



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	August 9, 2016
<b>SUBJECT/REPORT NO:</b>	Proposed Urban Hamilton Official Plan Amendment Application (UHOPA-16-08) and Zoning By-law Amendment Application (ZAR-16-021) for Lands Located at 54 Hatt Street, Dundas (PED16169) (Ward 13)
<b>WARD AFFECTED:</b>	Ward 13
<b>PREPARED BY:</b>	Cam Thomas Senior Planner (905) 546 - 2424 Ext. 4229  Steve Robichaud Director of Planning and Chief Planner
<b>SUBMITTED BY:</b>	Jason Thorne General Manager Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That **Amended Urban Hamilton Official Plan Amendment Application UHOPA-16-08, by Amica (Dundas) Inc., Owner**, to amend Area Specific Policy UD-7 to permit a retirement home for 22 residents within a multiple dwelling for lands located at 54 Hatt Street, Dundas, as shown on Appendix "A" to Report PED16169, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED16169, be adopted by City Council.
  - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2014), conforms with the Growth Plan for the Greater Golden Horseshoe (Places to Grow) and complies with the policies of Volume 1 of the Urban Hamilton Official Plan (UHOP).
  - (iii) That the development is considered to be compatible with the existing and planned development in the immediate area and provides for the

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integration of residential uses including retirement home units within the same building.

- (b) That **Zoning By-law Amendment Application ZAR-16-021 by Amica (Dundas) Inc., Owner,** for a further modification to the Residential Multiple Dwelling (RM3/S-80) Zone, Modified in order to permit a retirement home for 22 residents within a multiple dwelling for lands located at 54 Hatt Street (Dundas), as shown on Appendix “A” to Report PED16169, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED16169, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.
  - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014) and conforms with the Growth Plan for the Greater Golden Horseshoe (Places to Grow).
  - (iii) That the development is considered to be compatible with the existing and planned development in the immediate area and provides for the integration of residential uses including retirement home units within the same building.

## **EXECUTIVE SUMMARY**

The applicant, Andlyn Limited, on behalf of Amica (Dundas) Inc., has applied for approval of an Urban Hamilton Official Plan Amendment and a Zoning By-law Amendment to permit changes to the composition of the apartment building currently under construction at 54 Hatt Street, in Dundas to permit a retirement home on the subject lands. Specifically, the applicant is proposing it convert 17 apartment units to 22 retirement home suites on the second floor for memory care and with associated common dining room, lounge and sun room (Appendix “A” to Report PED16169). This proposal will require a comprehensive building permit revision to achieve the change in design. As well, this facility will operate in conjunction with the adjacent retirement home at 50 Hatt Street.

The applications have merit and can be supported as they are consistent with the Provincial Policy Statement (2014) (PPS), conform to the Growth Plan for the Greater Golden Horseshoe and will comply with the intent of the UHOP, and in particular with the land use policies contained in Volume 1, upon finalization of the UHOP amendment. The proposed amendments would be compatible with existing development within the Spencer Creek Village residential area in Downtown Dundas.

***Alternatives for Consideration – See Page 19***

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** None.

**Staffing:** None.

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

**HISTORICAL BACKGROUND**

The subject property is within an area of downtown Dundas known as Spencer Creek Village, which was a former foundry site known as the Bertram Lands. In the early to mid-1990s, this area underwent remediation. In 1997, the lands were approved for residential and mixed use development to allow for midrise apartment buildings, a retirement home and commercial uses which were intended to serve the seniors community. This mix of uses has been developed and includes four, nine-storey apartment buildings located at 1000-4000 Creekside Drive, the Amica Retirement Home at 50 Hatt Street, the medical clinic at 50 Hatt Street and the multiple dwelling currently under construction at 54 Hatt Street which is the subject of these planning applications.

The development concept for Spencer Creek Village as a seniors-oriented residential development with a mixed use component was approved by the former Town of Dundas through OPA No. 3. This amendment limited the maximum density to 350 dwelling units and a maximum of 100 persons within a retirement home within the EXCEPTION RMU2 Official Plan designation.

