



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	May 31, 2016
SUBJECT/REPORT NO:	Proposed Zoning By-law Amendment (ZAC-15-036) and Draft Plan of Condominium (Common Element) (25CDM-201510) for Property Located at 271 Beach Boulevard, Hamilton (PED16115) (Ward 5)
WARD AFFECTED:	Ward 5
PREPARED BY:	Cam Thomas Senior Planner (905) 546-2424 Ext. 4229 Steve Robichaud Director of Planning and Chief Planner
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Amended Zoning By-law Amendment Application ZAC-15-036, by W.E. Oughtred and Associates on behalf of Coastal Land Development Corp., Owner**, for a change in zoning from the “C/S-1435” (Urban Protected Residential, etc.) District, Modified to the R-4/S-1732 District, Modified in order to permit a single detached dwelling and two semi-detached dwellings (four units) along a common element condominium road for lands located at 271 Beach Boulevard (Hamilton), and a change in zoning from the “C/S-1435” (Urban Protected Residential, etc.) District, Modified to the Conservation / Hazard Land (P5, 474) Zone to identify the Erosion Hazard Limit to prohibit development, as shown on Appendix “A” to Report PED16115, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED16115, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.
 - (ii) That the amending By-law, attached as Appendix “B” to Report PED16115, be added to District Map No. E80b of Zoning By-law No. 6593.

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- (iii) That the draft By-law, attached as Appendix “C” to Report PED16115, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.
 - (iv) That the amending By-law, attached as Appendix “C” to Report PED16115, be added to District Map No. 835 of Zoning By-law No. 05-200.
 - (v) That the proposed changes in zoning are consistent with the Provincial Policy Statement (PPS), conform with the Growth Plan for the Greater Golden Horseshoe (Growth Plan) and comply with the Urban Hamilton Official Plan (UHOP).
- (b) That approval be given to **Amended Draft Plan of Condominium (Common Element) Application 25CDM-201510 by W.E. Oughtred and Associates on behalf of Coastal Land Development Corp., Owner,** to establish a Draft Plan of Condominium (Common Element) consisting of a condominium road with two visitor parking spaces and a storm water management / open space block that will be tied to five new residential dwelling lots (POTLS) on lands located at 271 Beach Boulevard, as shown on Appendix “A” to Report PED16115, subject to the following:
- (i) That this approval apply to the Draft Plan of Condominium, prepared and certified by E.J. Grenkie, O.L.S., dated January 11, 2016, showing a private condominium road with two visitor parking spaces labelled as Part 6, and a storm water management / open space block labelled as Part 7, that will be tied to five residential dwelling lots (POTLS) as Parts 1, 2, 3, 4 and 5 attached as Appendix “D” to Report PED16115;
 - (ii) That the owner enter into a Standard Form Condominium Agreement, as approved by City Council; and with the special conditions attached as Appendix “E” to Report PED16115.

EXECUTIVE SUMMARY

The applicant, W.E. Oughtred and Associates, on behalf of Coastal Land Development Corp. has applied for approval of an amended Zoning By-law Amendment and Draft Plan of Condominium (Common Element) to retain an existing single detached dwelling of cultural heritage interest and to provide two new semi-detached dwellings (four units) along a common element condominium road with visitor parking (Appendix “A” to Report PED16115).

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The applications, as amended, have merit and can be supported as they are consistent with the PPS and conform to the Growth Plan for the Greater Golden Horseshoe and complies with the UHOP. The proposal is considered to be compatible with existing one and two family dwellings in the area and represents good planning by providing a compact and efficient urban form that would fit into the Beach Neighbourhood. The proposed development would also enhance the existing streetscape by relocating an existing single detached dwelling (circa 1906) to a more prominent location on the site closer to the street. A Holding 'H' Provision would be required to address the proposed relocation of the dwelling on the site. The subject lands are subject to site plan control.

Alternatives for Consideration – See Page 44

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 a Zoning By-law Amendment and Draft Plan of Condominium (Common Element).

HISTORICAL BACKGROUND

The subject property comprises 0.271 ha and is located at 271 Beach Boulevard in the Hamilton Beach Neighbourhood. The property is occupied by a single detached dwelling that was constructed around 1906. This dwelling is not currently designated under the Heritage Act and is not a listed property in the City's Heritage Inventory, but is recognized by the City as having architectural and historical interest. The existing building is currently setback approximately 23 m from Beach Boulevard and is not highly visible from the street due to existing vegetation along the front of the property (Appendix "J" to Report PED16115).

The property contains vegetation within both the front and rear yards which has been examined for these applications through an Arborist's report, landscaping plan and Tree Protection Plan (Appendix "I" to Report PED16115). A discussion on the vegetation, landscaping and compensation is provided in the Analysis and Rationale for Recommendation section of this Report. The rear of the property abuts the municipal walkway which provides public access along the Beach Strip.

Description of Proposal

Original Proposal

The proposal that was submitted at the time of the application for the Zoning By-law Amendment was for the demolition of the existing single detached dwelling and the development of two semi-detached dwellings (four dwelling units) and two back-to-back (maisonette) townhouse units (four dwelling units) for a total of eight dwelling units at two storeys in height (11.6 m) along a “T”-shaped common element condominium road (Appendix “G” to Report PED16115).

The back-to-back units were proposed to be located along the north-south portion of the condominium road, closer to Beach Boulevard, while the proposed semi-detached dwellings would be located on the east-west portion of the condominium road at the northerly part of the property (Appendix “G” to Report PED16115).

The proposed parking arrangement consisted of two parking spaces per dwelling unit within the driveway and garage and three visitor parking spaces within a lay-by abutting the easterly side of the condominium road. The two back-to-back units fronting onto Beach Boulevard were shown to have direct driveway access from Beach Boulevard. However, the remaining units would have access from the condominium road. The proposal would require the removal of the majority of existing vegetation within the interior of the property.

Revised Proposal

The proposal was revised in October, 2015 in response to concerns with the removal of the existing single detached dwelling, servicing and neighbourhood concerns with respect to the removal of trees, increased density and over-intensification.

The revised proposal (Appendix “F” to Report PED16115) would allow for the retention of the existing single detached dwelling in a new location and proposes to add two semi-detached dwellings (four units) with a maximum building height of 11.0 m (two storeys) to the rear of the property that would be accessed by a condominium road (Appendix “H” to Report PED16115). The proposed single detached dwelling would be relocated closer to Beach Boulevard and expanded by enclosing an existing front and side porch. The proposed condominium road is to be relocated on the westerly part of the property providing access for all of the units to Beach Boulevard. The proposal would provide two visitor parking spaces within a lay-by on the easterly side of the condominium road.

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The following setbacks are proposed for the revised proposal:

Single Detached Dwelling (to be relocated)

Front Yard (from Beach Boulevard)	3.4 m
Side Yard	1.25 m to the easterly property line
Rear Yard	12.7 m
Parking	two spaces at rear of property accessible from condominium road

Semi-Detached Dwellings

Setback from a Common Element Driveway	5.0 m to dwelling and 6.0 m to a garage
Side Yard	1.2 m (interior) and 1.7 m (exterior)
Rear Yard	7.0 m (to rear property line) with a rear deck encroachment and 0.0 m to the erosion hazard limit

The proposed driveways and garages for both the single detached dwelling and the semi-detached dwellings would be a minimum of 3.0 m by 6.0 m. The revised proposal also identified drywell locations for each of the units, an infiltration trench along the condominium road and a common swale between the two semi-detached dwellings (four units) to address storm water management concerns.

Amended Zoning By-law Amendment Application (ZAC-15-036)

The subject property is zoned Site-Specific “C/S-1435” (Urban Protected Residential, etc.) District, Modified in Zoning By-law No. 6593 which permits one single detached dwelling per lot. The purpose of the modified application is to amend the zoning in order to permit two semi-detached dwellings (four units) in addition to a single detached dwelling that will require access via a condominium road. The proposed semi-detached units would allow for pedestrian access to the Waterfront Trail through their rear yards.

As such, the applicant is proposing that the zoning be amended to create a site specific “R-4” (Small Lot Single Family Dwelling) District. The proposed residential development would require special exceptions to the “R-4” District for the proposed semi-detached dwelling units to permit frontage along a condominium road, reduced minimum lot

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areas, frontage, and front and rear yard setbacks, and no requirement for a driveway manoeuvring space, as well as a reduced front yard setback for the relocated single detached dwelling. The special provisions required for this Zoning By-law Amendment are further discussed in the Analysis and Recommendations Section of this Report.

In addition, the requirements for a Conservation Hazard (P5) Zone to address the dynamic beach erosion hazard on the northerly portion of the property, which is required by the Hamilton Conservation Authority, is also discussed in the Analysis and Recommendations Section of this Report.

Draft Plan of Condominium (Common Element) (25CDM-201510)

The purpose of the application, as amended, is to establish a Draft Plan of Condominium (Common Elements) to create a 6.0 m wide condominium road with two lay-by visitor parking spaces for two semi-detached dwellings (four dwelling units), as shown on the attached draft plan marked as Appendix “D” to Report PED16115. The other common element features will include certain stormwater management features such as the infiltration trench which is located along the westerly side of the driveway and landscaping and / or fencing that may be developed in common areas.

As the subject property is not a block within a registered Plan of Subdivision, the five Parcels of Tied Land (POTLs) would be created through the consent process rather than through Part Lot Control removal. The proposal will be subject to Site Plan Control.

