



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
Planning Division

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	September 15, 2015
<b>SUBJECT/REPORT NO:</b>	Application for Amendment to the City of Hamilton Official Plan and for Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 155 Ray Street North, Hamilton (PED15136) (Ward 1)
<b>WARD(S) AFFECTED:</b>	Ward 1
<b>PREPARED BY:</b>	Daniel Barnett Planner II (905) 546-2424 Ext. 4445  Steve Robichaud Director of Planning and Chief Planner
<b>SUBMITTED BY:</b>	Jason Thorne General Manager Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That **Official Plan Amendment Application OPA-15-05, by Nigel Garcia, Owner**, to permit the establishment of a five-unit multiple dwelling located at 155 Ray Street North (Hamilton), as shown on Appendix “A” to Report PED15136, be **DENIED** on the following basis:
- (a) The application does not comply with the planning policies of the West Harbour (Setting Sail) Secondary Plan and is not a suitable form of residential intensification as the property is located in the interior of the neighbourhood. The development would introduce a more intensive form of housing within the interior of the Strathcona Neighbourhood; and,
  - (b) The application would lead to an over-intensification of the subject property resulting in a loss of residential amenity and place further demand on the limited on-street parking in the neighbourhood.
- (b) That **Zoning Application ZAR-15-010, by Nigel Garcia, Owner**, for a change in zoning from the “D” (Urban Protected Residential – One and Two Family Dwelling, etc.) District to the “E” (Multiple Dwelling, Lodges, Clubs, etc.) District,

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Modified in order to legally establish a five-unit multiple dwelling, for lands located at 155 Ray Street North, (Hamilton), as shown on Appendix “A” to Report PED15136, be **DENIED** on the following basis:

- (a) The application does not comply with the planning objectives of the West Harbour (Setting Sail) Secondary Plan as the property is located in the interior of the neighbourhood. The proposal introduces a more intensive form of housing within the interior of the Strathcona Neighbourhood;
- (b) The application would lead to an over-intensification of the subject property resulting in a loss of residential amenity and place further demand on the limited on-street parking in the neighbourhood; and,
- (c) The application does not meet the intent of the Hamilton Zoning By-law No. 6593.

## **EXECUTIVE SUMMARY**

The proposal is to amend the City of Hamilton Official Plan and the Hamilton Zoning By-law No. 6593 to permit an illegally converted four-unit residential dwelling to be used as a five-unit multiple dwelling for the property located at 155 Ray Street South. Staff do not support the proposed amendments as they do not comply with the planning objectives of the West Harbour (Setting Sail) Secondary Plan and are not a suitable form of residential intensification because the property is located within the interior of a neighbourhood and does not have sufficient onsite parking. If approved, it may contribute to further instability within the neighbourhood and may serve as a catalyst for other more intensive forms of housing within the area.

### ***Alternatives for Consideration – See Page 21***

## **FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** None.

**Staffing:** None.

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

## **HISTORICAL BACKGROUND**

### **Proposal**

The subject property is located at 155 Ray Street North, in the Strathcona Neighbourhood, north of York Boulevard and South of Barton Street West. The property is a 349 sq m lot with an existing single detached dwelling. The last recognized use was a single detached dwelling. The dwelling was subsequently converted illegally into a four-unit multiple dwelling without required permits, and the applicant is currently seeking to legalize the existing four-unit multiple dwelling and expand the multiple dwelling by establishing a fifth unit that would be located within the existing basement. The applicant intends to provide a total of three off-street parking spaces in the front yard and southerly side yard whereas six parking spaces are required.

The applicant submitted an Official Plan Amendment to permit the use of a multiple dwelling whereas a multiple dwelling is not permitted on lands designated “Low Density Residential” in the West Harbour Secondary Plan and to increase the maximum residential density from 60 units per gross hectare to 117.4 units per gross hectare.

The applicant also submitted a Zoning By-law Amendment to rezone the lands from the “D” (Urban Protected Residential – One and Two Family Dwelling, etc.) District to the “E” (Multiple Dwelling, Lodges, Clubs, etc.) District in order to establish a multiple dwelling as a permitted use. The proposal requires reduced parking and the limited size and manoeuvring space available for onsite parking would require modifications to the Zoning By-law to address these deficiencies.

