthouse and attached multipurpose room, which is not considered to represent a storey, will be recognized and permitted on the roof, but will be subject to a maximum height of 3.5 m, and area of 300 sq m.

Number of Parking Spaces and Loading Spaces, and Dimensions of Parking Spaces:

As previously discussed, the development proposes a total of 90 spaces to serve the 86 units and commercial tenants. A loading space has also been proposed, however concerns from its proposed location have been raised by Corridor Management.

As noted in the policy review section of this Report, the area is ideally located, and indeed has been placed, in a designation that specifically encourages the contemplation of reduced parking requirements. Given this, and the fact the project would in general satisfy the previously established parking requirements imposed in the Zoning By-law 05-200, staff are supportive of the modifications.

With respect to the location of the loading space, while this is to be reviewed in detail at the Site Plan stage, staff are recommending that the implementing By-law permit a reduced size for the required loading space (3.7 m x 9.0 m x 4.3 m), in order to provide for flexibility consistent with the approach endorsed in Zoning By-law 05-200.

Finally, a modification to permit a minimum parking space size of 2.6 m wide and 5.5 m long, can be supported (instead of 2.7 m wide and 6.0 m long), as this is the new City of Hamilton standard within Zoning By-law No. 05-200.

Landscaped area

Based on the type of units proposed, the urban setting with construction of buildings to the lot lines, and the availability of parkland within the immediate vicinity, staff are supportive of the elimination of the requirement for landscaping. At the Site Plan stage, staff will ensure the building is designed in order to adequately address both the public and private realm. In addition, amenity space is to be provided in the form of balconies and roof top space, which, once again, given the type of units, is considered appropriate.

Floor Area Ratio:

Zoning By-law No. 6593 regulates the scale, massing, and size of development in the “E” District, through a maximum floor area ratio requirement. In this respect, given the almost total build out of the site, the provision has been amended to permit 8,500 sq m, with a floor area ratio of 4.25. Given the merits of the application and the controls through other provisions of the By-law with respect to the scale and massing of the building, staff are satisfied with this modification.

Glazing and Block Face Coverage

In accordance with the pedestrian predominant UHOP policies, staff have included an additional By-law provision which shall require a minimum of 60% of the ground floor elevation facing Locke Street South to consist entirely of fenestration. This is in order to promote an attractive and vibrant street presence.

In addition, a provision requiring 75% of the block face to consist of building mass, has been included. This is in order to reinforce the pedestrian realm in line with design objectives of the UHOP.

Holding Provision

A holding provision has been recommended in order to ensure a Record of Site Condition and noise study is submitted to the satisfaction of the Director of Planning.

6. Since the application was submitted, the UHOP has come into force and effect, and subsequently determined this portion of Locke Street South to have an ultimate road allowance width of 26.2 m. This would subsequently require a 3.1 m widening on the subject lands. However, staff note Policy C.4.5.6.4 which states:

Policy C.4.5.6.4 Notwithstanding Sections C.4.5.6 and C.4.5.7, the City may waive or accept less than the maximum road widening and/or daylighting triangle requirements where, in the opinion of the City, constraints including but not limited to, the nature of existing development, topographic and/or natural features, cultural heritage and design features or other constraints make it impractical to widen the road to the established road allowance requirement.

With respect to the subject application, staff note two constraints/opportunities that have given support to the prospect of accepting reduced dedications. Firstly, the street has been identified as a pedestrian predominant street, and as such, buildings are strongly encouraged to be located close to the street edge with minimal setbacks. Consequently, waiving the road widening would facilitate this intent and secure a greater, more inviting, pedestrian realm. Secondly, staff note the constraint of the existing rail bridge immediately south of the subject lands. The bridge crossing is fixed and there are no plans to widen the bridge. As such, staff conclude that in accordance with the above policy, waiving of the road widening dedication is reasonable and appropriate.

With respect to the Daylight Triangle, it is noted that following the UHOP coming into force and effect, 4.5 m are now required at both the intersections of Locke

Street South and Canada Street, and Locke Street South and Jackson Street. It would appear that the Canada Street daylight triangle would be accommodated; however, the Jackson Street West would not, under the current design.

Similar to the above discussion, justification exists in which to contemplate reductions to this requirement, however, staff will reserve final judgement until Site Plan Stage, in which all options (design and otherwise) can be contemplated. Through the review at the Site Plan stage, additional information in the form of sight line studies, may be utilized in order to determine whether any reductions can be contemplated.

7. Engineering staff have reviewed the Functional Servicing Report, prepared by IBI Group, dated March 2012, and are satisfied with the information. As the height of the building has been reduced since the time of the Report, staff have reconfirmed that they have no concerns with supporting the re-zoning from a servicing perspective.

It is noted that the submitted plans propose two-storeys of underground parking to service the proposed development. As such, concerns with the deep excavation have been raised. This is a result of the proximity and potential undermining of the existing buildings and adjacent roads. In addition, staff have noted the desire to have additional information concerning the future shoring of the proposed underground structure.