Chronology:

October 23, 2014: Formal Consultation Application (FC-14-088) to consider a proposal (eight dwelling units) project.

June 22, 2015: Zoning Amendment Application ZAC-15-036 and Draft Plan of Condominium (Common Element) 25CDM-201510 submitted by W.E. Oughtred and Associates (Agent) on behalf of Coastal Land Development Inc.

July 8, 2015: Application ZAC-15-036 and 25CDM-201510 deemed complete.

July 23, 2015: Public Notice Sign posted.

July 17, 2015: Circulation of Notice of Complete Application and Preliminary Circulation for Application ZAC-15-036 and Draft Plan of Condominium (Common Element) 25CDM-201510 to 137

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property owners within 120 m of the subject lands.

October 6, 2015 Submission of Revised Zoning Amendment Application ZAC-15-036 and Common Element Condominium 25CDM-201510 and Scoped Re-circulation of the Applications.

March 17, 2016 Hamilton Municipal Heritage Committee Meeting.

April 20, 2016: Public Notice Sign updated.

April 29, 2016: Circulation of Notice of Public Meeting to 137 property owners within 120 m of the subject lands.

Details of Submitted Applications

Owner: Coastal Land Development Inc.

Applicant / Agent: W.E. Oughtred Planning Consultants Ltd. (Att. Arlene Beaumont)

Location: 271 Beach Boulevard, Hamilton
(see Appendix "A" to Report PED16115)

Property Size: Frontage: 30.48 m

Depth: 71.12 m to 71.98 m

Area: 2171.48 sq m

EXISTING LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Single Detached Dwelling	"C/S-1435" (Urban Protected Residential, etc.) District, Modified
<u>Surrounding Lands:</u>		
North	Single Detached Dwellings	C/S-1435" (Urban Protected Residential, etc.) District, Modified

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South	Single Detached Dwellings	“C/S-1435” (Urban Protected Residential, etc.) District, Modified
West	Single Detached Dwellings	“G/S-321” and G/S-1436” (Neighbourhood Shopping Centre, etc.) District, Modified and “C/S-1436” (Urban Protected Residential, etc.) District, Modified
East	Multi-Purpose Trail and Beach Strip	Open Space (P4) Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2014)

Provincial Planning Policy Framework

The Provincial planning policy framework is established through the *Planning Act* (Section 3), the Provincial Policy Statement (PPS 2014), the Growth Plan for the Greater Golden Horseshoe (the Growth Plan) and the Greenbelt Plan. The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS. The *Places to Grow Act* require that all municipal land use decisions made under the *Planning Act* conform to the Growth Plan.

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Municipal Board approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest are reviewed and discussed in the Urban Hamilton Official Plan analysis provided below.

The matters of Provincial interest with respect to this application are addressed in the following section and include the following:

- Promoting compact and efficient development patterns;
- Accommodating an appropriate range of housing;
- Encouraging residential intensification; and,
- Encouraging heritage conservation and restoration.

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As the application for a change in zoning complies with the Urban Hamilton Official Plan, it is staff's opinion that the application is:

- consistent with Section 3 of the *Planning Act*;
- conforms to the Provincial Policy Statement (2014); and,
- conforms to the Growth Plan for the Greater Golden Horseshoe.

Urban Hamilton Official Plan (UHOP)

Neighbourhoods Designation

The subject property is designated "Neighbourhoods" on Schedule "E-1" – Land Use Plan of the UHOP. The property is within an area that is characterized by low density residential development consisting primarily of single detached dwellings. The following policies, amongst others, apply to low density residential uses in the Neighbourhoods designation:

- "E.3.3.1 Lower density residential uses and building forms shall generally be located in the interior of neighbourhood areas with higher density dwelling forms and supporting uses located on the periphery of neighbourhoods on or in close proximity to major or minor arterial roads;
- E.3.4.1 The preferred location for low density residential uses is within the interior of neighbourhoods;
- E.3.4.2 Low density residential areas are characterized by lower profile, grade-oriented built forms that generally have direct access to each unit at grade;
- E.3.4.3 Uses permitted in low density residential areas include single-detached, semi-detached, duplex, triplex, and street townhouse dwellings;
- E.3.4.4 For low density residential areas the maximum net residential density shall be 60 units per hectare;
- E.3.4.5 For low density residential areas, the maximum height shall be three storeys; and,
- E.3.4.6 Development in areas dominated by low density residential uses shall be designed in accordance with the following criteria:
- a) Direct access from lots adjacent to major or minor arterial roads shall be discouraged.

- b) Backlotting along public streets and in front of parks shall be discouraged. The City supports alternatives to backlotting such as laneway housing and window streets to promote improved streetscapes and public safety where feasible.
- c) A mix of lot widths and lot sizes compatible with streetscape character; and a mix of dwelling unit types and sizes compatible in exterior design, including character, scale, appearance and design features shall be subject to the Zoning by-law regulations for appropriate minimum lot widths and areas, yards, heights, and other zoning regulations to ensure compatibility.”

The proposed development is a compact low density housing form that is within a low density residential area which also contains some pockets of medium density development. The Beach Neighbourhood is one of the most unique residential areas within the City because it is a linear community located between Lake Ontario and Hamilton Harbour and does not border any other neighbourhood. It is also a unique area with a style of architecture that consists of a mix of historic, eclectic and modern dwellings, and cottages.

The proposal would have a density of 23 units per ha which is consistent with the requirement for low density development as noted in Policy E.3.4.4.

The proposal would provide for new semi-detached dwellings that would be within the prescribed height limit of three storeys for low density development as noted in Policy E.3.4.5.

With respect to Policy E.3.4.6, it is noted that Beach Boulevard is a collector road rather than an arterial road and the predominant housing form is low density. The proposal would involve the creation of a condominium road that provides a connection for vehicular access to new semi-detached lots and the existing single detached dwelling from Beach Boulevard. The proposal would contribute to a mix of new dwelling lot sizes with semi-detached dwelling units and would generally maintain the form of the existing residential area along Beach Boulevard with the preservation and relocation of the existing single detached dwelling.

Residential Intensification

The following Volume 1 policies pertain to residential intensification:

- “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.”

With respect to item (b) above, the proposed development would maintain and enhance the existing character of Beach Boulevard by providing for the retention of an existing longstanding dwelling (circa 1906) and introducing new low density residential adjacent to the Waterfront Trail.

With respect to item (c), the proposal would provide for the development of two semi-detached dwellings (four units) on a suitably sized lot which is a housing form that is compatible with single detached dwellings.

The proposal provides for the compatible integration of the proposed condominium (item (d)), within an area of low density development in which there is wide a range of housing styles, setbacks and lot sizes and areas. The proposed semi-detached dwellings would be developed on lots that are similar in size and width to many existing lots in the area (i.e. 285 and 289 Beach Boulevard) and would also provide for development with similar massing, height and setbacks. The proposal would allow for

the retention and upgrading of an historical dwelling while providing new forms of development.

With respect to item (e), the proposal conforms to the Urban Structure policies of Section E.2.0 by supporting residential intensification, providing a compact form of development, expanding the range of housing within the community and providing a design that is respectful of the neighbourhood character.

With respect to item (f), infrastructure and transportation capacity, it was noted that adequate services are available for the proposal which include a separated sanitary sewer and municipal water services. A suitable storm water management system consisting of drywells, infiltration trench, swales and permeable pavers is proposed and would provide for adequate storm water relief. There are no transportation capacity or access issues associated with the proposal.

Finally, with respect to item (g), the proposal would conform to the other applicable policies of the UHOP such as urban design, land use and cultural heritage landscapes, which are examined further in the UHOP section of this Report.

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

- a) the matters listed in Policy B.2.4.1.4;
- b) compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
- c) the relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;
- d) the consideration of transitions in height and density to adjacent residential buildings;
- e) the provision of amenity space and the relationship to existing patterns of private and public amenity space; and,
- f) the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations.”

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With respect to compatibility issues (item b)), the proposed condominium development would organize the property to accommodate the relocation of the existing dwelling closer to Beach Boulevard and allow for the development of two new semi-detached dwellings (four units) closer to the rear of the property on a condominium road. The proposed development would result in the single detached dwelling being located in front of the abutting dwelling at 267 Beach Boulevard with a reduced setback, instead of parallel to the abutting dwelling, to accommodate suitably-sized dwelling lots at the rear (i.e. easterly boundary) of the property abutting the Waterfront Trail.

The proposed parking pad for two vehicles for the single detached dwelling would be located closer to the abutting dwelling at 267 Beach Boulevard (i.e. 1.23 m from the side property line) and therefore it is recommended that the parking pad be shifted away from this property line and the setback increased to 1.5 m. This will facilitate landscaping and privacy fencing in this area to reduce impacts such as vehicular lighting on this neighbouring dwelling (267 Beach Boulevard). This requirement will be addressed in the amending Zoning By-law (Appendix “B” to Report PED16115).

The proposed semi-detached dwellings would be located close to the Waterfront Trail and generally parallel to the abutting single storey dwelling to the north, at 283 Beach Boulevard. The single detached dwelling at 283 Beach Boulevard would be separated by an existing side yard setback of 4.5 m and a shed from the proposed adjacent semi-detached dwelling. The single detached dwelling at 267 Beach Boulevard is located more centrally on the property and is not parallel to the proposed semi-detached dwellings. The semi-detached dwelling units would also have a 1.7 m side yard setback from abutting properties.