### **Chronology**

- |                           |   |
|---------------------------|---|
| <u>February 3, 2014:</u>  | By-law Enforcement issued an Order to Comply against the property at 155 Ray Street North.                          |
| <u>May 7, 2014:</u>       | Development Review Committee Meeting for Formal Consultation Application FC-14-021.                                 |
| <u>July 11, 2014:</u>     | Zoning Verification issued identifying the last recognized use of the property as being a single detached dwelling. |
| <u>December 23, 2014:</u> | The applicant submitted applications to amend the Official Plan and Zoning By-law.                                  |
| <u>January 21, 2015:</u>  | The application for Official Plan Amendment and Zoning By-law Amendment was deemed to be complete.                  |

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February 5, 2015: Notice of Complete Application and pre-circulation was mailed to all property owners within 120 m of the subject property.

February 10, 2015: The public notice sign was posted on the subject property.

August 19, 2015: The public notice sign was updated identifying the date and time of the Public Meeting.

August 28, 2015: Notice of Public Meeting was mailed to all property owners within 120 m of the subject property.

**Details of Submitted Application**

**Owner:** Nigel Garcia

**Location:** 155 Ray Street North, Hamilton

**Property Size:** Frontage: 12.19 m  
Depth: 29.57 m  
Area: 349 sq m

**Existing Land Use and Zoning**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b><u>Subject Lands:</u></b>	Legal Recognized Single Detached Dwelling	“D” (Urban Protected Residential – One and Two Family Dwelling, etc.) District
<b><u>Surrounding Lands:</u></b>		
<b>North</b>	Semi-Detached Dwelling	“D” (Urban Protected Residential – One and Two Family Dwelling, etc.) District
<b>South</b>	Semi-Detached Dwelling	“D” (Urban Protected Residential – One and Two Family Dwelling, etc.) District

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<b>East</b>	Single Detached Dwelling	“D” (Urban Protected Residential – One and Two Family Dwelling, etc.) District
<b>West</b>	Single Detached Dwelling	“D” (Urban Protected Residential – One and Two Family Dwelling, etc.) District

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

The application has been reviewed with respect to the Provincial Policy Statement (PPS).

“1.1.3.1 *Settlement areas* shall be the focus of growth and development, and their vitality and regeneration shall be promoted.”

The proposed development seeks to establish a five-unit multiple dwelling within the Settlement Area and therefore the proposal focuses growth and development into the Settlement Area.

“1.1.3.2 Land use patterns within *settlement areas* shall be based on:

- a) densities and a mix of land uses which:
  - 1. efficiently use land and resources;
  - 2. are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
- b) a range of uses and opportunities for *intensification* and *redevelopment* in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for *intensification* and *redevelopment* where this can be accommodated taking into account existing building stock or areas, including *brownfield sites*, and the availability of suitable existing or planned *infrastructure* and *public service facilities* required to accommodate projected needs.”

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The proposed development would make a more efficient use of land by increasing the number of dwelling units onsite, however, as the subject property is located within an existing low density residential neighbourhood, lacks sufficient parking, and is located on a local road, the subject property is not an appropriate location for intensification and redevelopment. On this basis, staff note that the area has not been identified in the West Harbour Secondary Plan as an area intended to accommodate significant intensification. Therefore the proposed development is not consistent with the policies of the PPS.

“1.2.6.1 *Major facilities and sensitive land uses* should be planned to ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate *adverse effects* from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of *major facilities*.”

The subject property is located within 81 m of York Boulevard, a potential noise source. Should the development be approved a noise warning clause will be required to advise all future purchaser and renters of the potential noise impacts.

“2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.”

The subject property is included in the City’s Inventory of Buildings of Architectural and / or Historical Interest. As the proposal is only for internal changes to an existing building with no exterior alterations proposed, the heritage attributes of the property will be conserved.

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

The application has been reviewed with respect to the Growth Plan for the Greater Golden Horseshoe (Places to Grow).

