



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	October 20, 2015
SUBJECT / REPORT NO:	Application for a Zoning By-law Amendment for Property Located at 623 Upper James Street, Hamilton (PED15167) (Ward 7)
WARD(S) AFFECTED:	Ward 7
PREPARED BY:	Melanie Schneider Planner II (905) 546-2424 Ext. 1224 Steve Robichaud Director of Planning and Chief Planner Planning Division
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That approval be given to **Zoning Application ZAC-14-014, by Majd Al Mardini, Owner**, for a change in zoning from the "E/S-1254" (Multiple Dwellings, Lodges, Clubs, Etc.) District, Modified to the "H/S-1725" (Community Shopping and Commercial, Etc.) District, Modified, to permit the construction of a maximum six-storey, 34 residential unit, mixed-use building on lands located at 623 Upper James Street (Hamilton), as shown on Appendix "A" to Report PED15167, on the following basis:

- (a) That the draft By-law, attached as Appendix "B" to Report PED15167, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593.

EXECUTIVE SUMMARY

The purpose of the Zoning By-law Amendment Application is to change the zoning from the “E/S-1254” (Multiple Dwellings, Lodges, Clubs, Etc.) District Modified, to the “H” (Community Shopping and Commercial, Etc.) District with site specific modifications. The proposed Zoning By-law Amendment will allow for the development of a maximum six storey, 34 unit mixed-use building containing commercial units on the first and second storeys of the building. Reduced parking provisions from 89 spaces to 74 parking spaces, reduced landscaping and a reduced northerly side yard setback are proposed to facilitate the development.

The proposal will provide a development that is consistent with the general character of the Upper James Street streetscape and is proposed to be located close to the public right-of-way allowing for enhanced pedestrian access. The proposed development is consistent with the Provincial Policy Statement (PPS), conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and complies with the Urban Hamilton Official Plan (UHOP).

Alternatives for Consideration – See Page 25

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 prior to the passing of a Zoning By-law Amendment.

HISTORICAL BACKGROUND

September 13, 2013: Development Review Team meeting for Formal Consultation FC-13-055 for 623 Upper James Street (Hamilton).

March 17, 2014: Submission of Application ZAC-14-014 by Majd Al Mardini.

April 17, 2014: Application ZAC-14-014 deemed complete.

April 24, 2014: Notice of Complete Application and Pre-Circulation was mailed to 497 residents within 120 m of the subject property.

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May 7, 2014: A Public Notice sign established on the property.

August 11, 2015: Public Notice sign updated.

August 11, 2015: Circulation of Notice of Public Meeting to 497 property owners within 120 m of the subject property.

Background:

The subject property is located on the east side of Upper James Street, north of Fennell Avenue West, and is municipally known as 623 Upper James Street, Hamilton. The subject lands are 0.24 ha in size and are currently occupied by a single detached dwelling. The rear easterly portion of the lands abut two-storey townhouse units while the property fronts onto a well-established commercial area of Upper James Street.

The property also contains several mature trees which have been assessed and determined to be in poor condition.

Zoning By-law Amendment (ZAC-14-014)

The purpose of this application is for a change in zoning from “E/S-1254” (Multiple Dwellings, Lodges and Clubs) District, Modified. The application seeks to maintain the residential unit density of the existing “E/S-1254” District within the “H” District for the development of a six-storey, mixed use building containing a maximum 34 residential units and two storeys of commercial uses, including a medical office. In order to implement the proposal, the applicant proposes a reduction of 89 parking spaces to a total 74 spaces, and site-specific site yard setbacks and landscaping provisions. The proposal provides for a below-grade parking area that will contain 37 parking spaces for the residential units and staff parking for a medical office and an at-grade parking area at the rear of the building containing 37 parking spaces for residential visitors and commercial customers, as shown on the Concept Plan (see Appendix “C”).

DETAILS OF SUBMITTED APPLICATION:

Owner / Applicant: Majd Al Mardini

Agent: A.J. Clarke & Associates c/o Benjamin Clare

Location: 623 Upper James Street (Hamilton) (see Location Map at Appendix “A”)

Property Size:

Frontage	38.04 m
Area	0.24 ha

Servicing: Full Municipal Services

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Single Detached Dwelling (vacant)	“E/S-1254” (Multiple Dwellings, Lodges, Clubs, Etc.) District, Modified
<u>Surrounding Lands:</u>		
North	Local Commercial, Multiple Dwellings	“H” (Community Shopping and Commercial, Etc.) District, “DE-3/S-911” (Multiple Dwellings) District, Modified
East	Multiple Dwellings	“DE-3/S-911” (Multiple Dwellings) District, Modified
South	Local Commercial	“H” (Community Shopping and Commercial, Etc.) District
West	Local Commercial	“H” (Community Shopping and Commercial, Etc.) District

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2014)

The 2014 Provincial Policy Statement (PPS) applies to all decisions made on or after April 30, 2014. The PPS promotes growth within settlement areas by encouraging efficient and sustainable development patterns to meet current and future needs. Intensification and a range of housing options are encouraged to achieve efficient patterns of development to meet a range of future housing needs. The following policies from the PPS, amongst others, are considered to be applicable to the applicant’s development proposal:

- “1.1.1 Healthy, liveable and safe communities are sustained by:
 - 1.1.1a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;

- 1.1.1b) Accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial, commercial), institutional (including places of worship, cemeteries, and long term care homes), recreation, park and open space, and other uses to meet long-term needs;
- 1.1.1c) Avoiding development and land use patterns which may cause environmental or public health and safety concerns.”