The EXCEPTION RMU2 designation was modified in 2005 through the approval of Amendment No. 9 to the Town of Dundas Official Plan (Official Plan Amendment application OPA-04-22) to establish a revised cap for residential apartments of 322 units and a maximum of 151 residents in a retirement home, long term care facility or a combination of both. A corresponding Zoning By-law Amendment was also approved in 2005 (Zoning By-law Amendment application ZAC-04-093) which provided for changes to the zoning as per OPA No. 9 to limit the number of residential apartments to 322 dwelling units and to limit the retirement home units to 151 residents. This modification was to facilitate the development of the Amica Retirement Home at 50 Hatt Street. With the approval of the Urban Hamilton Official Plan (UHOP) in 2013,

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Amendment No. 9 was included in Volume 3 of the UHOP as “Dundas Area Specific Policy UD-7”.

In 2009, an Official Plan Amendment application was made to permit an increase of 67 additional apartment units, and a revised cap of 389 apartment units for the EXCEPTION RMU2 designation for 2555 Creekside Drive to permit the development of a 7 storey apartment building comprising 72 apartment dwelling units. This application was for lands currently zoned “PR1/S-84” and was not supported by the Planning and Economic Development Committee and City Council in May, 2012, but was supported by staff.

The Amica Retirement Home at 50 Hatt Street was developed under Site Plan Approval application DA-05-049 and applies to the lands that are zoned “RM3/S-81” (see Appendix “A” to Report PED16169). This phase, which represents Phase 1 of Amica’s planned seniors housing development, opened in 2006 and provides independent supportive living and assisted living accommodations, and care services. The development consists of a six storey building with 136 suites, underground and surface parking and landscaped areas. The Amica Retirement Home is Provincially licensed under *The Retirement Homes Act, 2010*.

Amica’s Phase 2 development consists of the five storey, 74 unit apartment building located at 54 Hatt Street which is the subject of the current planning applications. This building is attached both above and below ground to the Amica Retirement Home and has a shared parking garage entrance that is accessible from Creekside Drive. Site Plan Approval for this application (SPA-14-004) was issued on August 4, 2014. The building is currently under construction.

### **Description of Proposal**

The proposed retirement home requires an Urban Hamilton Official Plan Amendment and an amendment to the Dundas Zoning By-law (By-law No. 3581-86).

The proposed retirement home is intended to be developed on the second floor of the residential apartment building at 54 Hatt Street to provide memory care. Memory care is a form of assisted living for seniors with non-aggressive early on-set Alzheimer’s, dementia or memory loss. The care provided is not considered to be long-term care and would be provided in conjunction with the adjacent retirement home.

The retirement home would include 22 studio and one-bedroom suites, a dining room and lounge and other supportive facilities that would be developed in place of 17 apartment dwelling units. The dining room will be serviced from the existing Amica Retirement Home located at 50 Hatt Street which is attached to 54 Hatt Street.

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There are no changes proposed to the exterior of the building under construction, site design amenities or parking requirements due to the conversion of apartment units to a retirement home.

**Amended Urban Hamilton Official Plan Amendment Application (UHOP-16-08)**

The proposal requires an amendment to the Urban Hamilton Official Plan, as submitted, to modify the UD-7 Area Specific Policy. The UD-7 Area policies contain specific density provisions which limit development to 322 apartment dwelling units and 151 residents within a retirement home, long term care facility or a combination of both.

The proposed Urban Hamilton Official Plan Amendment, as submitted, was intended to reduce the number of apartment units to 305 units and to permit a corresponding increase in the number of residents within a retirement home, long term care facility or a combination of both from 151 to 173 residents. Based on a review of the application, it was determined by staff that as these policies apply to density requirements for the broader entire UD-7 Area (which were not included in the application), the proposed density change should be applied specifically to 54 Hatt Street.

Therefore, an exception to the UD-7 Area Specific Policy is required for 54 Hatt Street to permit the conversion of 17 apartment units to a retirement home with a maximum of units. No modification to the existing density provisions which would affect the broader UD-7 Area which applies to all of the land known as “Spencer Creek Village” are proposed. As a result of this change, the application is regarded as an amended Urban Hamilton Official Plan Amendment.