“2.2.2 Managing Growth

1. Population and employment growth will be accommodated by:
  - a. Directing a significant portion of new growth to the built-up areas of the community through intensification.
  - b. Focusing intensification in intensification areas.”

As the proposal is to add additional residential units within an existing residential building, the proposal conforms to the policies that direct new growth to the built-up area.

“2.2.3 General Intensification

6. All municipalities will develop and implement through their official plans and other supporting documents, a strategy and policies to phase in and achieve *intensification* and the *intensification target*. This strategy and policies will –
  - a. be based on the growth forecasts contained in Schedule 3, as allocated to lower-tier municipalities in accordance with policy 5.4.2.2
  - b. encourage intensification generally throughout the built-up area
  - c. identify intensification areas to support achievement of the intensification target
  - e. recognize urban growth centres, intensification corridors and major transit station areas as a key focus for development to accommodate intensification
  - f. facilitate and promote intensification
  - g. identify the appropriate type and scale of development in intensification areas
  - h. include density targets for urban growth centres where applicable, and minimum density targets for other intensification areas consistent with the planned transit service levels, and any transit-supportive land-use guidelines established by the Government of Ontario
  - i. plan for a range and mix of housing, taking into account affordable housing needs
  - j. encourage the creation of secondary suites throughout the built-up area.”

The proposed development represents intensification in the built-up area, however the type and scale of the proposed development is not appropriate for the area which is composed primarily of low density forms of development, with limited parking, and located on a local road. Therefore, the presiding policies within the Municipal Official Plan has not identified this area as one intended to accommodate intensification at the scale proposed, and as such, the proposed development does not conform to the Growth Plan for the Greater Golden Horseshoe.

**Hamilton-Wentworth Official Plan:**

The subject lands are not included within the Urban Hamilton Official Plan (UHOP) as they are part of Non-Decision No. 113. This means that the policies of the Hamilton-Wentworth Official Plan applicable to the subject lands remain in effect. In this regard, the subject lands are within the Urban Area of the Hamilton-Wentworth Official Plan.

“C.3.1 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. These areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020. Accordingly, the Plan establishes a land use strategy for the Urban Area that consists of:

- Compact urban form, including mixed use areas.”

As the proposal is to establish additional residential units within the Urban Area, the proposal complies with the policies that concentrate urban uses in the Urban Area and accommodates new residential housing units into the Urban Area. Therefore the proposal complies with the policies of the Hamilton-Wentworth Official Plan.

**City of Hamilton Official Plan**

The subject lands are not included within the UHOP as they are part of Non-Decision No. 113. As a result, the policies of the City of Hamilton Official Plan remain in effect. The subject lands are included within the West Harbour Secondary Plan. The “West Harbour” designation in the City of Hamilton Official Plan does not contain specific policies but rather is utilized to note that the area is subject to the West Harbour Secondary Plan. The remaining policies of the Hamilton Official Plan from Section B (Servicing Strategy) and Section C (Amenity and Design Strategy) would still be applicable. In this regard, the following policies, amongst others, would apply:

“C.7.1 In the development of new Residential areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of Residential Amenity:

- i) Provision and maintenance of adequate off-street parking.”

The proposed five-unit multiple dwelling requires five onsite parking spaces plus one visitor parking space in order to satisfy the parking requirements of the Zoning By-law. The applicant intends to provide a total of three parking spaces located either onsite or within the City’s boulevard, however, these spaces are not of sufficient size to meet the



minimum 2.7 m by 6 m minimum parking space size requirement of the By-law, nor will the parking spaces have sufficient manoeuvring space or sufficient access. Therefore, adequate onsite parking will not be provided to meet the needs of the proposed multiple dwelling.

“C.7.2 Varieties of Residential types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient space to maintain privacy, amenity and value.

C.7.3 Council will encourage a Residential Environment of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:

- i) Encourage the maintenance, renovation and rehabilitation of Residential properties, subject to the provisions of Subsection C.5;
- iii) Support Residential development such as infilling, redevelopment and the conservation of non-residential structures that makes more efficient use of existing building stock and/or physical infrastructure that recognizes and enhances the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy, and overview;
- v) Encourage new Residential development that provide a range of dwelling types at densities and scales that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview.”