The proposed development is consistent with the above-noted policies. The proposal provides for an appropriate form of commercial and residential development within a settlement area that makes efficient use of the lands to avoid environmental, public health and safety concerns.

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

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;
3. minimize negative impacts to air quality and climate change, and promote energy efficiency;
4. support *active transportation*;
5. are *transit-supportive*, where transit is planned, exists or may be developed; and

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.

1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while maintaining appropriate levels of public health and safety.”

The applicant proposes the redevelopment of underutilized lands which will provide an efficient use of all the subject lands containing commercial and residential uses on-site. The proposed development will be located within a settlement area adjacent to a mix of land uses such as commercial and medium density residential. The proposal supports active transportation by being located near several bus transit routes including HSR Routes #20, #21, and #27, and building frontage on wide pedestrian sidewalks. The proposed redevelopment reflects the uses within the surrounding area to efficiently use the subject lands. The development will provide appropriate intensification of uses along Upper James Street in order to maintain the existing building stock.

- “1.4.3 Planning authorities shall provide for an appropriate range of housing types and densities to meet projected requirements of current and future residents of the regional market area by:
- a) permitting and facilitating:
 - 1. all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs; and,
 - c) promoting densities for new housing which efficiently use land resources, infrastructure and public service facilities, and support the use of alternative transportation modes and public transit in areas where it exists or is to be developed.”

With respect to the above housing policies, the proposed Zoning By-law Amendment will provide for development that is appropriate for the site given the available area. The proposed medium density building form is appropriate for this location as it efficiently uses the subject lands, infrastructure, public service facilities, and existing public transportation.

- “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 applicant has submitted a Noise Impact Study prepared by dBA Environmental Services Inc., dated December 2013 in support of the application. Staff have reviewed the study and are satisfied that the development of 34 residential units and other sensitive land uses is feasible on the subject lands in close proximity to a major arterial road, being Upper James Street. The applicant will be required at Site Plan Control stage to further demonstrate how noise impacts will be mitigated from the sensitive

residential uses through specific design practices such as building materials and orientation of residential units.

Based on the foregoing, the proposed development is consistent with the PPS.

Growth Plan for the Greater Golden Horseshoe

The following policies, amongst others, from the Growth Plan for the Greater Golden Horseshoe are applicable to the proposal:

- “2.2.2.1 Population and employment growth will be accommodated by:
- b) reducing dependence on the automobile through the development of mixed-use, *transit-supportive*, pedestrian-friendly urban environments;
 - h) encouraging cities and towns to develop as *complete communities* with a diverse mix of land uses, a range and mix of employment and housing types, high quality public open space and easy access to local stores and services.
- 2.2.3.1 By the year 2015 and for each year thereafter, a minimum of 40 per cent of all residential development occurring annually within each upper- and single-tier municipality will be within the built-up area.
- 2.2.5.1 *Major transit station areas and intensification corridors* will be designated in official plans and planned to achieve –
- a) increased residential and employment densities that support and ensure the viability of existing and planned transit service levels;
 - b) a mix of residential, office, institutional, and commercial development wherever appropriate.”

The proposed Zoning By-law Amendment will allow for an increase of residential units within a mixed-use building in the “H” District. The proposal will contain two storeys of commercial units and a maximum 34 residential units within a six-storey building. The development will be located within the built-up area, on an Urban Corridor as identified on in the UHOP, with access to a variety of services, being HSR routes #20, #21, and #27, with 3.0 m wide pedestrian sidewalks on the north and southbound sides of Upper James Street.

Based on the foregoing, the proposal conforms to the Growth Plan for the Greater Golden Horseshoe.

Urban Hamilton Official Plan

Urban Corridors

The subject lands are identified as “Primary Corridor” on Schedule “E” - Urban Structure and designated “Neighbourhoods” on Schedule “E-1” - Urban Land Use Designations in the UHOP. The following policies, amongst others, apply:

- “E.2.4.3 Urban Corridors shall be the location for a range of higher density land uses along the corridor, including mixed-uses where feasible, supported by higher order transit on the Primary Corridors.
- E.2.4.6 Urban Corridors shall function as commercial spines providing retail stores and commercial services that cater primarily to the weekly and daily needs of residents within the surrounding neighbourhoods. Small scale retail stores that cater to a broader regional market may be also permitted.
- E.2.4.8 Primary Corridors shall be served by the higher order of transit service. Secondary Corridors may be served by a higher order transit service.”