The proposed rear yards for the semi-detached dwellings would be between 4.6 m to 5.5 m which would be consistent with 283 Beach Boulevard and many of the residential lots to the north which are generally between 0.0 m to 4.0 m. The range of setbacks also provides elements of visual interest which contributes to this Beach Neighbourhood’s eclectic flavour and character.

Therefore, it is staff’s view that the proposed semi-detached dwelling units would be appropriately located on the subject property and would not contribute to incompatibility issues such as shadowing, overlook, noise or lighting for the adjacent dwellings.

With respect to item c), the proposal is within an area which is characterized by a range of lot sizes and dwelling sizes. The lot sizes in this area range from cottage-sized lots to the north which are 180 sq m to 2100 sq m which is the size of the subject property. Similarly, frontages in this area range from 5.4 m at 285½ Beach Boulevard to 30.0 m for the subject property. The location of building setbacks on lots within this area is also quite varied with dwellings located between 0.0 m to more than 50.0 m from Beach Boulevard.

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The proposed lot sizes and frontages for the single detached dwelling (i.e. 17.3 m frontage and 600.8 sq m lot area) and semi-detached dwelling units (i.e. 7.3 m to 7.8 m frontages and 225 sq m to 243.7 sq m for lot areas) are within this wide range of lot frontages and lot areas and can therefore be accommodated through this proposal (Appendix "F" to Report PED16115). It is further noted that the Beach Neighbourhood Plan provides flexibility for the adjustment of lot sizes in the Single and Double Residential designation which includes the subject property.

The relocated single detached dwelling would provide a reduced setback to Beach Boulevard (i.e. 3.47 m for the enclosed porch) while the proposed semi-detached dwellings would provide for new development that is closer to the Waterfront Trail (i.e. 4.6 m to 5.5 m rear yard setback).

The small east-west running public laneways which connect to Beach Boulevard would be similar in form to the proposed condominium road and provide for smaller lot forms and compact development. Mareve Avenue is an east-west running local road located 60 m north of the property and includes a newer dwelling located at 6 Mareve Avenue that has similar massing and height as the proposed semi-detached dwellings. Approximately 110 m to the north at 349 Beach Boulevard (the former Dynes Tavern site), there are townhouses located along the Waterfront Trail that would have much greater massing and similar building height to the proposed semi-detached dwellings.

With respect to items c) and d), the proposed height of the semi-detached dwellings (11.0 m) would be consistent with the height of other taller dwellings within the Beach Neighbourhood (i.e. two-and-one-half storeys) as the neighbourhood is comprised of one to two-and-a-half storey dwellings. The proposed density of 23 units per hectare for the subject property is consistent with low density residential areas and in compliance with the UHOP and the Beach Neighbourhood Secondary Plan.

With respect to item e), the proposed development would allow for the provision of appropriately-sized rear yards of 12.0 m for the single detached dwelling and 4.6 m to 5.5 m for the semi-detached dwellings to allow for suitable private amenity areas. Additionally, the proposal is adjacent to the Waterfront Trail and Hamilton Beach which provide recreational amenities and pedestrian access to a playground to the south (150 m) and a parkette to the north (450 m).

With respect to item f), it has been noted that the proposal would provide for appropriate setbacks in the range of existing setbacks for development in this area. The proposed setbacks would not interfere with existing adjacent development and would allow for further privacy by means of privacy fencing, if required. The proposed building separations between the semi-detached dwellings and the relocated single detached dwelling would allow for the creation of appropriately sized POTLs (parcels of tied land)

that would be of similar size and width to the cluster of properties to the north between 285 and 289 Beach Boulevard.

Urban Design

The following Volume 1 urban design policies are applicable:

“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;
- b) respecting the existing cultural and natural heritage features of the existing environment by re-using, adapting, and incorporating existing characteristics;
- c) allowing built form to evolve over time through additions and alterations that are in harmony with existing architectural massing and style;
- d) complementing the existing massing patterns, rhythm, character, colour, and surrounding context; and,
- 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.”

With respect to item a), the proposal would provide a building design that is complementary to existing buildings along this section of Beach Boulevard and which was examined through the applicant’s Cultural Heritage Impact Assessment and Addendum. The proposed built form for the semi-detached dwellings would employ a contemporary seaside look appropriate for a development along the Beach Strip. The building exteriors will be clad in stone and a durable composite siding material. Porches and balconies will have a clean modern appearance with solid glass railings which is common in newer dwellings that are close to the Waterfront Trail. Pedestrian connections would be provided directly to the Waterfront Trail for the proposed semi-detached dwellings. Connections for the relocated existing dwelling would be to the sidewalk along Beach Boulevard, which connects to the Waterfront Trail to the north from Mareve Avenue.

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The proposal would respect the existing cultural heritage landscape of the area (item b) by providing for the retention and enhancement of an existing built heritage resource, which would preserve the character of Beach Boulevard. The relocation of the dwelling would allow it to be more prominent along Beach Boulevard, whereas it is currently concealed by vegetation. While many of the existing trees and vegetation would be removed due to their poor condition, the proposal would provide opportunities, through the applicant's approved arborist report and landscaping plan, to replace trees that are unhealthy and non-native with healthy native trees that would be better maintained through the creation of the common element condominium. These matters will be addressed at the Site Plan Control stage.

With respect to item c), the proposed semi-detached dwellings would be more prominent from the Waterfront Trail than from Beach Boulevard. As noted, the creation of new development forms in proximity to the Waterfront Trail would complement some of the existing development north of the subject property near Mareve Avenue.

With respect to item d), the proposal would in staff's view allow for development that is complementary to the area. The materials, colouration and building design for the proposed semi-detached dwellings would be of high quality and consistent with other newer dwellings that have been developed along Beach Boulevard. The character of the Beach Centre Neighbourhood is varied and includes a mix of historical, modern, cottage and eclectic design elements. The proposed design changes are inspired by the lakefront location and contribute to the character of this area.

With respect to item e), the proposal would provide a more prominent open area along Beach Boulevard and adequate spacing between the single detached dwelling and semi-detached dwellings to minimize shadowing on adjacent properties and the public realm.

Views and Vistas

"B.3.3.5 Public views and vistas are significant visual compositions of important public and historic buildings, natural heritage and open space features, landmarks, and skylines which enhance the overall physical character of an area when viewed from the public realm. Vista are generally panoramic in nature while views usually refer to a strong individual feature often frames by its surroundings.

Views and vistas created in newly developing areas play a large role in creating a sense of place and neighbourhood identity.

Examples of existing significant vistas include the panorama of the Niagara Escarpment, Hamilton Harbour and the Downtown skyline as

viewed from various vantage points throughout the City. Examples of views include significant historic and public buildings, natural heritage features, and monuments.”

In addition to the significant vistas identified, views to Lake Ontario from Beach Boulevard are also recognized as important within the Beach Centre Neighbourhood. This is of particular importance in the Beach Heritage Conservation District in which the Guidelines for new development are intended to maintain views to Lake Ontario.

With respect to the subject property, which is outside of the Heritage Conservation District, it is noted that views to the lake are already partly obstructed due to existing vegetation and accessory buildings that are located on the property. Although the views would be partially constrained by the proposed placement of the semi-detached dwellings, the proposal would provide a more defined driveway as well as spacing between the two buildings and property lines that would offer some visibility to Lake Ontario and the Waterfront Trail from Beach Boulevard.

Natural Heritage System

Schedule “B” of the UHOP identifies the shoreline of Lake Ontario as a Core Area in the Natural Heritage System. The subject property is adjacent to this Core Area. Policy C.2.3 specifies that any development or site alteration within or adjacent to Core Areas shall not negatively impact their natural features or ecological functions. Policy C.2.3.3 states that Core Areas are to be protected and where possible, enhanced. Vegetation removal and encroachment into such areas shall not be permitted.

The proposed development identifies a 4.6 m to 5.5 m setback for the rear porches of the semi-detached dwellings from the adjacent Core Area. It was determined that the property was an already disturbed area and as such an Environmental Impact Study has not been required for this proposal.

Volume 3 - Hamilton Area Specific Policies

UH-2 Lands along Lake Ontario Shoreline, on the north side of Beach Boulevard

“B.5.1.0 The following policies shall apply to lands located along the Lake Ontario Shoreline, on the north, and south side of Beach Boulevard, shown as Area Specific UH-2 on Map H-6:

- a) The City shall ensure that appropriate shoreline protection measures as may be prescribed by the Province and will be taken to mitigate flooding, erosion and pollution.”

The subject property is part of the Hamilton Beach Neighbourhood community, which is under special requirements of the Hamilton Conservation Authority (HCA) to minimize the beach erosion hazard and flooding, and the City of Hamilton to ensure that proper development techniques for grading and storm water management are provided for new development. The proposed semi-detached dwelling units would meet the HCA requirements for the dynamic beach erosion hazard as the dwelling units would be located outside of the erosion hazard limit, which is between 4.6 m to 5.5.m from the rear property line. However, the rear yard areas would be included under the Conservation / Hazard (P5) Zone at the request of the HCA to define the hazard limit and to prohibit development in the area zoned “P5”. The proposal would also be satisfactory to the City in terms of storm water management because the development would utilize a system of storm water management that would provide for infiltration and contain water within separate drywell systems.

Archaeological Assessment Requirements

“B.3.4.4.2 In areas of archaeological potential identified on Appendix F-4 – Archaeological Potential, an archaeological assessment shall be required and submitted prior to or at the time of application submission for the following planning matters under the *Planning Act*.

- b) zoning by-law amendments unless the development proposed in the application in question or other applications on the same property does not involve any site alteration or soil disturbance.”