The proposed development of a five-unit multiple dwelling represents a form of development that does not complement the lower density development in the surrounding area. The proposed residential development represents an over-intensification of the subject property. The three parking spaces located either onsite or within the City’s boulevard, if they were to be recognized despite their deficiencies, would appear crowded compared to other properties in the neighbourhood which have no off-street parking or have only one parking space either onsite or within the City’s boulevard. Therefore the proposed development does not recognize or enhance the scale and character of the existing residential area. The residential density of 117.4 units per gross hectare proposed for the development is not consistent with the development of the neighbourhood which is comprised primarily of single and semi-detached dwellings that generally have a density of approximately 60 units per gross

hectare. The higher density of development results in not having sufficient onsite parking or private amenity space and is not consistent with the scale and character of the surrounding neighbourhood. Therefore the proposed development does not comply with the policies of the City of Hamilton Official Plan.

### **West Harbour (Setting Sail) Secondary Plan**

The subject property is designated “Low Density Residential” on Schedule M-2: – General Land Use. The following policies, amongst others, are applicable:

“A.6.3.3.1.2 The City will ensure development and redevelopment in neighbourhoods and lands surrounding West Harbour respect the type, scale and character of development identified in this plan.”

The area that the subject property is located in is predominately composed of low density forms of development (single and semi-detached dwellings). The proposed five-unit multiple dwelling represents an over intensification of the subject property that does not respect the type, scale or character of development in the area.

“A.6.3.3.1.12 In Low Density Residential areas:

- i) The scale, type and character of new development shall generally reflect existing low density development in the neighbourhood;
- ii) Single detached, semi-detached and street townhouses are permitted;
- iii) The density of development shall range from 25 to 60 units per gross hectare; and,
- v) Lot dimensions and building setbacks shall be generally consistent with other Low Density Residential properties in the neighbourhood.”

The proposed development is neither a single detached, semi-detached, or street townhouse use and therefore is not a permitted use in the Low Density Residential designation. A five-unit multiple dwelling on the subject property establishes a residential density of 117.4 units per gross hectare which is nearly twice as high as the maximum 60 unit per gross hectare residential density requirement for Low Density Residential areas. The proposed five-unit multiple dwelling does not reflect the existing low density development of the neighbourhood which is predominately composed of single and semi-detached dwellings.

It should be noted that the form of development proposed by the applicant is more in line with the Medium Density Residential 1 designation both in terms of function and

density. Medium Density Residential 1 designated lands are generally found at the periphery of neighbourhoods as opposed to in the middle of neighbourhoods as is the case of the subject property. Medium Density Residential 1 designated lands are also generally located along arterial roads or collector roads as opposed to local roads as is the case of the subject property.

Therefore, the proposed development does not comply with the policies of the West Harbour Secondary Plan.

### **Urban Hamilton Official Plan**

The Urban Hamilton Official Plan (UHOP) is not yet in effect for the lands located within the West Harbour (Setting Sail) Secondary Plan, however the UHOP reflects the direction of Council. Therefore the following policies are noted for Information Purposes Only:

- “B.2.4.1.4 Residential intensification developments shall be evaluated based on the following criteria:
- a) A balanced evaluation of the criteria in b) through g) as follows:
  - b) 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;
  - c) The development's contribution to maintaining and achieving a range of dwelling types and tenures;
  - d) 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;
  - e) The development's contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;
  - f) Infrastructure and transportation capacity; and
  - g) The ability of the development to comply with all applicable policies.”

The proposal is for the establishment of a five-unit multiple dwelling in an area comprised predominately of single and semi-detached dwellings and therefore the

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proposed development is of a scale and density that is not maintaining or enhancing the character of the area.

The proposed multiple dwelling will not maintain sufficient onsite parking to meet the parking needs of the proposed development, and has limited rear yard amenity space to meet the amenity needs of the five residential dwelling units. The proposed development represents an over intensification of the property and does not allow for the compatible integration of the development with the surrounding area in terms of use, scale, or character.