The proposed six-storey mixed use development will be consistent with the existing mixed-use built form of Upper James Street and will provide for infill development that takes advantage of pedestrian and transit-oriented design in a medium density form. The proposed commercial uses, located on the first and second storeys of development, aim to serve the daily and weekly needs of the surrounding neighbourhood.

Scale

- “E.2.4.10 The built form along the Urban Corridors shall generally consist of low to mid rise forms, but will vary along the length of the corridors with some areas permitted to accommodate high density and high rise built form. The Primary Corridors shall have a greater proportion of the corridor length in retail and mixed-use forms, while the Secondary Corridors shall generally accommodate retail and mixed-use forms in small clusters along the corridors with medium density housing located between the clusters.
- E.2.4.11 Urban Corridors shall be a focus for intensification through the Neighbourhoods which they traverse. However, it is anticipated that intensification will also occur within the surrounding Neighbourhoods, particularly on sites along other arterial roads that are not designated as Urban Corridors.”

As previously identified, the subject lands are identified as a “Primary Corridor” on Schedule “E” - Urban Structure of the UHOP. The proposal for a six-storey mixed-use building will provide intensification within the Urban Corridor with a mixed-use development and retail uses within the Primary Corridor.

Design

“E.2.4.15 New development shall respect the existing built form of adjacent neighbourhoods where appropriate by providing a gradation in building height. New development shall locate and be designed to minimize the effects of shadowing and overview on properties in adjacent neighbourhoods.”

The applicant has submitted an Urban Design Brief which includes a Sun Shadow Study to support the subject application. The existing “E/S-1254” (Multiple Dwelling, Lodges, Clubs, Etc.) District, Modified, permits a maximum height of five storeys, whereas the application seeks six storeys. The submitted studies support the built form, in that a six storey building would not negatively impact the surrounding neighbourhood. Staff are satisfied with the conclusions of the Sun Shadow Study and that the proposal meets the intent of Policy E.2.4.15.

“E.2.4.16 Reductions in parking requirements shall be considered in order to encourage a broader range of uses and densities to support existing and planned transit routes.”

The applicant has submitted a Parking Study regarding the proposed mixed-use development to ensure that the proposed parking reductions from a total 89 spaces to 74 parking spaces would still adequately serve the needs of the site. Staff are satisfied that the parking reduction can still adequately serve the needs of all proposed uses on site and will be balanced by the nearby public transit, namely HSR Routes #20, #21, and #27.

Neighbourhoods

“E.3.2.7 The City shall require quality urban and architectural design. Development of lands within the Neighbourhoods designation shall be designed to be safe, efficient, pedestrian oriented, and attractive, and shall comply with the following criteria:

- b) Garages, parking areas, and driveways along the public street shall not be dominant. Surface parking between a building and a public street (excluding a public alley) shall be minimized;
- c) Adequate and direct pedestrian access and linkages to community

facilities/services and local uses shall be provided; and,

- e) Development shall comply with Section B.3.3 – Urban Design Policies and all other applicable policies.”

Staff are satisfied with the preliminary concept plan of the proposal as it relates to policy E.3.2.7 of the UHOP. Vehicular accesses are shown to not be major focal points of the development by being located to the edges of the property. Pedestrian access is provided at the front of the building, directly from the street level. The applicant will also provide an updated Urban Design Brief at the Site Plan Control stage to ensure Urban design Policies within Section B.3.3 are met.

Local Commercial

“E.3.8.2 The following uses shall be permitted:

- a) retail and service uses such as a craftsperson shop, day nursery, school, financial establishment, medical office, business office, professional office, motor vehicle service station, personal service, place of worship, repair service, restaurant, studio, art gallery, tradesperson shop, and veterinary service; and,
- b) medical offices or clinic, provided it has direct access to an arterial road and is adjacent to other local commercial uses.”

The applicant proposes commercial uses on the first and second storeys of the building, as permitted within the “H” District (see Appendix “B”). Staff are satisfied that the proposed uses will meet the intent of local commercial uses as described within Policy E.3.8.2 in Volume 1 of the UHOP.

“E.3.8.4 Local commercial uses may be permitted in the following built forms:

- d) multiple storey buildings with the local commercial uses on the ground floor and residential units above.

E.3.8.9 Development and redevelopment of local commercial uses shall:

- a) front and have access to a major arterial, minor arterial, or collector road;
- c) be compatible with the surrounding area in terms of design, massing, height, setbacks, on-site parking, noise impact, landscaping, and lighting.

- E.3.8.14 New local commercial buildings or uses in areas other than those referred to in E.3.8.3.13 shall:
- a) be located close to the street to create a strong pedestrian orientation particularly along adjoining collector roads;
 - b) provide a principal entrance facing the arterial and collector road;
 - c) provide direct access from the sidewalk;
 - d) provide windows and signage facing the street; and,
 - e) provide for a consistent minimum setback.”

Staff are satisfied that the proposed commercial uses and their entrances will be located close to the street with strong pedestrian orientation from Upper James Street. There are 3.0 m wide sidewalks provided along the frontage of the building as well. At the Site Plan Control Stage, the applicant will provide detailed elevations to ensure windows and signage are provided along Upper James Street with a minimum setback that is consistent with the surrounding streetscape.