The applicant’s Stage 1 and 2 Archaeological Assessment was submitted to the City and the Ministry of Tourism, Culture and Sport. It was determined that no further archaeological work would be required on site. On this basis, the study would satisfy the Provincial and municipal interests in archaeology.

Built Heritage / Cultural Heritage Landscapes

The following cultural heritage landscapes policies are relevant to the proposal:

“B.3.4.1.3 Ensure that all new development, site alterations, building alterations, and additions are contextually appropriate and maintain the integrity of all on-site or adjacent cultural heritage resources.

B.3.4.1.4 Encourage the rehabilitation, renovation, and restoration of built heritage resources in order that they remain in active use.

- B.3.4.2.1 The City of Hamilton, in partnership with others where appropriate:
- (h) Conserve the character of areas of cultural heritage significance, including designated heritage conservation districts and cultural heritage landscapes, by encouraging those land uses, development and site alteration activities that protect, maintain and enhance these areas within the City.
- B.3.4.2.6 The City recognizes that there may be cultural heritage properties that are not yet identified or included in the Registrar of Property of Cultural Heritage Value or interest nor designated under the *Ontario Heritage Act*, but still may be of cultural heritage interest. These may be properties that have yet to be surveyed, or otherwise identified, or their significance and cultural heritage value has not been comprehensively evaluated but are still worthy of conservation.
- B.3.4.2.7 The City shall ensure these non-designated and non-registered cultural heritage properties are identified, evaluated, and appropriately conserved through various legislated planning and assessment processes, including the *Planning Act*, the *Environmental Assessment Act* and the *Cemeteries Act*.
- B.3.4.3.7 Intensification through conversion of existing built heritage resources shall be encouraged only where original building fabric and architectural features are retained and where any new additions, including garages or carports, are no higher than the existing building and are placed to the rear of the lot or set back substantially from the principal façade. Alterations to principal façade and the paving of front yards shall be avoided.
- B.3.4.5.2 The City shall encourage the retention and conservation of significant built heritage resources in their original locations. In considering planning applications under the *Planning Act* and heritage permit applications under the *Ontario Heritage Act*, there shall be a presumption in favour of retaining the built heritage resource in its original location.
- B.3.4.5.3 Rehabilitation of built heritage resources shall only be considered where it is demonstrated by a cultural heritage impact assessment that the following options, in order of priority have been assessed:
- a) Retention of the building in its original location and its original use; or
 - b) Retention of the building in its original location, but adaptively re-used.”

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The proposal provides an opportunity to retain and enhance an existing heritage resource as per Policy B.3.4.1.4 which is an important element of the area's local history and contributes to the unique built form and character of the Beach Neighbourhood.

The proposal also provides an appropriate integration of a built cultural heritage resource and new housing forms which are suitably placed on the property to allow for the development of separate lots (POTLs) that are unified along a condominium road as per Policy B.3.4.1.4. The five individual POTLs will be created through the approval of consents.

It is noted that the Hamilton Beach Neighbourhood is identified in Appendix "F" of the UHOP as a Cultural Heritage Landscape. The decision by the applicant to preserve the existing dwelling is consistent with the direction of Policy B.3.4.2.1. to protect, maintain and enhance neighbourhoods that are identified as Cultural Heritage Landscapes.

With respect to Policies B.3.4.2.6 and B.3.4.2.7, the proposal would provide for the retention of a dwelling that is not yet worthy of designation but contributes to a Cultural Heritage Landscape along Beach Boulevard.

With respect to B.3.4.3.7, the proposal would allow for the intensification of the property rather than the existing single detached dwelling. The intensification that is proposed would occur at the rear of the property and would not affect the retained single detached dwelling. The proposed 6.0 m wide condominium road would allow for the retention of existing yards for landscaping purposes and would not result in the paving of the entire front yard.

Staff are of the opinion that the existing single detached dwelling has some local value since it was previously owned by the Dynes family, however, it would not be characterized as a significant built heritage resource, since it does not meet any of the nine criteria for designation under the *Ontario Heritage Act* (Policies B.3.4.5.2 and B.3.4.5.3). The applicant has undertaken a Cultural Heritage Impact Assessment (CHIA) as an evaluation tool for this proposal which provides support for the proposal including the relocation of the dwelling. The following was identified in the CHIA concerning the existing dwelling:

- It is not a rare, unique or representative example of historical dwellings in the Beach Neighbourhood; and,
- It does not display a high degree of craftsmanship, merit or technical and scientific achievement.

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The Hamilton Municipal Heritage Committee supported this proposal at their March 17, 2016 meeting.

Housing

The following housing objectives are applicable to the proposal:

- “B.3.2.1.6 Increase the mix and range of housing types, forms, tenures, densities, affordability levels, and housing with supports throughout the urban area of the City.
- B.3.2.4.1 The development of a full range of housing forms, types, and densities shall be provided for and promoted throughout the City of Hamilton through residential intensification and new development. A full range of housing forms, types, and densities means the full spectrum of physical housing types including single detached dwellings, semi-detached dwellings, duplexes, townhouses of various types (street, block, stacked), apartments and other forms of multiple dwellings, and lodging houses, built at a range of densities.”

With respect to the aforementioned policies, the proposal would provide an intensified housing form through the proposed common element condominium as well as a built form not currently found in this area adding interest and diversity to the community while still maintaining the overall character of the area.

Noise Policies

The following noise policies are relevant to the proposal:

- “B.3.6.3.7 A noise feasibility study, or detailed noise study, or both, shall be submitted as determined by the City prior to or at the time of application submission, for development of residential or other noise sensitive land uses on lands in the following locations:
- a) 400 m of a truck route; and,
 - b) 400 m of a Provincial Highway, as identified on Schedule C –Functional Road Classification.”

Concerning the above, staff note the proposed development is located within 400 m of the Queen Elizabeth Highway (QEW) which is also a major truck route. Therefore, a noise assessment is required for the proposal. The noise assessment submitted for this proposal by HCG Engineering Limited was required to address both indoor noise levels

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and the rear yard outdoor living areas (OLAs) for the proposed common element condominium units and was based on the original proposal for eight back-to-back and semi-detached dwelling units.

The noise assessment has identified that the rear yard outdoor living areas would be shielded by the location of the dwellings and would be less than the required 55 dBA. As such, the rear yard outdoor living areas would not be subject to physical mitigation.

In addition, the indoor night time noise levels for the proposed semi-detached units would be less than the required 60 dBA and therefore would not require special requirements for ventilation.

However, for all of the dwelling units, the noise assessment has identified requirements for materials and glazing, central air conditioning, and warning clauses in Purchase and Sale Agreements based on daytime noise levels which are as follows:

Building Material and Glazing Requirements

The development will have predicted sound levels less than 65 dBA during the daytime and less than 60 dBA during the night time. Any exterior wall and double glazed window construction shall meet the minimum requirements of the Ontario Building Code.

Central Air Conditioning

A central air conditioning system is required for **Lots 1 - 5** within the proposed development. The location, installation and sound ratings of the air conditioning devices should comply with NPC-216, as applicable.

Warning Clauses

Purchasers / tenants of **Lots 1 - 5** are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling unit occupants as the sound levels exceed the City of Hamilton's and the Ministry of Environment noise criteria.

The above-noted Warning Clause will be addressed at the time of Site Plan Approval through the signed Undertaking and in all future consent agreements.

Neighbourhood Plans

"F.1.2.7 Neighbourhood plans are policies adopted by council resolution and do not form part of the Official Plan. Any proposal for development or

redevelopment must conform to the designations, and policies in the Neighbourhood Plan.

F.1.2.8 Any amendment to the Neighbourhood Plan must be evaluated using the provisions of Policies F.1.1.3 and F.1.1.4 and shall require a formal Council decision to enact the amendment.”

With respect to the above-noted policies, staff note an amendment to the Beach Neighbourhood Plan would not be required to permit the proposed common element condominium. Further discussion on the Neighbourhood Plan is provided in the following section below.

Beach Neighbourhood Plan

The subject property is currently designated “Single and Double Residential” and is partially located within an Environmentally Sensitive Area within the Hamilton Beach Neighbourhood Plan. The Hamilton Beach Neighbourhood Plan provides the following policy direction

“1.2.1 Single and Double Residential:

- Permitted uses will include one and two family dwellings, similar uses and accessory uses as specified by the Zoning By-law for individual districts.
- Smaller lot infill with lot widths of approximately 10.0 m (33.0 ft) will be located in areas of existing smaller lots, especially on the Bay side of Beach Boulevard, and close to the Beach Centre. Modified zoning would be required to permit smaller lots.
- Densities will range from approximately 18 - 30 dwelling units per net hectare (7 to 12 units per net acre), depending on the area and size of lots.
- The shape and configuration of new lots as well as their size and building setbacks, may be adjusted to reflect the density and configuration of existing development in the immediate vicinity.
- Building heights will be limited to a maximum of two and one-half storeys, as specified by the zoning by-law for individual districts.”

With respect to the foregoing, under point 1, the proposal to permit semi-detached dwelling units would be consistent with the “Single and Double” designation of the Beach Neighbourhood Plan. However, as the current “C/S-1435” District provisions

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would permit only single detached dwellings, a Zoning By-law Amendment would be required to allow the proposed semi-detached dwelling units.