The existing combined sewer along Ray Street North is capacity deficient under current City guidelines and requires onsite private sewer backup preventers to be put in place. With respect to transportation, the proposed development is on a local road with a high demand for on-street parking. The proposed development will place additional pressure on the existing transportation infrastructure.

“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 transition 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;
- g) The ability to respect and maintain or enhance the streetscape pattern including block lengths, setbacks and building separations;
- h) The ability to complement the existing function of the neighbourhood;

- i) The conservation of cultural heritage resources; and,
- j) Infrastructure and transportation capacity and impacts.”

The proposed development lacks sufficient space onsite with which to provide adequate onsite parking, and there is insufficient alternative parking options like on-street parking available to meet the parking needs of the property. On this basis, the proposal will not be compatible with adjacent land uses with respect to traffic and parking. Staff note that the applicant has submitted a parking justification report which is discussed in greater detail in the Analysis and Rationale for Recommendation section of this Report, however, in summary, staff do not agree with the findings of the study.

The density of the proposed development is nearly twice as high as what is permitted for the area, and exceeds the density of the surrounding properties which consist of primarily single detached and semi-detached dwellings. Therefore the proposed development of a five unit multiple dwelling does not represent an appropriate transition with respect to density.

The rear yard amenity area, while sufficient for a single detached dwelling, is not sufficient to meet the needs of five residential dwelling units, and therefore adequate amenity space will not be provided.

The scale and density of the proposed development negatively impacts the surrounding neighbourhood with respect to the lack of sufficient parking and limitations created by the local road on the accessibility of the property. Therefore the proposed development does not complement the existing function of the neighbourhood.

On this basis, the proposed development would not comply with the policies of the UHOP.

### **Neighbourhood Plan:**

The subject lands are located within the Strathcona Neighbourhood Plan. Pursuant to Policy A.6.3.3.1.1 of the West Harbour Secondary Plan, the portions of the Strathcona Neighbourhood Plan that are within the West Harbour Secondary Plan are no longer in effect.

### **RELEVANT CONSULTATION**

The following internal and external agencies had no concerns or objections to the proposed development:

- Source Water Protection Section, Public Works Department;

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- Urban Forestry, Public Works Department;
- Corridor Management, Public Works Department;
- Recreation Planning, Community and Emergency Services Department; and,
- Hydro One.

**Hamilton Municipal Parking System (HMPS), Planning and Economic Development Department**

The applicant has submitted a plan that is deficient in the number of parking spaces to meet the Zoning By-law. HMPS has concerns given that on-street parking in this area of Ray Street North is at high demand, since several homes on this street do not have parking spaces on their own property and as such, on-street parking is required to accommodate their needs.

The applicant has not properly shown how parking will be occurring at this location, however it appears that parking may encroach onto the municipal road allowance. To establish a parking space that encroaches onto the municipal road allowance, the applicant will be required to apply and meet all the requirements of a Boulevard Parking Agreement. This program acknowledges the use of the municipal road allowance for the purpose of establishing a residential parking stall, however, it gives the City the ability to alter and / or eliminate these parking spaces at any time, should it become necessary to do so.

The applicant should be advised that an approved parking space under the Boulevard Parking Agreement Program cannot be counted as a parking space under the Zoning By-Law, given that it is not a permanent parking space and would be subject to removal at any time, should the City require the space for any reason.

HMPS staff reviewed the Parking Justification Study that was provided by the applicant and had the following comments.

- HMPS staff reviewed parking infractions for the section of Ray Street North between York Boulevard and Barton Street West and found 355 tickets were issued between January 1, 2012 and the present;
- HMPS staff counted 64 dwellings on Ray Street North, 38 having driveways and 26 do not have driveways or garages. Additional review identified 91 dwelling units on Ray Street North including apartment conversions;
- On-street parking is currently permitted on the east side of Ray Street North, however there is no guarantee that the existing on-street parking regulations would remain the same in the near future. It can be anticipated that should parking become a further concern residents may likely petition for more restrictive on-

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street parking regulations such as permit parking only. In addition HMPS staff note that multi-residential units such as the one proposed would not be eligible to apply for on-street parking permits;

- HMPS staff counted a total of 24 on-street parking spaces on Ray Street North between Barton Street West and York Boulevard not including four permit parking spaces. These on-street parking spaces are available for parking up to periods of 12 hours; and,
- HMPS noted that the parking study included parking areas on adjacent streets and that it would be expected that should overflow parking occur on these streets it would likely cause a domino effect and lead to petitions for more restrictive parking regulations on those streets given the already high demand for parking in this area.