Chapter B, Section 3.3 of the UHOP outlines the City’s goals and policies as related to urban design. Policy B.3.3.2.3 and B.3.3.2.6 direct the following:

“B.3.3.2.3 Urban design should foster a sense of community pride and identity by:

- a) respecting existing character, development patterns, built form, and landscape;
- b) promoting quality design consistent with the locale and surrounding environment;
- i) demonstrating sensitivity toward community identity through an understanding of the character of a place, context and setting in both the public and private realm;
- ii) contributing to the character and ambiance of the community through appropriate design of streetscapes and amenity areas.”

B.3.3.2.6 Where it has been determined through the policies of this Plan that compatibility with the surrounding areas is desirable, new development and redevelopment should enhance the character of the existing environment by:

- a) complementing and animating existing surroundings through building design and placement as well as through placement of pedestrian amenities;
- e) encouraging a harmonious and compatible approach to infilling by minimizing the impacts of shadowing and maximizing light to adjacent properties and the public realm.”

Further, Policies B.3.3.3.1 and B.3.3.3.5 identify the importance of built form and fit with surrounding development:

“B.3.3.3.1 *New development* shall be located and organized to fit within the existing or planned context of an area as described in Chapter E – Urban Systems and Designations.

B.3.3.3.5 Built form shall create comfortable pedestrian environments by:

- a) locating principal façades and primary building entrances parallel to and as close to the street as possible.”

At the Site Plan Control stage, the applicant will be providing an updated Urban Design Brief to ensure the above mentioned policies are met. The Urban Design Brief will also accompany elevations which show the bulk and massing of the proposed building to further ensure the building is compatible with the existing character of the neighbourhood and that the ambiance of the community is further enhanced by this development. Staff note that the proposal will also be reviewed by the Design Review Panel when it reaches Site Plan stage. At this time, the design of the building will also be reviewed against the Primary Corridor Design Guidelines and Transit-Oriented Design Guidelines to ensure direction from the City regarding these two documents are upheld.

Additionally, Policies B.3.3.10.1, B.3.3.10.4 and B.3.3.10.6 outline parking standards to maintain high quality urban design:

“B.3.3.10.1 To create and enhance safe, attractive pedestrian oriented streetscapes, surface parking shall be discouraged, and parking located below grade or in parking structures shall be encouraged.

B.3.3.10.4 Where surface parking is proposed, it should be located to the sides or rear of buildings to enable the development of a continuous street edge and the creation of quality urban spaces consistent with Section B.3.3.2 – General Policies and Principles.

B.3.3.10.6 Perimeters of surface parking lots shall be landscaped with appropriate materials that allow visibility from the public realm to the interior of the parking area.”

The applicant proposes to provide a parking area at the rear of the property, with below-grade parking available for the residential units. Landscaped planting strips will also be provided along the perimeter of the lands.

Servicing

Policy C.5.4 provides direction with regards to storm water management:

“C.5.4 The City shall ensure that appropriate storm water management facilities are built and maintained to provide a safe and secure system for storm water.”

At the Site Plan stage, the applicant will be required to provide a Functional Servicing Report to ensure that adequate servicing can be accommodated on the site, prior to any works occur on the subject property.

Noise

Policy Section B.3.6.3.1 of Volume 1 of the UHOP requires that:

“B.3.6.3.1 Development of noise sensitive land uses, in the vicinity of provincial highways, parkways, minor or major arterial roads, collector roads, truck routes, railway lines, railway yards, airports, or other uses considered to be noise generators shall comply with all applicable provincial and municipal guidelines and standards.

B.3.6.3.2 Any required noise or vibration study shall be prepared by a qualified professional, preferably a professional engineer with experience in environmental acoustics, in accordance with recognized noise and vibration measurement and prediction techniques, to the satisfaction of the City, and in accordance with all applicable guidelines and standards.”

A Noise Impact Study prepared by dBA Environmental Services Inc., dated December 2013, was submitted in support of the subject application. Staff have advised the applicant that revisions to the submitted report will need to be made at the Site Plan stage in order to address staff comments, further discussed in the Analysis and Rationale Section of this Report.

Transportation

The subject property is classified on Schedule “C” Functional Road Classification Plan as a “Major Arterial Road”.

Policy C.4.5.2 identifies the following provisions for the design of Major Arterial Roads:

“C.4.5.2 The road network shall be planned and implemented according to the following functional classifications and right-of-way widths:

c) Major arterial roads, subject to the following policies:

1. The primary function of a major arterial road shall be to carry relatively high volumes of intra-municipal and inter-regional traffic through the City in association with other types of roads.
- iii) The basic maximum right-of-way widths for major arterial roads shall be 45.720 metres unless otherwise specifically described in Schedule C-2 – Future Road Widenings.”