With respect to point 2, while infill is encouraged on the Bay side of Beach Centre due to the number of vacant lots that are for sale by the City, the proposal is a form of infill within this area that would generally be consistent with the creation of small lots, albeit along a condominium road. The proposed lot fabric would create a condominium lot for the relocated dwelling that would retain the character of wider frontage along Beach Boulevard and allow for individual semi-detached lots that are in the range of 7.3 m – 7.8 m in width.

The proposed density for the five unit condominium would be 23 units per hectare which conforms to the density requirements of point 3 of the Neighbourhood Plan. Also, the proposal would provide for the creation of POTLs on a condominium road that would be similar in size and frontage to existing lots along Mareve Avenue, located slightly to the north, in accordance with point 4.

With respect to the final point, the height of the proposed semi-detached dwelling units would conform to the requirements of the Neighbourhood Plan.

General Housing Policies

“1.2.4

- In areas of the Beach where noise levels may be identified as a concern, new residential dwellings will be designed and built to protect residents from noise generated by the QEW Skyway. This will be done by means of providing the required design features such as central air conditioning, double exterior walls, triple glazes windows, etc. as may be required by reviewing agencies such as the Ministry of Environment.
- New residential dwellings will be located and built in a manner to ensure adequate protection from the high water table and occasional flooding in this area. This will be done by means of the creation of an open space buffer on the Bay (west) side of the Beach, and attention to building design.
- The compatible restoration and upgrading of existing homes on the beach will be encouraged, to ensure that the existing housing stock is maintained in good condition and in a manner compatible with the character of the area.

With respect to the foregoing, it has been noted that a noise assessment was undertaken as part of the submission requirements for the applications in accordance with point 1. This was explained in the UHOP section under Noise Policies.

With respect to point 2, the applicant has provided a storm water management plan for the proposal that is to the satisfaction of the Growth Planning and Development Engineering and which will provide adequate infiltration. In addition, the proposal would be satisfactory to the Hamilton Conservation Authority in terms of establishing the required setbacks from the dynamic beach erosion hazard.

With respect to point 3, as noted, the revised proposal would allow for the restoration and enhancement of the existing dwelling on the property as well as its integration into the proposed common element condominium.

5.0 Urban Design and Heritage

“5.2.1 Heritage waterfront and green spaces will be considered as design elements for the redevelopment of the Beach Neighbourhood. These elements will be incorporated as much as possible into the design of new and renovated buildings, street furniture and lighting, gateway treatments, etc. for the Beach as well as for Parks improvements.

The proposed development would provide for the retention of greenspace for the proposed condominium units to create useable greenspace primarily for the rear yards, the perimeter of the site and along Beach Boulevard. New landscaping would be provided to a high quality subject to Site Plan Control approval to allow for the replacement and improvement of existing vegetation, much of which is comprised of non-native species and is in poor condition.

7.0 Transportation and Utilities

“7.2.1 The design of roadways, intersection and access points will be reviewed as necessary to ensure compatibility with adjacent land uses, especially in the section of Eastport Drive between the Canal and Beach Boulevard, and at the south end of Beach Boulevard.

7.2.3 Higher density development should have access directly to Beach Boulevard.

7.2.4 Sufficient parking for residents and visitors will be provided for new residential development and redevelopment, with special regard to small lot infill on side streets.”

With respect to the foregoing, the proposed condominium road would be compatible with adjacent development and would connect directly to Beach Boulevard as required in Policies 7.2.1 and 7.2.3. The proposal will provide for two parking spaces per unit and a total of two parking spaces for visitors. This requirement would exceed the requirement under Zoning By-law No. 6593 which is one parking space per unit for

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semi-detached dwelling units and two spaces for a single detached dwelling, plus 0.5 spaces per unit where there are more than eight habitable rooms per dwelling.

Hamilton Zoning By-law No. 6593

The subject property is within the Beach Neighbourhood that was assigned specific “C” District zoning in 1999 to address development for single detached dwellings along the Hamilton Bay side (west side of Beach Boulevard), Lake Ontario (east side of Beach Boulevard) and the Heritage Conservation District, which is the area between 869 to 1019 Beach Boulevard and 870 to 1064 Beach Boulevard.

The subject property is on the west side of Beach Boulevard and is within the “C/S-1435” District created by By-law 99-169. In general, the standard “C” District provisions are maintained in the “C/S-1435” District. The specific regulations that were developed were to address flood control issues and storm water management because of the limited infrastructure in this area and include:

- Minimum Side Yard – 1.7 m or 1.5 m if a swale is provided;
- No building or structures within 4.5 m of the rear yard, except fences; and,
- Supporting posts for fences are to be 0.075 m from ground to the bottom of the fence to not obstruct the flow of water.

For the evaluation of the application, the “C/S-1435” and “C” District provisions were examined because of the prominence of this zoning district within the Beach Neighbourhood. A Zoning By-law Amendment is required to implement the proposal and will be discussed in greater detail in the Analysis and Rationale for Recommendations Section.

RELEVANT CONSULTATION

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

- Ministry of Transportation Ontario (outside of MTO Permit Control area)

Hamilton Conservation Authority (HCA)

In the original proposal, the HCA identified that the dynamic beach erosion hazard extends approximately 7.0 m into the rear portion of the subject property. It was noted that both the Provincial Policy Statement and HCA’s policy do not permit development within the dynamic beach hazard. The hazard would need to be excluded from development and lot limits.

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The applicant's revised proposal has identified that the dynamic beach hazard would be located within 4.6 – 5.5 m of the rear lot line for the proposed semi-detached dwelling units instead of 7.0 m. The HCA requires the dynamic beach hazard to be specifically zoned (i.e. Conservation / Hazard (P5) Zone) to prohibit development in this area. This will require a separate Amending Zoning By-law to address these changes under By-law 05-200 so that accessory buildings or structures are not developed in the P5 Zone. It is noted by staff that the proposed semi-detached dwellings would require minor modifications to remove the rear deck stairs from the dynamic beach hazard. A Warning Clause would also be included in the Undertaking at the Site Plan Control stage and in all future consent agreements to advise that the rear yards of the semi-detached dwellings shall not be regraded and that accessory buildings or structures are prohibited.

Canada Post

Conditions from Canada Post for the proposed Common Element Condominium are with respect to requirements for the owner to notify purchasers of Centralized Main Box locations, the provision of temporary suitable Centralized Mail Box locations (if required), and the installation of concrete pads for new Centralized Main Boxes, if required.

These requirements are addressed as Condition Nos. 2(a)-(d) and 3 to Appendix "E" to Report PED16115.

Bell Canada

For the proposed Common Element Condominium, the Owner shall be required to confirm that sufficient wire-line communication / telecommunication infrastructure is currently available within the proposed development. If this infrastructure is not available, the owner may be required to pay for the connection to and / or extension of the existing communication / telecommunication infrastructure.

These requirements are addressed as Condition No. 4 of Appendix "E" to Report PED16115.

Union Gas

For the Proposed Common Element Condominium, Union Gas would require a condition for the provision of necessary easements and agreements for gas services within the condominium development.

This requirement is addressed as Condition No. 5 of Appendix "E" to Report PED16115.

Geomatics Section, Public Works Department

Beach Boulevard is not an original road allowance and was dedicated to the City by an Order in Council in 1964. Although the northeasterly and southwesterly limits are not parallel, it was determined that there is a required widening of 1.0 m to achieve an ultimate road allowance of 26.213 m. The applicant's Land Surveyor would need to undertake fieldwork and define the actual measurement at the Site Plan Control stage. The method should be determined in consultation with Geomatics Staff due to the road sections not being parallel.

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

HMPS have advised that the layout of the two visitor parking spaces may require vehicles to perform a three-point turn to exit the property. As the manoeuvring would occur on a small private road with limited local traffic, the proposed design can be supported.

Given the limited driveway depths and attached garages for the semi-detached units, it is recommended that a clause be included in the Undertaking for the Approved Site Plan and in all future consent agreements stating that the garages are for the purposes of parking and that owners are responsible for ensuring that their parking needs are met.

Corridor Management, Public Works Department

Corridor Management is recommending an access width of at least 7.0 m (7.5 m preferred) at the property line and a 7.5 m curve radii. The proposed revised design would satisfy this requirement (Appendix "F" to Report PED16115).

The concerns with the original submission were that there would not be sufficient space on site for a full size garbage truck to enter, manoeuvre on site and exit in a forward manner. Similarly, emergency vehicles and small moving trucks may also have difficulty entering the site.

Planning Staff note that garbage trucks would not need to access the property because curbside pick-up would be available on Beach Boulevard. Small moving vehicles and smaller EMS vehicles could manoeuvre safely on the site by using a three-point turn or utilize existing driveways for manoeuvring.

In addition, the following comments are also provided:

- An access permit is required for the main access driveway to the site;

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- A minimum 1.2 m clearance between an access and utility pole or fire hydrant is required. Utility relocation costs are the responsibility of the owner;
- At the Site Plan stage, all works within the Beach Boulevard road allowance must be completed by a contractor bonded by the City and the contractor must meet with City staff prior to the commencement of any work; and,
- Any abandoned accesses must be removed and the boulevard restored at the expense of the owner to the satisfaction of the Director of Engineering, and Director of Public Works, at the Site Plan Control stage.

Operations Division, Public Works Department

Operations Division advised that curbside pickup for household garbage, recycling, organics, leaf and yard, and bulk waste is required and shall comply with the City of Hamilton Solid Waste Management By-law 09-067, as amended. It is not possible to provide door-to-door service because the internal condominium road design would not provide a suitable turn-around for City vehicles for weekly pickup of garbage and recyclables, etc. A warning clause is therefore recommended to advise prospective buyers or lessees of this requirement and will be included in the Undertaking on the Final Site Plan and in all future consent agreements.