**Zoning By-law Amendment Application (ZAR-16-021)**

The subject property is zoned Residential Multiple (RM-3/S-80) Zone Modified in Zoning By-law No. 3581-86. The current in-force zoning permits residential apartment dwelling units. However, the “RM-3/S-80” Zone does not permit a retirement home.

In the Dundas Zoning By-law a retirement home is defined as “a dwelling in which residents of at least 60 years of age are accommodated for a fee and provided with guidance in the activities of daily living and licenced as a retirement home, but shall not include any other facility which is licensed, approved or supervised under any general or special Act.”

The purpose of this Zoning By-law Amendment application is to amend the “RM-3/S-80” Zone in order to permit a retirement home with an associated dining room, a dining room lounge and a sunroom. The retirement home would accommodate a maximum of 22 residents. The retirement home will be developed on the second floor of the five

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storey apartment building currently under construction. Within the apartment building, the proposed modification would result in a reduction in apartment dwelling units from 74 to 57.

The “RM-3/S-81” Zone (50 Hatt Street), which applies to Amica’s Phase 1 development contains a provision for retirement homes to limit the maximum number of residents to 151 residents. While this provision would not be modified, a new provision specific to the “RM-3/S-80” Zone (54 Hatt Street) would be included to permit an additional 22 residents residing in a retirement home.

**Chronology:**

<u>August 14, 2014:</u>	Final Site Plan Approval for SPA-14-004.
<u>March 4, 2016:</u>	Urban Hamilton Official Plan Amendment UHOPA-16-08 and Zoning By-law Amendment Application ZAR-16-021 are submitted by Andlyn Limited on behalf of Amica (Dundas) Ltd.
<u>March 16, 2016:</u>	Applications UHOPA-16-08 and ZAR-16-021 are deemed complete.
<u>March 29, 2016:</u>	Public Notice Sign posted.
<u>March 30, 2016:</u>	Circulation of Notice of Complete Applications and Preliminary Circulation for Urban Hamilton Official Plan Amendment Application (UHOPA-16-08) and Zoning By-law Amendment Application (ZAR-16-021) to 415 property owners within 120 m of the subject lands.
<u>July 13, 2016:</u>	Public Notice Sign updated.
<u>July 22, 2016:</u>	Circulation of Notice of Public Meeting to 415 property owners within 120 m of the subject lands.

**Details of Submitted Applications**

<b>Owner:</b>	Amica (Dundas) Inc.
<b>Applicant / Agent:</b>	Andlyn Limited (c/o Ken Dakin, MCIP, RPP)
<b>Location:</b>	54 Hatt Street, Dundas (see Appendix “A” to PED16169)

**Property Size:**

<u>Frontage:</u>	107 m (Hatt Street) 69.8 m (Creekside Drive)
<u>Depth:</u>	40 m
<u>Area:</u>	4,268 sq m

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<b><u>Subject Lands:</u></b>	Apartment Building (Under Construction)	Residential Multiple (RM3/S-80) Zone, Modified
<b><u>Surrounding Lands:</u></b>		
<b>North</b>	Bertram Place Retirement Home (21 Hatt Street) and public parking lot (35-39 Hatt Street and 12-16 Miller's Lane)	Residential Multiple (RM3/S-81) Zone, Modified and Central Area Commercial (CAC) Zone
<b>South</b>	Parkette (2555 Creekside Drive)	(PR1) Zone
<b>East</b>	Amica Retirement Home	Residential Multiple (RM3/S-81) Zone, Modified
<b>West</b>	Medical clinic and drug store (56 Hatt Street) and apartment building (4000 Creekside Drive)	Central Area Commercial (CAC/S-79) Zone, Modified and Residential Multiple (RM4/S-83) Zone, Modified

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

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consistent with the PPS. The *Places to Grow Act* and the *Greenbelt Act* require that all municipal land use decisions made under the Planning Act conform to the Growth Plan and the Greenbelt 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 (e.g. efficiency of land use, balanced growth and environmental protection) are reviewed and discussed in the Official Plan analysis below.