The existing right-of-way width for this stretch of Upper James Street is 20.12 m. Accordingly, a maximum 3.048 m wide dedication of lands was identified at the Formal Consultation stage of this proposal. Factors that contribute to requesting land dedication relate to adequate right-of-way for various forms of transit including bike lanes, the future BLAST rapid transit corridor, and traditional modes of transportation, and space for utility services. The applicant has proposed a reduced front yard setback that would be consistent with the surrounding streetscape within the existing right-of-way width of 20.12 m. The City may allow for a reduced dedication of lands for areas where the established character of the area includes narrow streetscape, or where the majority of existing built form cannot accommodate such road dedications.

It should be noted that the A-Line corridor shown on the future BLAST route is conceptual, as neither a specific corridor nor technology (BRT/LRT) have been identified. An Initial Feasibility and Opportunities Report was completed for the A-Line in May 2012, which identified several potential alignments for the A-Line rapid transit corridor. One of the options is to come up the Claremont Access and along Upper James Street. Therefore, this portion of Upper James Street should not be ruled out as a future rapid transit route. Planning staff are of the opinion that the lot size and configuration would continue to provide a building envelope that can accommodate a viable commercial or mixed-use development upon the required 3.048 m road widening.

Based on the foregoing, the proposal complies with the policies of the UHOP.

RELEVANT CONSULTATION

The following internal Departments and external Agencies had no concerns or objections with respect to the proposed applications:

- Recreation Division, Community & Emergency Services Department.

Corridor Management Section, Public Works advised that they have no concerns with the proposed Zoning By-law Amendment application.

At the Site Plan stage, the applicant is advised that 5 m by 5 m visibility triangles between the access limits and the ultimate road allowance of Upper James Street will be required.

The width of the access to the parking area should be a minimum of 7.5 m wide. The access should also provide adequate access to accommodate transport trucks within the south turning radius.

Should the applicant proceed with below grade parking, a 6.0 m access is acceptable. The portion of this access at the property line should be flat and at grade to the underground parking should start at the door opening. Further clarification is required regarding the means of access to the underground parking area (keypad entry or remote). The doors to the outside of the underground should not swing outward onto the road allowance. Any new or change in access will required the applicant/owner to apply for and receive an Access Permit from the Public Works Department. Prior to commencing any work within the road allowance, Corridor Management recommends that the applicant/owner contact all the respective utilities.

Planning Staff are satisfied with the comments provided by Corridor Management, Public Works and confirm that the comments will be addressed at the Site Plan stage.

Hamilton Municipal Parking System, Planning and Economic Development has noted that the proposed development is located on a major transit route and is located in close proximity to a public parking lot. The applicant is further advised that a minimum of one parking space per unit for the residential component is to be provided. Visitor parking for the residential units is to be shared with the proposed medical office and commercial retail uses.

Staff also recommended that any support columns and walkways be located at least 0.5 m from the end of any parking stall to ensure adequate manoeuvring space. The above requirements have been incorporated within the amending By-law (see Appendix “B”).

Urban Forestry and Horticulture Section, Public Works Department have identified that there are no existing street trees along the Upper James Street road allowance. It was recommended that a Tree Management Plan be prepared by a landscape architect to determine the effect of the proposed development on existing trees within the site and propose appropriate mitigation measures. This practice would be consistent with the tree and woodland protection policies of the UHOP:

“C.2.11.1 The City recognizes the importance of trees and woodlands to the health and quality of life in our community. The City shall encourage sustainable forestry practices and the protection and restoration of trees and forests.”

The applicant’s Tree Management Plan was evaluated by Planning Staff and is in agreement that identified trees are to be removed from the subject lands.

Horizon Utilities did not indicate any concerns with the proposal. Further consultation will be required at the development stage to ensure installation of utilities are conducted appropriately.

Public Consultation

In accordance with Council’s Public Participation Policy, the Zoning By-law Amendment Application was circulated as part of the Notice of Complete Application to 497 property owners within 120 m of the subject lands on April 30, 2014. Three emails from the surrounding neighbourhood have been received by staff and the issues and concerns were related to over intensification, property value of nearby residential lands, noise and traffic impacts, increased height and lack of greenspace (see Appendix “D”). The issues and concerns in the correspondence are discussed in the Analysis and Rationale for Recommendation Section of this Report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement, which supports compact development and the provision of a full range of housing opportunities;
 - (ii) It conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), which encourages the development of compact communities within built-up areas;
 - (iii) It complies with the policies in effect for the Urban Hamilton Official Plan; and,

- (iv) The proposal would be compatible with existing and planned development in the surrounding area, and represents good planning.
2. The issues which have been examined for the proposed Zoning By-law Amendment relate to land use, urban design, servicing, vegetation management, and noise. These issues are summarized below as follows:

The Proposed Land Use

The proposed mixed-use development is located on lands which are designated “Neighbourhoods” on Schedule “E-1” of the UHOP. The proposal for a six-storey mixed-use development is consistent with the planned intent of the surrounding area which consists of local commercial and medium density residential development to the north and west. The proposed retail and medical office space would serve the daily needs of the local residents. A six-storey mixed-use building would provide a built form that is consistent with the character of the surrounding area with being commercial uses accessible from the street and a multiple unit residential component consistent with the lands to the west.