Urban Forestry and Horticulture Section, Public Works Department

Urban Forestry has advised that the proponent should try to preserve the municipal tree assets which would require a shift in the driveway location. An update to the Tree Management Plan would be required at the Site Plan Control stage to preserve existing street trees abutting the driveway.

Growth Management Division, Planning and Economic Development Department

Due to the lack of sufficient capacity in the downstream sewer, the proposed condominium development would not be permitted to connect to the storm sewer on Beach Boulevard. The applicant submitted an updated Servicing and Grading Plan and Storm Water Management design information in conjunction with the revised proposal that identifies drywells, an infiltration trench and permeable pavers as an acceptable alternative to connection to the City's storm sewer system. This matter will be addressed at the Site Plan Control stage.

This requirement would be addressed as Condition 7 of Appendix "E" to Report PED16115.

Public Consultation

In accordance with Council's Public Participation Policy, the Zoning By-law Amendment application was pre-circulated to all property owners within 120 m on July 10, 2015 and a notification sign was posted on the site. A total of 137 notices were circulated. The circulation resulted in the submission of 17 letters received from the public for the proposed applications. The concerns raised in these letters are summarized in the Analysis and Rationale for Recommendations Section.

Notice of the Public Meeting was given on April 29, 2016 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 and subsequent updating of a notification sign on the property.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The Zoning By-law Amendment and Draft Plan of Condominium (Common Element) applications have merit and can be supported for the following reasons:
 - (i) They are consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe, in terms of intensification and managing cultural heritage resources;
 - (ii) They comply with the Urban Hamilton Official Plan and the Hamilton Beach Neighbourhood Plan;
 - (iii) The proposed development is considered to be compatible with the existing and planned development in the immediate area; and,
 - (iv) The proposed development represents good planning by, among other things, providing a compact and efficient urban form, the retention of a cultural heritage resource and providing an innovative solution for managing storm water.
2. The proposed Zoning By-law Amendment and Draft Plan of Condominium (Common Element) has required the submission and approval of a Cultural Heritage Impact Assessment (CHIA) and Archaeological Assessment.

The Cultural Heritage Assessment was prepared by Amy Calder Consulting and Amy Barnes Consulting and examined the nature of the proposed development on the subject property through the creation of a condominium road and two semi-detached dwellings as well as the proposed relocation and modifications to the existing dwelling.

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The subject property is located approximately 2.0 km south of the Heritage Conservation District (HCD) for the Hamilton Beach Neighbourhood. The Beach Neighbourhood HCD pertains to properties that are within the municipal address range of 809 Beach Boulevard to 1064 Beach Boulevard, which is close to the north end of the Hamilton Beach Neighbourhood.

Development within the HCD is subject to conformity with the City-initiated document entitled "Hamilton Beach District: Guidelines for Conservation and Change." However, these requirements do not apply to properties that are outside of the Conservation District.

3. The subject property is located adjacent to two Core Areas which are Lake Ontario and the Hamilton Beach Environmentally Sensitive Area (ESA). The subject property contains existing vegetation and it was determined at the Formal Consultation stage that the proposal would require the evaluation of a General Vegetation Inventory and Tree Protection Plan.

A General Vegetation Inventory (GVI/Tree Protection Plan; TPP) was prepared by Charles Kinsley and Alive Tree (Soha Silmi; arborist) dated April 17, 2015 to inventory existing trees with a dbh of 10 cm or more. This Report was revised November 3, 2015, December 11, 2015, January 19, 2016 and February 26, 2016 to examine requirements for additional replacement landscaping.

Arborist's Report

Planning staff are satisfied with the revised Arborist Report. Based on the concept that has been provided, a total of 34 trees (excluding the City owned trees) have been proposed to be removed (Appendix "I" to Report PED16115). However, compensation of one tree added for every tree removed is requested in order to maintain existing tree cover. Planning staff would be satisfied with compensation for 27 trees (19 that have been proposed on the Landscape Plan and cash-in-lieu for 8 trees that have a DBH of > 20 cm DBH (T3, T10, T12, T13, T14, T16, T19 and T20).

Tree Protection Plan

Staff approves the *Tree Protection Plan* in principle and have provided the following comments:

- An Updated TPP and a Landscaping Plan will be reviewed at the Site Plan Control stage.

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- The City Trees which require removal (Honey Locust and Basswood) would require compensation to be arranged with the Urban Forestry and Horticulture Section.
- Due to the proximity of the subject property to Lake Ontario, which is a route for migratory birds, birds may be using the trees on the property for nesting. Since migratory birds are protected under the Migratory Birds Convention Act, 1994, Natural Heritage Planning staff advises that a notation be provided on the TPP indicating that *“the Owner and Contractor must be aware of the Migratory Birds Convention Act. This Act is implemented by Environment Canada and the timing of protection of birds and their nests is from mid-March to late August.*
- Special measures to protect a Black Locust on site would need to be identified on the Revised TPP.
- Before construction, actions to preserve the integrity of the trees and root systems are required.
- A letter from a tree management professional to advise that all tree protection measures are installed is required to the Director of Planning and Chief Planner based on the Tree Protection Guidelines.

Landscape Plan

Staff support the *Landscaping Plan* in principle and require a revised Landscaping Plan at the Site Plan Control approval stage and have provided the following comments:

- As noted, staff have determined the total compensation requirements to be based on 27 trees for the 34 trees to be removed (Appendix “H” to Report PED16115). Staff agreed to reduce the compensation requirements to 27 trees because eight of the 34 trees were found to be in poor condition. They include three Black Locusts, Catalpa, Crab Apple, Maidenhair Tree, and two Norway Maples. The applicant would provide 19 new trees on the property and cash-in-lieu for eight trees (of the 27 trees) over 20 dbh.
- A locally rare tree was identified (Tulip Tree) which could not be retained due to the proposed location of the southerly semi-detached dwelling. Staff determined that the replacement with a new tree of this species would be acceptable. To protect the local gene pool, a notation is required

to indicate that this species will be provided from a local seed source rather than a local nursery.

4. The proposed change in zoning from the “C/S-1435” (Urban Protected Residential etc.) District, Modified to the Site-Specific “R-4” (Small Lot Single Family Dwelling) District with special exceptions and Conservation / Hazard (P5) Zone would comply with the maximum height requirement of 11.0 m and two-and-one-half storeys for single detached dwelling and semi-detached dwellings but would require special provisions to address the form of development along a condominium road. The proposal would comply with the Standard “R-4” District minimum side and rear yard setbacks, lot width and lot area requirements for the relocated single detached dwelling. However, the proposal would require special provisions for semi-detached dwellings for lot width, lot area and front and rear setbacks.

The following special zoning provisions are recommended for the Modified “R-4” District:

Single Detached Dwelling and Semi-Detached Dwellings

Condominium Road

As all of the units abut a condominium road, a special provision is required to deem the condominium road a public street for the purposes of determining lot frontage and to permit visitors parking and driveway access for the existing single detached dwelling.

Visual Barrier

To minimize any issues from the proposed development on the abutting residential dwellings to the north and south of the subject property which may affect privacy such as vehicular movements and lighting, a minimum 1.8 m high visual barrier is recommended in the amending Zoning By-law to be established abutting the “C/S-1435 District.

Single Detached Dwelling

Minimum Front Yard

A special provision is required to change the minimum front yard from 6.0 m to 3.47 m for the relocated dwelling from the widened limit of Beach Boulevard. This provision would provide for the relocation of the dwelling to 6.5 m from the widened front property line and allow for the addition of an enclosed front porch which would be setback 3.47 m from Beach Boulevard.

The adjusted setback would provide for a suitably sized rear yard for the single detached dwelling (i.e. 12.7 m) and provide an area for additional landscaping, on-site parking and the required drywell for storm water management. While the proposed setback would be closer to the street than the abutting single detached dwellings to the north and south, it is noted that the majority of dwellings along this portion of Beach Boulevard are located closer than 6.0 m from the front property line.

The adjustment of building setbacks to accommodate development is identified in the Beach Neighbourhood Plan and the proposal would be consistent with this policy. The proposed setback was also reviewed by the Hamilton Municipal Heritage Committee and was considered to be acceptable. Staff are also of the opinion that the reduced setback would contribute to enhanced neighbourhood character by allowing the dwelling to be more prominently located on the site.

Therefore the proposed reduced setback for the existing dwelling can be supported.

Minimum Lot Width

Whereas the minimum lot width (frontage) for the single detached dwelling under the “R-4” District would be 9.0 m and an average of 10.0 m, a special provision is recommended to require the condominium lot for the relocated single detached dwelling to be 17.0 m. As a comparison, under the existing “C-1435” District, the minimum requirement is 12.0 m. The requirement for 17.0 m will ensure a better fit with the adjacent lots to the north and south which are 17.8 m and 18.28 m respectively.

Minimum Lot Area

The minimum lot area requirement is 278 sq m with an average lot area of 306 sq m for a single detached dwelling in the “R-4” District. As a comparison, under the existing “C-1435” District, the minimum requirement is 360 sq m. The proposed minimum condominium lot area for the relocated dwelling would be 600 sq m. This would provide appropriate lot area for the relocated dwelling and a more balanced lot on which to add new planting materials to replace the trees that would be removed.