The matters of Provincial interest with respect to the proposed Urban Hamilton Official Plan Amendment and Zoning By-law Amendment applications are addressed in the following section and include the following:

- Promoting compact and efficient development patterns;
- Accommodating an appropriate range of housing; and,
- Encouraging housing with supports (assisted living).

Staff also note Cultural Heritage policies have not been updated within the UHOP in accordance with the PPS (2014). The following policy of the PPS (2014) also applies:

“2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.”

Staff note the subject lands meets two of ten criteria the City and Ministry of Tourism, Culture and Sport use for identifying archeological potential. Notwithstanding current surface conditions, these criteria define the property as having archaeological potential.

Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the Provincial Policy Statement apply to the subject application. If any future application is approved, staff require that a written caution be added to the future Site Plan.

As the application for a change in zoning complies with the Official Plan and the relevant policies pertaining to Cultural Heritage in the PPS, 2014, it is staff's opinion that the application is:

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



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**Urban Hamilton Official Plan (UHOP)**

The subject lands are identified as being within a Community Node on Schedule E, Urban Structure and are designated “Neighbourhoods” on Schedule E-1, Urban Land Use Designations. With respect to Community Node policies, the following, amongst others, are applicable to this proposed amendment:

**Community Node**

- “E.2.3.3.2 Within each Community Node a range of uses shall be provided that allow for access to housing, employment services, and recreation in close proximity to each other and transit.
- E.2.3.3.5 Community Nodes shall function as vibrant, mixed use areas containing a range of housing opportunities, including affordable housing and housing with supports. The unique characteristics of the individual Community Nodes lend themselves to a range of built forms.
- E.2.3.3.7 Community Nodes shall generally be planned to achieve a target density of 100 persons per job and hectare.
- E.3.3.15 In the newer Community Nodes, a strong pedestrian focus shall evolve over time through infilling of retail, service commercial and mixed use buildings while being sensitive to the character and density of surrounding residential areas.
- 2.3.3.17 The Community Node shall contain a broad mix of uses. Where possible, this mix of land uses should include developments either as mixed use buildings or a mix of uses on the same property. Redevelopment of larger sites provides significant opportunities to transform the character of a Node. Therefore, on sites greater than 2.5 hectares, a mix of uses shall be required in major redevelopments.
- 2.3.3.21 Parking shall be provided through on-street parking, in parking structures, and in surface parking lots to the rear or sides of commercial buildings.”

Within the hierarchy of Urban Nodes, Community Nodes act as focal points. The Dundas Community Node is planned to be both a focal point for the broader community in the former Town of Dundas and for the neighbourhoods within and surrounding downtown Dundas. This Community Node includes Spencer Creek Village which is the former brownfield lands bounded by Spencer Creek, Hatt Street and Ogilvie Street south of the Downtown.

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The proposal to permit retirement home within the five storey residential apartment building currently under construction at 54 Hatt Street, and to adjust the residential composition of Spencer Creek Village by permitting an increase in the number of retirement home residents, does not affect the planned function of the Community Node or the above-noted policies given the range of uses that are permitted for lands within downtown Dundas and the small scale nature of the proposed changes. In particular, the policies encourage a range of housing types, a mix of uses within the same building and housing with supports (i.e. retirement homes).

### Neighbourhoods

The residential area known as Spencer Creek Village, which includes the subject property, is designated Neighbourhoods on Schedule “E”, Urban Structure. The following policies, amongst others, are applicable to the proposed amendments:

- “E.2.6.2 Neighbourhoods shall primarily consist of residential uses and complementary facilities and services intended to serve the residents. These facilities and services may include parks, schools, trails, recreation centres, places of worship, small retail stores, offices, restaurants, and personal and government services.
- E.2.6.4 The Neighbourhoods element of the urban structure shall permit and provide the opportunity for a full range of housing forms, types and tenure, including affordable housing and housing with supports.
- E.2.6.7 Neighbourhoods shall generally be regarded as physically stable areas and each neighbourhood having a unique scale and character. Changes compatible with the existing character or function of the neighbourhood shall be permitted. Applications for development and residential intensification within Neighbourhoods shall be reviewed in consideration of the local context and shall be permitted in accordance with Sections B.2.4 – Residential Intensification, E.3.0 –Neighbourhoods Designation, E.4.0 – Commercial and Mixed Use Designations, and, E.6.0 – Institutional Designation.”