Urban Design

Given the proposal is located on a Major Arterial road, high urban design standards are required, particularly for pedestrian access. The proposed design of the building allows for substantial pedestrian movement by its orientation to the street and direct access to HSR Transit Routes #20, #21, and #27. The applicant will be required at the Site plan stage to provide further articulation of the building elevations to ensure the design of the building complements and enhances the character of the surrounding neighbourhood. The proposed building includes commercial uses, which will be geared towards daily needs of the local community and will rely on pedestrian traffic. Reduced parking provisions from 89 spaces to 74 spaces takes into consideration the established transit routes and nearby public parking lot.

It is suggested that a 3.0 m setback for the ground floor be incorporated to provide space for businesses to spill out with patios, store displays and landscaping in order to help enliven the streetscape and provide visual interest. An updated Urban Design Brief is to be submitted at the Site Plan Control stage to further articulate the context and design that addresses the pedestrian predominant policies of the UHOP. At this stage, staff will be in a position to provide further comments regarding the design of the site including, but not limited to, articulation of the building elevations and Landscape Plan. The applicant is advised that Elevation Plans submitted at Site Plan Control stage may indicate that minor variances may be required since detail has not been provided in respect to eave or balcony projections.

Vegetation Management

The subject property contains some private trees which were identified to be in poor health as per the submitted Vegetation Management Plan (VMP), prepared by Adesso Design Inc, dated February, 2014.

The existing tree inventory identified 12 trees on the subject property. All were proposed for removal as per the VMP due to poor condition. Accordingly, staff will require a 1:1 compensation for the loss of the trees to be included on the Landscape Plan at the time of Site Plan Control application. This Landscape Plan shall include the quantity, location and species of trees that would be planted as compensation for the removal of trees on site. If it is not possible to replant all trees on site due to spatial limitations, cash-in-lieu will be required to be provided to the City.

Noise

Staff have reviewed the Noise Study, prepared by dBA Environmental Services Inc. dated December, 2013, as part of the submission of this application. It was noted that mitigation measures can be made to ensure the sensitive residential use is not negatively impacted by the Major Arterial road, namely Upper James Street. Recommendations of the report indicate that noise can be mitigated by incorporating central air conditioning, specific building components such as double-paned windows and specific door constructions, and warning clauses, which can all be implemented at Site Plan review. However, Staff noted there are missing required appendices and information from the report. As such, staff will require an amendment to the Noise Study at the Site Plan stage of development.

3. Servicing

Existing servicing was examined by City staff to ensure adequate services were available for the proposed development.

Sanitary Services

It is anticipated that the existing 300mm combined storm and sanitary sewer and 525mm combined storm and sanitary sewer on Upper James Street will adequately service the proposed development. At the Site Plan Control stage, the applicant is required to provide a wastewater generation assessment to confirm the services are indeed available.

Water Services

A 300mm diameter watermain is available from Upper James Street with static pressures in the range of 49-55 psi. A water assessment report will also be required at Site Plan Stage to demonstrate how residential, retail, and fire flow demands will be accommodated for the development.

Storm Water Management

In 1982, it was identified that that the combined sewer available to the property is capacity deficient. Staff recommend that any increase in equivalent population density be offset by a reduction in rate of stormwater runoff. Onsite private sewer back-up prevention measures are recommended.

Growth Management Staff have advised that the applicants must demonstrate adequate water, sewer and storm water management servicing through the review of a Functional Servicing Report at the Site Plan stage.

4. The following section outlines the recommended zone modifications:

Staff are recommending the proposed mixed-use development be placed in a site-specific “H/S-1725” (Community Shopping and Commercial, Etc.) District, Modified. The proposed zone change would be more consistent with the surrounding character and streetscape comprised of lands zoned “H” (Community Shopping and Commercial, Etc.) District to the north, south, and west of the subject lands. The “H” District permits commercial, residential, and / or mixed-use buildings. However, the scale and form of the proposed building requires modifications to the “H” District provisions. Staff are of the opinion that the proposed District would be more in keeping with the established mixed-use character of the neighbourhood and would maintain the intent of the Primary Corridor designation within the UHOP.

Special zoning regulations are provided for the following:

Permitted Uses

The applicant proposes 34 residential units be permitted in addition to two storeys of commercial uses whereas the By-law requires a maximum one dwelling unit for every 180 sq m of commercial space. The current “E/S-1254” District permits 34 residential units within a five storey multiple unit dwelling and thusly, applicant proposes to carry forward the existing permissions of the “E/S-1254” District into a modified “H” which permits mixed-use development. The proposal also implements the designation of the UHOP. Staff are of the opinion that the modification is reasonable and should be supported.

Minimum Side Yard

The applicant proposes a minimum side yard setback of 0.0 m for the northerly side yard whereas the “H” District requires a 3.0 m side yard setback for any building beyond four storeys or 17.0 m in height. The intent of this provision is to reduce sun shadow impacts and to provide adequate separation from adjacent lands. The reduced side yard setback would be consistent with the lands to the north and west which provide 0.0 m side yard setbacks with access at the rear. Staff are satisfied with the proposal as access, servicing and separation from adjacent residential uses can be provided to the south of the lands. Staff have reviewed the Sun Shadow Study submitted with the Urban Design Brief prepared by Esposto Architects and are also satisfied with the finding of the Study to mitigate shadow impacts on adjacent lands. Accordingly, the proposed modification is reasonable and supported by staff.