HMPS is not supportive of modifications for the reduction in the number of parking spaces at this location given its intensification and lack of parking onsite.

### **Public Consultation**

In accordance with Council's Public Participation Policy, the applications were pre-circulated to all property owners within 120 m and a sign was posted on the site. A total of two public submissions were received for the proposed applications. The overall concern of the public was the absence of sufficient parking and potential negative impacts of intensification. The issues identified in the submissions are discussed in the Analysis and Rationale for Recommendations section of the Report.

Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* through the circulation to property owners within 120 m of the subject lands and through the posting of a sign on the property, and this notification will include the Amendment to the UHOP.

### **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. It is recommended that the applications be denied for the following reasons:
  - (a) The proposal does not comply with the planning objectives and policies of the West Harbour (Setting Sail) Secondary Plan. The proposal introduces a more intensive form of housing within the interior of the Strathcona Neighbourhood;
  - (b) The proposal would lead to an over intensification of the subject property resulting in a loss of residential amenity and place further demand on the limited and heavily demanded on-street parking in the neighbourhood; and,

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- (c) The proposal does not meet the intent of the Hamilton Zoning By-law No. 6593.
2. Official Plan Amendment Application OPA-15-05, proposes to modify the West Harbour (Setting Sail) Secondary Plan Policy A.6.3.3.1.12 ii) to permit a five-unit multiple dwelling whereas Policy A.6.3.3.1.12 ii) only permits single detached, semi-detached and street townhouse uses. In addition, a modification to Policy A.6.3.3.1.12 iii) is also required to permit a density of 117.4 units per gross hectare whereas Policy A.6.3.3.1.12 iii) restricts the maximum density to 60 units per gross hectare.

The form of development and the proposed density is consistent with that of a Medium Density Residential form of development whereas the subject property is located within a Low Density Residential area. Medium Density Residential designations are typically found on the periphery of neighbourhoods rather than in the interior of neighbourhoods, and Medium Density Residential designated lands are typically located along arterial roads and collector roads rather than on local roads, as is the case with the proposed development.

The intensity of use of the proposed development does not maintain the character of the area which is comprised primarily of single detached and semi-detached residential dwellings. The small size of the subject property and the location of the existing building, limits the amount of parking that can be provided onsite and as such insufficient parking is provided to meet the needs of the proposed five-unit multiple dwelling. The lack of sufficient onsite parking is of importance due to the limitation on alternative parking options such as on-street parking. The subject property, while having sufficient private amenity area for a single detached dwelling, does not maintain sufficient amenity area to satisfy the needs of the proposed five-unit multiple dwelling, therefore the proposal represents an over intensification of the subject property.

Staff are not supportive of the proposed Official Plan Amendment.

3. The proposal is to change the Zoning of the property from the “D” (Urban Protected Residential – One and Two Family Dwelling, etc.) District to the “E” (Multiple Dwelling, Lodges, Clubs, etc.) District, Modified in order to legally establish a five-unit multiple dwelling.

The proposal would require a number of site-specific modifications to the Zoning By-law including but not limited to the following:

- reduction to the minimum lot area requirement;
- reduction to the minimum lot frontage requirement;



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- reductions to the minimum front yard and side yard setback requirements;
- reduction in the number of onsite parking spaces being provided;
- no visitor parking onsite;
- no loading space onsite;
- reduction in onsite manoeuvring space;
- to permit tandem parking/obstructed parking;
- reduction in parking space size;
- reduction to the minimum setback requirement for an access driveway; and,
- reduction in access driveway width.