With respect to Policy E.2.6.2, the proposal would maintain the Neighbourhoods designation as primarily a residential area. The proposal would comply with Policy E.2.6.4 by providing additional housing with supports accommodation that would allow people in need of this housing form to remain within the neighbourhood. The proposal would comply with to Policy E.2.6.7 because it would not change the function of the neighbourhood since the change would be accommodated within an existing building under construction.

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Neighbourhoods Designation

The subject property is designated “Neighbourhoods” in the Hamilton Urban Official Plan. The following policies, amongst others, are applicable:

- “E.3.6.1 High density residential areas are characterized by multiple dwelling forms on the periphery of neighbourhoods in proximity to major or minor arterial roads.
- E.3.6.2 Uses permitted in high density residential areas include multiple dwellings, except street townhouses.
- E.3.6.6 In high density residential areas, the permitted net residential densities identified on Appendix G - Boundaries Map shall be:
- a) Greater than 100 units per hectare and not greater than 500 units per hectare in Central Hamilton;
  - b) Greater than 100 units per hectare and not greater than 200 units per hectare in all other Neighbourhoods designation areas.”

With respect to Policy E.3.6.1 and Policy E.3.6.2, the proposed change would occur within a multiple dwelling (i.e. apartment building) which is the permitted housing form. With the proposed change to convert apartment dwelling units to a retirement home, the density of the apartment building at 54 Hatt Street would be reduced but it would still fall within the High Density range provided in Policy E.3.6.6 (i.e. 133 units per hectare).

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),

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apartments and other forms of multiple dwellings, and lodging houses, built at a range of densities.”

With respect to the above-noted policies, the proposal would provide additional housing with supports which responds to the increasing demand for this form of housing. In addition, the housing is suitably located on the edge of Downtown Dundas which provides amenities such as access to services and shopping.

Dundas Area-Specific Policies:

UD-7                      Lands Located on the Southwest Corner of Hatt and Ogilvie Streets

“1.0 (b)                  Permitted uses may be stipulated in the implementing Zoning By-law to the following maximums:

- i)                  Residential apartments (322 units).
- ii)                  Retirement home, long-term care facility, or a combination of both (151 residents).
- iii)                  Retail, service commercial, and personal service uses (1,400 square metres).

1.0 (d)                  Retirement homes and a long-term care facility may locate in residential buildings and / or in mixed use buildings along Hatt Street and Ogilvie Street.

1.0 (g)                  New residential and mixed-use buildings shall generally be in scale and compatible with the low profile character of buildings in the Dundas community in order to maintain views of the escarpment. New buildings shall be carefully integrated with the character of established residential areas. In order to minimize conflicts, the location, form, scale, bulk, and design of new buildings shall be sensitive to and compatible with the density and form of existing residential development.

1.0 (i)                  The range of height for residential buildings, mixed use buildings and freestanding commercial buildings along Hatt Street and Ogilvie Street shall be 2-6 storeys.”

The proposal does not comply with Policy 1.0 (b) ii) thereby requiring an Amendment to the Urban Hamilton Official Plan to permit an exception for the apartment building at 54

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Hatt Street within the UD-7 Area Specific Policy Area to permit a 22 resident retirement home by increasing the number of retirement home residents.

It is staff's view that the proposed change can be accommodated as an exception to the UD-7 Area Specific Policy which would not affect the current permissions of 322 dwelling units and 151 retirement home residents for the broader Spencer Creek Village area. The UHOP Amendment would allow the conversion of the 22 retirement home units to occur within the existing five storey apartment building in addition to the 151 retirement home residents already permitted. The overall density would remain comparable with the current policy requirements that apply to the UD-7 Specific Policy Area but would be slightly lower overall because the retirement home units would be intended for single person units, whereas the apartment units would potentially allow for two persons per unit.