Parking and Manoeuvring Space

The applicant proposes to locate a parking area and manoeuvring space a minimum 0.4 m with an overall average width of 1.0 m from a street line or an existing Residential District whereas the By-law requires a planting strip having a minimum width of 1.5 m and an overall average width of 2.0 m to be located between any parking space or manoeuvring space and a Residential District to provide a visual barrier from the parking area. Based on the orientation of the lot and the required parking for the commercial uses (including a medical office), staff are satisfied that appropriate visual barriers can be provided for separation purposes to the Residential District to the east and the street line with access on the south portion of the lands. Accordingly, the proposed modification is reasonable and supported by staff.

Planting Strip Requirements

The applicant proposes a landscaped area having a minimum width of 0.4 m with an overall average width of 1.0 m to be provided whereas the By-law requires a minimum 1.5 m wide planting strip along every side and rear lot line adjoining a Residential District to provide a visual buffer between the subject lands and sensitive land uses. In order to accommodate the proposed parking area within the irregular shaped lot, the applicant proposes to provide reduced planting strips along the side and rear lot lines of the subject lands. Staff are of the opinion that the reduced planting strips will still continue to provide a visual barrier between the residential district to the east and that adequate planting can still be accommodated. Staff are of the opinion that the proposed modification is reasonable and supported by staff.

Residential Parking Provisions

The applicant proposes reduced parking requirements from 89 spaces to 74 parking spaces for a mixed-use building. In order to achieve this reduction, one parking space is proposed for every residential unit, whereas the By-law requires a minimum 1.25 space for every residential unit. According to the Parking Study submitted with the application, it was determined that a minimum 0.7 parking spaces per residential unit would adequately address residential parking needs of the site whereas the Zoning By-law requires a minimum 1.25 parking spaces per residential unit. The proposed 1.0 space for every residential unit ensures adequate parking can be accommodated on site while also taking into consideration reduced parking demands. The property is located in close proximity to public transit and a public parking area should overflow parking not be accommodated on site. Visitor parking can be accommodated in the same area as the parking for the commercial units at the rear of the building. Accordingly, staff are of the opinion that the modification is reasonable and can be supported.

Medical Office Parking Provisions

The applicant proposes reduced parking requirements from 89 spaces to 74 parking spaces for a mixed use building. In order to achieve this reduction, one parking space for every 22 sq m of medical office is proposed whereas the By-law requires a minimum one parking space for every 19 sq m of office space. The proposed reduction in parking for the medical office represents a reduction from 45 spaces to 38 parking spaces which encourages use of transportation alternatives. The property is located in close proximity to public transit, including HSR routes #20, #21, and #27, and a public parking area, should overflow parking from the commercial uses not be able to be accommodated on-site. Staff are of the opinion that the proposed modification is reasonable and can be supported.

Loading Space Requirements

The applicant proposes one loading space, having dimensions of not less than 9.0 m long, 3.7 m wide, and 4.0 m in height instead of two loading spaces having dimensions 9.0 m long, 3.7 m wide and 4.0 m in height for the commercial uses and one loading space having dimensions 18.0 m long, 3.7 m wide, and 4.0 m in height for the residential portion of the development. The applicant proposes local commercial uses and a medical office to be located on the first and second storeys of the proposed development. Accordingly, staff are of the opinion that there will be minimal demand for loading areas for these uses. However, a loading space should be provided, particularly for the residential portion of the lands as there will be movement of residents in and out of the building over time. Staff are of the opinion that the proposed modification is reasonable and can be supported.

Parking Stall Size

The applicant proposes every parking space other than a parallel parking space to have dimensions not less than 2.6 m wide and 5.5 m long whereas the By-law requires dimensions not less than 2.7 m wide and 6.0 m long. The proposed parking stall size meets the requirements of the Hamilton Zoning By-law No. 05-200. Staff are of the opinion that the proposed parking stall size is appropriate for the proposed development since the proposed dimensions are consistent with a more up to date Zoning By-law.

Accordingly, staff are satisfied that the proposed modifications are reasonable and can be supported.

5. The circulation of the application to consider a Zoning By-law Amendment application has resulted in the submission of correspondence from three area residents (see Appendix “D”).

The issues identified in the neighbourhood letters and previous correspondences are discussed as follows:

Height and Density

Several of the residents were concerned with the height of the proposed development and question how the proposed 34 residential units can be accommodated on site. It was suggested that a one to two storey commercial building would be in more keeping with the character of the surrounding area.

The current zoning of the subject property permits a maximum height of five stories and a maximum of 34 residential units. Accordingly, the applicant is seeking to add one additional storey and commercial uses within the proposed building with no proposed change regarding the number of residential units. Underground parking will be provided for the residential units.