Setback of Parking Space from Side Property Line

A special provision is recommended to require the parking space for a single detached dwelling to be setback a minimum of 1.5 m along the condominium road for a through lot from the abutting southerly side property line (267 Beach Boulevard) in order to minimize any disturbances from vehicular movements on the abutting residential neighbour. In addition, a solid screen fence and / or vegetative screening would be required to further minimize impacts.

Holding 'H' Provision

A Holding 'H' Provision is recommended to address the relocation of the existing single detached dwelling on the property in accordance with the conceptual plan. The Holding provision would be lifted when the Site Plan is approved.

Semi-Detached Dwellings

Minimum Front Yard

A special provision is required to permit the front yard setback to be 5.0 m to a dwelling and 6.0 m to a garage from the condominium road. A front porch projection of 1.5 m would also be provided. The "R-4" District requires a front yard of 6.0 m. As a further comparison, the "C/S-1435" District front yard requirement is also 6.0 m. The proposed change would be appropriate because of the interior location of the semi-detached dwellings on the site. In addition, the variance would allow for the building to be suitably placed in order to accommodate erosion hazard setbacks for the rear yard, which are required by the HCA (approximately 5.0 m). The hazard limit is delineated in the recommended zoning (Appendices "B" and "C" of Report PED16115). Therefore, the proposed modification can be supported.

Minimum Side Yard

A special provision is required to address minimum side yards. The proposed side yards are 1.7 m abutting other residential properties and 1.2 m abutting a semi-detached dwelling. The proposed side yards would meet the "R-4" District requirement of 1.2 m. The 1.7 m side yards for the exterior units would also be consistent with the "C/S-1435" District side yard requirement, however the interior side yard units, between the semi-detached dwellings, are below this requirement. The interior units between the semi-detached dwellings would allow for a swale that would be satisfactory to Development Engineering for drainage purposes.

Staff support the proposed side yards because it provides further separation between the semi-detached dwellings and adjacent single detached residential properties and provide opportunities for improved storm water management and drainage. Therefore, the proposed modification can be supported.

Minimum Rear Yard

A special provision is required to permit the rear yard as measured to the limits of the proposed "R-4" District as opposed to the rear lot line, to be 0.0 m instead of 7.5 m in the proposed "R-4" District and the existing "C/S-1435" District due to the erosion hazard limit and the proposed dual zoning of the subject lands. This will accommodate the requirement by the HCA for the rear yard to be zoned Conservation / Hazard (P5) which would restrict the development of structures or

buildings within this area. The proposed setback would also provide for a small attached deck to encroach into the rear yard that is outside of the HCA's erosion hazard (approximately 5.0 m). The effective and usable rear yard, as measured from the dwelling to the rear lot line will range between 4.6 m – 5.5 m (Appendix "F" to Report PED16115). The reduced rear yard would be consistent with the setback for existing residential properties to the north which are along the Waterfront Trail. Staff support the requested modification.

Minimum Lot Width

A special provision is required to address the minimum lot width of a semi-detached dwelling along a condominium road. This is due to the location of the condominium road and driveway for units 4 and 5 (the northerly semi-detached dwelling) in which the lot width would be 11.1 m instead of the standard requirement under the "R-4" District which is 18.0 m for a semi-detached dwelling. Unit 5 would also have a reduced frontage of 3.8 m due to the road and driveway design which reduces the frontage. This design is necessary to accommodate a 4.0 m wide block for storm water management along the northerly property line. However the overall width of the semi-detached dwelling excluding the private road would otherwise be 15.1 m, which is close to the "R-4" District standard.

Based on current development standards to encourage compact development, the proposed lot widths would be appropriate and the exceptions would not affect access or maneuvering. The slightly reduced widths for the semi-detached lots would fit into the existing lot fabric of this area. Staff support the requested modification.

Minimum Lot Area

The minimum lot area of the proposed semi-detached dwelling lots along a condominium road would be reduced from the standard "R-4" District provision of 540 sq m. due to the requirement for the rear yards to be zoned to a modified "P5" Zone to address the erosion hazard limit. Based on this requirement, the minimum lot area for a semi-detached dwelling within the limits of the proposed "R-4" District Zoning would be 376 sq m and 181 sq m for an individual semi-detached lot. This change is to recognize the portion of the lot areas that are within the "R-4" District for zoning purposes. The actual lot areas that would be created through consent would include the full rear yards that are within the modified "P5" Zone which would be 465 sq m in total and between 225 sq m and 240 sq m for the individual semi-detached lots.

The proposal provides a compact lot form consistent with current standards while maintaining the requirements for good design, appropriate setbacks and addressing the storm water management requirements. The proposed semi-

detached lots would be within an area in which there are a wide range of lot sizes and would otherwise fit into this range of variable lot areas. Staff support the requested modification.

Minimum Manoeuvring Space

A modification is required to allow parking to be accommodated in driveways without the requirement for a 6.0 m manoeuvring space. This requirement is consistent with compact development to permit reduced driveways and would reduce the amount of hard surface. The proposed modification would not affect the manoeuvrability of vehicles along the condominium road. Staff support the requested modification.

Conservation / Hazard (P5) Zone

At the request of the HCA, the dynamic beach erosion hazard limit has been properly defined and the lands between this limit and the rear lot line are to be included within the Conservation / Hazard (P5) Zone under Zoning By-law 05-200. The erosion hazard limit affects approximately 5.0 m of the rear yards of the proposed semi-detached dwellings and has been identified on the zoning schedules (Appendix “B” and “C” to Report PED16115).

A special provision is recommended within a modified “P5” Zone to prohibit development including structures such as sheds within the erosion hazard limit (Appendix “C” to Report PED16115). As noted, the stairs for the rear decks that are proposed for the semi-detached dwellings would need to be relocated so that they are outside of the erosion hazard limit.

In addition, a special provision is also required to General Provision 4.23(d) which requires a minimum setback of 7.5 m for all buildings or structures from the “P5” Zone boundary. This special provision is to permit the setback to be 0.0 m for rear decks associated with the semi-detached dwellings which would be adjacent to the “P5” Zone. The requirement would be acceptable to Planning and the Hamilton Conservation Authority as the erosion hazard limit would be demarcated.

5. To address Site Servicing, the applicant submitted a Functional Servicing Report (FSR), Site Servicing Plan and Grading Plan.

The 1999 Master Drainage Plan identified that the municipal storm conveyance system for Beach Boulevard was over capacity and unable to accommodate intensified land uses. The subject lands were also not envisioned as a future redevelopment site. Alternative methods to the existing municipal sewer are therefore required for the proposal.

SUBJECT: Proposed Zoning By-law Amendment (ZAC-15-036) and Draft Plan of Condominium (Common Element) (25CDM-201510) for Lands Located at 271 Beach Boulevard, Hamilton (PED16115) (Ward 5) - Page 38 of 45

The applicant provided a Storm Water Management plan for the revised proposal that addresses the requirements for on-site storm water management and consists of individual drywells for each residential dwelling, a swale between the two semi-detached dwellings, an infiltration trench adjacent to the private roadway and driveways having permeable pavers. This on-site system was determined to be satisfactory to the Growth Management Division and Development Engineering. The maintenance of the system would be the requirement of the Condominium Corporation (Condition No. 8 of Appendix "E" to Report PED16115). It is suggested that a warning clause also be provided in future consent agreements and in the Undertaking for the final site plan to advise future purchasers of this requirement.

It has also been noted that the proposed development can be serviced for water from the existing main located on Beach Boulevard. There is an adequate separated system available on Beach Boulevard for wastewater collection for the proposed development. An updated Functional Servicing Report would be required at the Site Plan Control approval stage for this proposal.

6. The proposal would be subject to Site Plan Control which would allow for a detailed review of the development including matters such as conformity to the approved zoning, grading, stormwater management, landscaping, access, parking, fencing and building design. Fencing would be examined for the southerly side property line to minimize headlight glare on the neighbouring property located at 267 Beach Boulevard. The Holding 'H' Provision would be lifted when the Site Plan for the development is approved to conform the location of the single detached dwelling.

Following Site Plan Control Approval, the applicant may apply to the Committee of Adjustment for consent applications (i.e. five consents) to allow for the creation and sale of the individual condominium lots or POTLs (Parcels of Tied Land).

7. The buildings on the property were evaluated against the criteria outlined in O. Reg. 9/06 (*Ontario Heritage Act*) which assess three types of value: design or physical value; historical or associative value; and contextual value, based on the following:

Criteria 1 - The property has design value or physical value because it:

- is a rare, unique, representative or early example of a style, type, expression, material, or construction method;
- displays a high degree of craftsmanship or artistic merit, or
- demonstrates a high degree of technical or scientific achievement.

Criteria 2 - The property has historical value or associative value because it:

- has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community;
- yields, or has the potential to yield, information that contributes to an understanding of a community or culture; or
- demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.

Criteria 3 - The property has contextual value because it:

- is important in defining, maintaining or supporting the character of an area;
- is physically, functionally, visually or historically linked to its surroundings; or
- is a landmark.

The existing dwellings and accessory buildings did not meet the above-criteria for designation. This matter is discussed further in the Analysis and Rationale for Recommendation Section of this Report.