The proposal is consistent with Policy 1.0 (d) which allows retirement home uses to locate along Hatt Street within residential buildings. The proposal does not affect Policy 1.0 (g) and Policy 1.0 (i) because the changes to permit retirement home units would only occur within the existing building.

## **RELEVANT CONSULTATION**

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

- Urban Forestry and Horticulture Section, Public Works Department;
- Corridor Management Section, Public Works Department;
- Horizon Utilities; and,
- Landscape Architectural Services, Public Works Department.

## **Infrastructure Planning and Systems Design Section, Public Works Department**

The Infrastructure Planning and Systems Design Section has advised that there appears to be adequate water pressure and capacity to support the proposed conversion of apartment units to retirement home units. The applicant's revised fire flow calculations identifies a slight reduction with the conversion to 22 retirement home units. The revised calculations are acceptable to Infrastructure Planning and Systems Design.

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**Transportation Planning Section, Strategic Planning Division, Public Works Department**

The Transportation Planning Section encourage 2 m wide sidewalks and boulevard street trees adjacent to the proposed retirement home suites consistent with the Hamilton Pedestrian Mobility Plan.

**Public Consultation**

In accordance with Council's Public Participation Policy, the Zoning By-law Amendment application and Urban Hamilton Official Plan Amendment application was pre-circulated to all property owners within 120 m on April 1, 2016 and a notification sign was posted on the site. A total of 415 notices were circulated. At the time of preparation of the staff report, no submission from the public on the proposed applications had been received.

Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act*.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The Urban Hamilton Official Plan Amendment and Zoning By-law Amendment applications have merit and can be supported for the following reasons:
  - (i) They are consistent with the Provincial Policy Statement and conform to the Growth Plan for the Greater Golden Horseshoe, in terms of accommodating housing with supports within residential neighbourhoods;
  - (ii) The proposed development is considered to be compatible with the existing and planned development in the immediate area; and,
  - (iii) The proposed development represents good planning by integrating a mix of residential uses within the same building.
2. The proposed amendment to the Urban Hamilton Official Plan is required to modify the Dundas Area Specific Policy "UD-7" to allow for the development of a retirement home for 22 residents (based on one person per unit) within an apartment building specific to the lands at 54 Hatt Street. This change is an exception to the existing maximum of 322 apartment dwelling units and 151 retirement home residents. To ensure that the retirement home units are achieved through the floor area originally planned for 17 apartment units, the retirement home use would only be permitted subject to a 17 unit reduction in the number of apartment dwelling units on the subject property and that the change

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be accommodated only within the five storey building currently under construction (Appendix “B” to Report PED16169).

An analysis of this amendment has examined land use compatibility and density, which are discussed in the section below as follows:

i) Land Use Compatibility

There are no compatibility issues associated with the proposed change in housing composition given the change is proposed within an apartment building already under construction and will not result in any exterior elevation changes.

The proposal would provide additional supportive housing which is encouraged in all neighbourhoods in the PPS, the Growth Plan for the Greater Golden Horseshoe and the UHOP. The proposed retirement home units would provide a housing form for which there is a growing demand to allow for a broader range of options for older residents and which would allow residents to remain within this area should their residential needs change.

Previous compatibility issues related to industrial noise due to the proximity of 54 Hatt Street to the former Valley City Manufacturing plant located at 64 Hatt Street (104 m to the west) were addressed in the 2005 Planning Report (Report PD05054) which concluded that the allowance for an apartment building at 54 Hatt Street was compatible with existing and planned development in the immediate area.

The proposal would not affect the existing built form of the Spencer Creek Village community since the retirement home units would be accommodated within a building that has been planned and which has received Site Plan Control Approval and Building Permits. The proposed retirement home units would not affect or change the character of the building or amenities at 54 Hatt Street. The integration of retirement home units within a residential apartment building is consistent with Policy 1.0 (d) of the Dundas Area Specific Policy “UD-7” which permits both uses within the same building.