The proposed change in zoning to permit the establishment of a five-unit multiple dwelling does not comply with the policies of the City of Hamilton Official Plan which requires residential redevelopment to be compatible with the scale and character of the existing neighbourhood and to provide adequate off-street parking. The existing neighbourhood is primarily comprised of single detached and semi-detached dwellings, whereas the proposal is to establish a five-unit multiple dwelling which does not reflect the scale and character of the existing neighbourhood. The proposed five-unit multiple dwelling will not have sufficient onsite parking in that only half the number of spaces that are required will be provided and the parking spaces that are provided are undersized, lack sufficient manoeuvring space, and include tandem / obstructed parking spaces.

The parking limitations of the subject property and the parking limitations and demand in the surrounding neighbourhood are not capable of sustaining the scale of development proposed for the subject property. The issue of parking will be discussed in further detail in Section 4 of the Analysis and Rationale for Recommendation Section of this Report.

The proposed change in Zoning represents an over intensification of the subject property and an incompatible use for the surrounding neighbourhood, does not represent good planning, and approval of the proposed change in Zoning would encourage other properties to seek similar changes in Zoning to establish similar levels of density which would further detract from the existing character of the neighbourhood and further compound the existing parking demand in the neighbourhood.

Staff are not supportive of the proposed Zoning By-law Amendment.

4. The proposed five-unit multiple dwelling requires one parking space per unit for a total of five parking spaces, as well as 0.2 visitor parking spaces per unit for a total of one visitor parking space. The overall total parking requirement is six parking spaces.

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The applicant submitted a parking justification study to support the reduction in onsite parking. The parking justification study discussed the following:

Onsite Parking

The parking study identified that there were no onsite parking spaces that qualify as parking spaces under the Zoning By-law for the City of Hamilton on the property. The parking study however, noted that there were two tandem parking spaces located in the southerly side yard and a third parking space located in front of the residence.

Staff note that tandem parking, while appropriate for a single detached dwelling, does not function properly for multiple units as vehicles can end up blocked in and tenants can feel disinclined to use the obstructed parking space to avoid being blocked in. During a visit to the property staff noted that the second parking space was not utilized while a vehicle was parked in front of the empty tandem parking space.

Staff further note that the tandem parking spaces are also narrow in width (2.5 m) which is further narrowed down to 2.2 m due to a bump out from the building. This reduction in parking space width reduces the functionality of the parking spaces or requires vehicles to encroach into the side yard of the property to the south.

Finally, staff note that the parking space located in front of the residence is restricted due to a support pillar for a second storey balcony and therefore most of the parking space is located within the City's Boulevard. Furthermore, there is no driveway approach to this parking space, thereby forcing vehicles to drive over the curb to access the parking space.

Parking Conditions for the Area

The parking justification study also noted that the parking conditions of the subject property are prevalent on Ray Street North and the surrounding areas.

Staff note that while small onsite parking spaces or no onsite parking spaces are common for the properties along Ray Street North, the predominate form of development for the properties along Ray Street North is single detached and semi-detached dwellings, not multiple dwellings as is proposed by the applicant. In the case of a single detached dwelling tandem parking tends to function better than when used by multiple units. Therefore, while the physical limitations of the parking may be similar to other properties in the area the impact that these physical limitations have is increased by the type and scale of development.

### On-street Parking

To prepare the parking justification study an evaluation of the availability of on-street parking was conducted by observing both used and unused on-street parking spaces within a 300m walking distance of the subject property for one Saturday morning and one Wednesday evening. The observations demonstrate that there were a total of 77 on-street parking spaces within a 300m walking distance of the subject property and that there was never less than 24 unused on-street parking spaces within this distance.

Staff note that the on-street parking outlined by the parking justification study does not just account for on-street parking spaces on Ray Street North, but also includes on-street parking on Oxford Street, Magill Street, Crooks Street and Barton Street West. Utilizing on-street parking spaces on other streets shifts the parking burden onto these nearby streets, and thereby reducing the amount of on-street parking available to the residents of those streets. In addition, the utilization of the on-street parking spaces of other streets has the effect of restricting more appropriate forms of intensification from being established along those streets by placing further demand on the limited on-street parking and not leaving sufficient parking available to accommodate these more appropriate forms of intensification.