8. Condominium Condition No.8 (Appendix “E” to Report PED16115) requires the owner / developer or Condominium Corporation to be responsible for the provision and maintenance of landscaping for trees over 10.0 cm dbh, all stormwater management facilities (including materials that provide infiltration), fencing, the maintenance of the common element road and visitor parking spaces to ensure that the condominium is properly developed, maintained and has suitable drainage. The landscaping, fencing and stormwater management requirements will be addressed at the Site Plan Control stage.
9. There were 17 letters received from the public for the proposed applications and a petition with 137 signatures was also submitted (Appendix “K” to Report PED16115). The correspondence provided was with respect to the original proposal for eight dwelling units consisting of two semi-detached dwellings (four units) and four back-to-back units. The following issues were identified in the public correspondence:
 - a) High density and over-intensification;
 - b) Removal of an historical dwelling;
 - c) Property should be recognized under the *Ontario Heritage Act*;
 - d) Loss of intended character of the Beach Strip;
 - e) Encourages further intensification and multiple dwellings along the Beach Strip;

SUBJECT: Proposed Zoning By-law Amendment (ZAC-15-036) and Draft Plan of Condominium (Common Element) (25CDM-201510) for Lands Located at 271 Beach Boulevard, Hamilton (PED16115) (Ward 5) - Page 40 of 45

- f) Conflicts with promotion of single detached dwellings by City of Hamilton for sale of vacant lots;
- g) Increased traffic;
- h) Degradation of area;
- i) Lack of parking; and,
- j) Building height.

The following discussion is provided based on the current proposal:

a) Density and Over-intensification

The density of the revised proposal would be 23 units per hectare. This is consistent with the requirement for Low Density development in the Neighbourhoods designation of the UHOP which allows up to 60 units per hectare. The revised proposal is also within the density range provided in the Single and Double designation of the Beach Neighbourhood Plan which is 18 - 30 units per hectare.

The subject property is the largest parcel on the east side of Beach Boulevard (i.e. 0.217 ha.), south of the former Dynes Tavern and is capable of supporting a small private road and individual condominium lots (POTLs) on appropriately-sized parcels. Staff are of the opinion the proposal would represent a modest form of intensification that is supportable because it would maintain and enhance the character of the area, is compatible with existing development, and would provide for adequate storm water management without contributing to existing infrastructure.

The Beach Neighbourhood Plan provides for the creation of smaller lots, close to the Beach Centre, with the Single and Double Residential designation that would be similar in size to the proposed condominium form of development. Semi-detached dwellings are permitted in this designation.

The proposal was reviewed under the residential intensification policies of the UHOP and it was determined that the attributes of the property were appropriate for intensification (see UHOP Policy Section).

b) Removal of an Historical Dwelling

Whereas the original proposal identified the removal of the historical dwelling, the revised proposal would provide for the preservation of the existing dwelling on the property closer to Beach Boulevard. The proposal would provide for the enhancement of the dwelling and it also would have greater prominence on the property as part of the streetscape of Beach Boulevard.

c) Recognition of Dwelling under Ontario Heritage Act

The applicant has undertaken a Cultural Heritage Impact Assessment at the request of Planning staff based on the policy requirements provided in the 2014 Provincial Policy Statement and the UHOP. A property may be designated under Part IV of the *Ontario Heritage Act* if it meets one or more of the criteria outlined in *Ontario Regulation 9/06 Criteria for Determining Cultural Heritage Value or Interest under the Ontario Heritage Act*.

It was determined through this evaluation that that the existing single detached dwelling and accessory buildings do not meet any of the criteria for determining cultural heritage value or interest under the *Ontario Heritage Act* (O.Reg. 9/06). This position was also supported by the Hamilton Municipal Heritage Committee. However, staff recognize that the dwelling does contribute to the local character of the Beach Neighbourhood and its retention and incorporation into the condominium development is supported.

d) Loss of intended Character of Beach Strip

As discussed, the character of the Hamilton Beach Neighbourhood is diverse in terms of the size, style, design, and age of the dwellings. The area has both an historic and eclectic character that is not found anywhere else in the City. This is created by the integration of historical and modern elements, the linear nature of Beach Boulevard, the principle road and the proximity to the beachfront.

The proposal would provide for the retention of the existing single detached dwelling on the property preserving the character of the Beach Neighbourhood by having a more prominent location on the property as part of the streetscape. While there would be some removal of existing vegetation, the property would also be enhanced by the provision of new native vegetation that would improve the visual quality of the development.

The proposed semi-detached dwelling units would be located at the rear of the property and would be most prominent along the adjacent Waterfront Trail. Infill projects along this section of Beach Boulevard are typically developed to a very high standard and are well-maintained as owner-occupied dwellings within condominium developments. The proposed dwellings would maintain the design elements and materials that would have an appropriate fit with the Beach Neighbourhood.

e) Concerns with Further Intensification of the Beach Strip

Development within the Beach Neighbourhood has traditionally been for the construction of single detached dwellings. The area has lent itself to this form of development historically due to the prevalence of summer homes and cottages, as well as issues with flooding and servicing which has made it more favourable to low density housing forms. As the area has evolved to a desirable year round residential community, there has been a trend toward intensification in certain areas. The most prominent recent site for intensification near the subject property is the former Dynes Tavern property to the north which is now developed with townhouses and back-to-back townhouses.

As noted, the Beach Neighbourhood Plan does support intensification in certain areas and future proposals would also be subject to the intensification, land use and urban design policies of the UHOP. The proposed development meets the Neighbourhood Plan with respect to the permitted uses and density requirements.

The challenges for intensification in the Beach Neighbourhood in terms of servicing, storm water management and preserving the history and architecture of the area tend to discourage intensification on many of the smaller sites. The applicant in this instance was able to resolve these issues through innovative solutions, however, the attributes of this property with respect to its large frontage (i.e. 30 m) and lot area (0.27 ha) make it a suitable candidate for a small intensification project. It is unlikely that the form of development proposed will be replicated in other areas of the Beach Neighbourhood because the majority of properties are much smaller and have less frontage.

f) Conflict with City Lands being Sold for Single Detached Residential Development

The City of Hamilton has been selling vacant lots in the Beach Neighbourhood which are on the east side of Beach Boulevard. These lots are in the C/S-1436 (Urban Protected Residential, etc.) District, which permits single detached dwellings and are suitably sized for this use. Properties in this area are also subject to Site Plan Control approval because of capacity issues associated with the existing storm sewer system and the high water table.

g) Increased Traffic

The revised proposal for five dwelling units could be accommodated on the property and would not create a high volume of traffic. Sufficient parking would also be provided on the site to accommodate visitors.

h) Degradation of Area

The revised proposal would not result in any degradation of the Beach Neighbourhood. Degradation within neighbourhoods typically occurs when properties are neglected in terms of property and by-law standards, are left vacant for prolonged periods, are underutilized and when property standards are not followed.

In recent years, the subject property has had modest upkeep and maintenance through being vacant and its occupancy as a rental property resulting in the existing dwelling being concealed from Beach Boulevard by overgrown vegetation. The existing vegetation, while mature, is in generally poor condition and is mostly comprised of non-native species. The changes proposed would allow for the relocation of the dwelling closer to the street, enhanced vegetation and provide for new development near the Waterfront Trail. Therefore the proposal is not likely to create any degradation of character within the Beach Neighbourhood. It has also been observed that new development along the Waterfront Trail is undertaken to very high standards because of its adjacency to public space and the Beachfront.

i) Parking

The proposed parking ratio would be two parking spaces per unit, and a total of two additional parking spaces for visitors. The zoning required under the Hamilton Zoning By-law is two parking spaces per unit for a single detached dwelling plus 0.5 spaces for each habitable room in excess of eight habitable rooms and one parking space for a semi-detached dwelling unit. The revised proposal would meet the current Zoning By-law requirements.

j) Building Height

The building height for the proposed semi-detached dwellings would be 11.0 m and two storeys which is in compliance with the current requirements under the "C/S-1435" District provisions (Appendix "H" to Report PED16115).

k) Issues Raised with Respect to the Revised Proposal

A meeting with several members of the Beach Neighbourhood Executive was held on October 22, 2015 to discuss the revised proposal to retain the existing single detached dwelling and to add two semi-detached dwellings (four units) along a condominium road.

While the revised proposal was considered to be an improvement to the earlier proposal for eight semi-detached and back-to-back dwelling units, the main concerns were that there was a sufficient supply of lots designated in the Hamilton Beach Neighbourhood Plan for semi-detached dwellings and townhouses and that the proposed density for the property was too high.

Staff note that the proposed housing form and density are consistent with the Hamilton Beach Neighbourhood Plan for the “Single and Double Residential” designation and the Low Density Residential category of the “Neighbourhoods” designation under the UHOP. As noted, the subject property is also one of the largest properties occupied by a single detached dwelling in the Beach Centre Neighbourhood.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Zoning By-law Amendment and Draft Plan of Condominium (Common Element) applications be denied, the property could continue to be used as a single detached dwelling under the “C/S-1435” (Urban Protected Residential, etc.) District, Modified.

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 #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

APPENDICES AND SCHEDULES ATTACHED

- Appendix “A”: Location Map
- Appendix “B”: Draft Amending Zoning to Hamilton By-law No. 6593
- Appendix “C”: Draft Amending Zoning to Hamilton By-law No. 05-200
- Appendix “D”: Proposed Draft Plan of Common Element Condominium
- Appendix “E”: Draft Conditions of Condominium Element Condominium
- Appendix “F”: Revised Conceptual Site Plan
- Appendix “G”: Original Conceptual Site Plan
- Appendix “H”: Proposed Elevation Plans for Semi-Detached Dwellings
- Appendix “I”: Tree Preservation Plan and Landscaping Plan
- Appendix “J”: Photos of Property
- Appendix “K” Correspondence

CT/khm