Staff note that the commercial aspect of the proposal would ensure that the development would be in keeping with the character of the area along Upper James Street. A Sun Shadow Study has also been submitted within the Urban Design Brief to the satisfaction of Planning Staff to ensure the height of the building does not detract from the neighbourhood. The building has been proposed to limit the amount of shadow impacts onto the neighbouring properties while still maintaining a strong street presence at the street level.

The proposed building will be located close to the street to be consistent with the properties to the north and west of the subject lands. The applicant will be required to submit Building Elevations and an addendum to the Urban Design Brief to

ensure the development complements and enhances the surrounding streetscape. Enhanced landscaping and planting strips will be provided along the rear of the property for a visual barrier between the proposed parking lot and adjacent residential properties. The height of the building is consistent with several multiple residential units including the lands to the south and several developments along Fennel Avenue East.

Noise

A Noise Study was submitted and reviewed by City Staff. While the recommendations of the Study indicate that further revisions are necessary in the areas of additional noise calculations and traffic data, staff are satisfied that such concerns regarding sensitive land uses can be addressed at the Site Plan Control stage. The concerns regarding noise impacts on the neighbourhood will be mitigated through the inclusion of specific building materials such as double glazed windows, door designs and façade treatments. The applicant is also advised that central air conditioning should be included to limit the number of open windows, limiting noise from the residential units. Enhanced landscaping will be provided along the periphery of the rear parking area which will also help mitigate noise from vehicles. Residential parking will be provided below ground to also limit the amount of noise coming from the site.

The Noise Study requested by the City has been triggered by the inclusion of residential units within the proposal. Should the applicant proceed with the commercial building, the Noise Study would not be required. The proposed parking area abuts a parking area used for residential purposes to the east. Accordingly, separation will be provided from the proposed parking area to help mitigate potential negative impacts.

Traffic and Alleyway

The residents have concerns that the proposed development would contribute to a cumulative increase in traffic along Upper James Street and within the public alleyway off of Brucedale Avenue East.

Corridor Management advised that there are no concerns regarding the increased traffic resulting in the development of the site. Staff have also reviewed the Parking Study submitted with the application that demonstrates limited vehicular traffic that will arise from the proposed mixed-use option. Reduced commercial and residential parking and access to several HSR routes will help promote pedestrian access, thereby further limiting vehicular traffic.

The applicant proposes access to the building only to be located from Upper James Street while the subject alleyway will be blocked off from the proposed

parking area by landscaped planting strips and chain link fencing. Accordingly, no vehicular traffic is intended to be directed to the alleyway.

Lack of Green Space

A resident has raised concerns that the proposed development will remove existing greenspace along Upper James Street.

The current use of the lands consists of a single detached dwelling. The majority of the trees on site are identified to be in poor condition and are recommended to be removed. Since this area directly abuts residential uses, the applicant has proposed to provide enhanced landscaped planting strips as a buffer between the residents and the parking area. The applicant will be required to submit a Landscape Plan at Site Plan Control stage to demonstrate these requirements and ensure some greenspace can be provided. Also at the Site Plan Control stage, the applicant will be required to pay cash-in-lieu of parkland dedication fee to the City.

Proposed Use

Residents have raised concerns that the proposed building is not in character with the surrounding area and should be limited in size and use.

The current zoning for the subject lands permits a maximum 34 residential units within a five storey, multiple-unit dwelling. The proposed Zoning By-law Amendment would permit, in addition to the 34 residential units, commercial units on the ground and second floors of a mixed-use building with a maximum height of six storeys. The proposed “H/S-1275” (Community Shopping & Commercial, Etc.) District, Modified aims to continue the established commercial and mixed-uses within the neighbourhood. Commercial uses on the lower floors would reflect the uses currently present to the west and north of the subject lands while the potential residential uses would maintain the intent of the existing zoning and reflect the property to the south. The lands are designated as a Primary Corridor within the UHOP which aims to provide efficient use of lands in the form of mixed-use developments. Accordingly, staff are satisfied that the proposed development is more in keeping with the UHOP than what is currently permitted.

Property Value

The public submissions identified concerns with respect to significant reductions of property values as result of the proposed development.

Staff are not aware of any supporting real estate information or documentation that would substantiate this concern, or any empirical data with respect to property

devaluation. Based on the foregoing, staff are satisfied that this concern has been addressed.

Garbage

Submissions from the public identify that garbage has been placed between the subject lands and the alleyway accessed from Brucedale Avenue East. Staff note that this is a property standards concern and is not evaluated through this process.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Zoning By-law Amendment application be denied, the property would remain under the “E/S-1254” (Multiple Dwellings, Lodges, Clubs, Etc.) District, Modified which permits the existing residential property or a five storey, 34 unit multiple dwelling.

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.
- 1.5 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.

APPENDICES AND SCHEDULES ATTACHED

- Appendix “A” - Location Map
 - Appendix “B” - Proposed Amending By-law to Hamilton Zoning By-law
 - Appendix “C” - Preliminary Site Plan
 - Appendix “D” - Correspondence
- MS/th