It is the opinion of staff that while 300 m is a walkable distance in some circumstances, it can be inappropriate in other circumstances such as when unloading groceries especially if several trips need to be made. It is also inappropriate when accompanying small children or during winter months when sidewalks have not been cleared.

Staff note that the parking justification study does not outline how many parking spaces were available on Ray Street North specifically, only how many were available within a 300 m walking distance. Staff conducted a site visit of the property on a weekday afternoon when on-street parking is generally more available, however the observations of staff were that most of the on-street parking spaces were being utilized and very few were available. Therefore, if on-street parking is already limited during the middle of the day, the availability of on-street parking in the evening or on the weekend would be much more limited.

As noted by HMPS staff, on-street parking spaces cannot be relied upon for the proposed multiple dwelling. Should the high demand for 12 hour limited on-street parking lead to the on-street parking being converted to permit only on-street parking, the proposed multiple dwelling would not be eligible for on-street parking permits and therefore would not be permitted to utilize on-street parking to meet the parking needs of the property.

### Conclusions

Based on the review of the parking justification study staff do not concur with the conclusions of the study that the parking needs of the subject property would be met. It is the opinion of staff that demand for on-street parking is high in the area and that the modification to reduce the available onsite parking will place further demand on the limited number of on-street parking spaces. The increased demand on the limited number of on-street parking spaces would limit the potential of more modest and appropriate forms of intensification throughout the neighbourhood due to the on-street parking demand that would be generated by the proposed development.

5. The subject property is serviced by an existing 150 mm diameter watermain, and a 300 mm diameter combined storm and sanitary sewer. The combined sewer is capacity-deficient under current City guidelines and onsite private sewer back-up prevention measures are recommended. As the proposal is for a five-unit multiple dwelling, a daily wastewater volume of 275 litre per person should be satisfied.
6. The subject property is included in the City's Inventory of Buildings of Architectural and / or Historical Interest. As no exterior alterations to the existing building are proposed as part of the Official Plan Amendment and the Zoning By-law Amendment application, the heritage attributes of the property will be conserved.
7. The subject property is located within 81 m of York Boulevard, a potential noise source. As such, the inclusion of the following noise warning clause within all future purchase and sale and / or lease / rental agreements is required if the applications were to be approved:  
  
"Purchasers/tenants are advised that sound levels due to increasing road and rail traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the Municipality's and the Ministry of the Environment's noise criteria."
8. Following the Notice of Complete Application, staff received two letters of objection (see Appendix "C").

The concerns of the interested parties primarily related to the issue of parking and the effect that intensification of the subject property would have with respect to parking. The interested parties noted that there is already high demand on the limited number of on-street parking spaces that are available on Ray Street North and that Barton Street West is currently being utilized for overflow parking, which will cease to be available once development along Barton Street West is completed.

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The concerns and information provided by the interested parties reflect what staff observed during a visit to the subject property, specifically that on-street parking was heavily utilized, with few on-street parking spaces available even during the middle of the day when on-street parking should be most available. Staff concur with the position raised by local residents that the intensification of the subject property would place further demand on the already limited number of on-street parking spaces.

## **ALTERNATIVES FOR CONSIDERATION**

If the applications for Official Plan Amendment and Zoning By-law Amendment are denied, the applicant would be required to convert the property back to a single detached dwelling, but would maintain the right to convert the single detached dwelling into not more than two dwelling units under Section 19 of the Zoning By-law subject to the requirements contained under Section 19.

If the applications for Official Plan Amendment and Zoning By-law Amendment are approved, Planning Committee would direct staff to prepare an Official Plan Amendment and Zoning By-law for ratification by Council.

## **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**

- 1.5 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**

2.2 Improve the City's approach to engaging and informing citizens and stakeholders.

**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**

3.4 Enhance opportunities for administrative and operational efficiencies.

**APPENDICES AND SCHEDULES ATTACHED**

- Appendix "A": Location Map
- Appendix "B": Concept Plan
- Appendix "C": Letters from adjacent residents