As such, engineering staff shall require a study to be prepared by a qualified professional to address the above noted issues, to be submitted with the future Site Plan Application for review and consideration.

Finally, staff note that there is an existing 150 mm diameter watermain on Jackson Street West, a 500 mm diameter trunk watermain, a 150 mm diameter watermain on Locke Street South, and a 200mm watermain on Canada Street available to service the subject property. In addition, there is an existing 300 mm diameter combined sewer on Jackson Street West, 375 mm diameter combined sewer on Locke Street South, and a 375mm combined sewer on Canada Street available to service the subject property.

8. The Public Consultation section of this Report noted that 23 letters were received from area residents in response to the original proposal. The letters expressed concern over the retail uses, impact on character, construction impacts, parking and traffic, privacy, and scale and height of buildings. In addition, a number of comments and concerns were raised through the Neighbourhood Association meetings. A review of the comments from the public is discussed below.

Traffic and Parking

The original plan has been revised in order to address a number of the concerns raised with respect to the access to the underground parking. The revised plan now proposes one way access in from Canada Street, and one way egress to Jackson Street. In order to achieve this, a full reconfiguration was required to the underground parking structure, and while this resulted in the reduction in the number of spaces, the number of units was also reduced by 20. On this basis, and through the discussion contained within this Report, it is considered that the building will function safely and without adverse impact with respect to parking and traffic matters.

Impact on Character

Given the scale and design of the building, staff note that it would represent a style and massing not currently existing within the immediate vicinity. However, given the number of design treatments, including the two-storey podium to reflect the existing heights in the area, step-backs, and choice of materials, staff are confident that the building would maintain the requirement in the Official Plan of ensuring the development is compatible. As such, the impacts of the development on the character of the area are considered acceptable.

Construction Impacts

It is noted that given the zero lot-line construction, and the potential impacts of the underground parking, staff will require the submission of a Construction Management Plan (CMP) at the Site Plan Approval stage, in order to carefully review in detail all aspects of the construction process. The CMP will require such matters as a pre-construction survey, co-ordination of lane closures, staging of development and construction methods.

Height and Scale

Similar to the discussion on character, and as discussed in detail throughout this Report, staff are satisfied that the proposed building in terms of height, scale and massing, successfully balances intensification with preservation of character and amenity.

Privacy

It is noted that a number of balconies are proposed on all four elevations of the proposed building. Given the urban context and the range of uses that would be permitted as of right on the subject lands, it is not considered that the proposed balconies would result in an unacceptable loss of privacy. In addition, the use of step-backs and other design treatments would mitigate direct views of neighbouring properties, further reducing potential loss of privacy for neighbouring residents.

It is noted that a number of balconies are proposed such that they extend beyond the limits of the property. These balconies will be subject to the requirement of an encroachment agreement with the City's Public Works Department, the relative merits of which shall be reviewed and required as part of site plan approval.

ALTERNATIVES FOR CONSIDERATION

Should the applications be denied, the lands could be developed in accordance with the existing "H" (Community Shopping Centre, etc.) District and "G-3/S-1108" (Public Parking Lot) District, Modified, which permits a number of commercial, institutional and residential uses.

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN

Strategic Priority #1

A Prosperous & 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

- 1.1 Continue to grow the non-residential tax base.
- 1.2 Continue to prioritize capital infrastructure projects to support managed growth and optimize community benefit.
- 1.3 Promote economic opportunities with a focus on Hamilton's downtown core, all downtown areas and waterfronts.
- 1.4 Improve the City's transportation system to support multi-modal mobility and encourage inter-regional connections.
- 1.5 Support the development and implementation of neighbourhood and City wide strategies that will improve the health and well-being of residents.
- 1.6 Enhance Overall Sustainability (financial, economic, social and environmental).

Strategic Priority #2

Valued & Sustainable Services

WE deliver high quality services that meet citizen needs and expectations, in a cost effective and responsible manner.

Strategic Objective

- 2.1 Implement processes to improve services, leverage technology and validate cost effectiveness and efficiencies across the Corporation.
- 2.2 Improve the City's approach to engaging and informing citizens and stakeholders.
- 2.3 Enhance customer service satisfaction.

Strategic Priority #3

Leadership & Governance

WE work together to ensure we are a government that is respectful towards each other and that the community has confidence and trust in.

Strategic Objective

- 3.1 Engage in a range of inter-governmental relations (IGR) work that will advance partnerships and projects that benefit the City of Hamilton.
- 3.2 Build organizational capacity to ensure the City has a skilled workforce that is capable and enabled to deliver its business objectives.
- 3.3 Improve employee engagement.
- 3.4 Enhance opportunities for administrative and operational efficiencies.

APPENDICES AND SCHEDULES ATTACHED

- Appendix "A": Location Map
- Appendix "B": Draft Zoning By-law Amendment
- Appendix "C": Concept Plan
- Appendix "D": Abutting Landowner letters

:EJ