The proposed retirement home units are intended to provide assisted living and supervision for adults with non-aggressive behaviour requiring memory care. The inclusion of retirement home units within an apartment building would be compatible because both uses are residential in nature catering to older adults, they would be administered by the same provider (Amica (Dundas Inc.)), and the building at 54 Hatt Street is physically connected to 50 Hatt Street to provide an extension of the adjoining retirement home services (i.e. support and medical

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staff and meal services). Features such as outdoor walkways, landscaped and sitting areas, parking and other on-site amenities would be jointly shared by occupants of the apartment building and retirement home units (memory care facility).

ii) Density

It has been noted that prior to Official Plan Amendment No. 9 to the Dundas Official Plan and By-law 05-052, which accommodated the Amica Retirement Home, the permitted density in Spencer Creek Village was 350 dwelling units and 100 persons in a retirement home.

Amendment No. 9 provided an overall decrease in the residential density to 322 units and an increase in the accommodation of retirement home residents to 151. This density change was based on the average for the City of Hamilton of 1.8 persons per apartment unit which was applied to the 28 apartment units that were removed to equal 50.4 residents. Accordingly, the 51 residents were added to the retirement home occupancy of 100 to provide the current maximum of 151 residents. This change provided for a comparable density in spite of the changes in use.

The current average of persons per apartment building based on the 2011 Census is 1.7 persons per unit. On this basis, the reduction of 17 apartment units would equate to 29 residents. In comparison to the 22 studio and one bedroom retirement home units for memory care that are proposed, this change would result in a slight reduction in the overall density (i.e. 7 residents).

The current density requirements of 322 dwelling units and 151 retirement home residents for Spencer Creek Village would remain consistent with the density provisions because the residential component of Spencer Creek Village is essentially completed. The proposed change can be accommodated as an exception within the Dundas Area-Specific Policy “UD-7” which would allow for the retirement home for 22 residents based on the proposed exchange of apartment units and that the change would occur within a building that exists at the time of passing of the amending by-law. This would ensure that the overall density for Spencer Creek Village would remain at a level that is comparable with the previously approved Official Plan Amendment and that no further changes occur to the building.

Based on the foregoing, staff are of the opinion that the proposed UHOP amendment is required to address changes to accommodate the provision of a retirement home for 22 residents within the apartment building located at 54 Hatt



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Street and maintains the general intent, vision and purpose of the UD-7 Special Policy Area. As there are no compatibility or density issues, staff support the proposed UHOP Amendment.

**3. Off-Street Parking Requirements**

The issue of off-street parking requirements was examined as part of the review of the proposed Urban Hamilton Official Plan Amendment and Zoning By-law Amendment applications for 54 Hatt Street.

The parking requirements provided on approved Site Plan DA-05-049 and SPA-14-004 for both the retirement home at 50 Hatt Street and the 74 unit apartment building at 54 Hatt Street are based on 127 parking spaces overall.

The required Phase 1 parking for 50 Hatt Street is 34 parking spaces based on 151 residents and the required Phase 2 parking for 54 Hatt Street is 93 spaces for 74 apartment dwelling units under the current "RM3/S-80 Zoning. However, while 127 parking spaces are required, it is noted that 130 parking spaces have been provided on the site consisting of 27 surface parking spaces and 103 underground parking spaces.

Staff have identified that the proposed change to accommodate a retirement home for 22 residents to replace 17 apartment units would require seven parking spaces under the Dundas Zoning By-law instead of 22 parking spaces for the 17 apartment units. This would reduce the overall parking required for Phase 2 from 93 spaces to 79 spaces. The reduction is due to the reduced parking requirements for retirement homes (i.e. one space per six residents, one space for the owner and one space per two employees per eight hour shift) in the Dundas Zoning By-law in comparison to 1.25 spaces per unit for apartment units.

The proposed change to permit a 22 resident retirement home would result in a surplus of 14 parking spaces on the subject lands.

4. The Residential Multiple (RM3/S-80) Zone, Modified permits apartment dwelling units. As the development has received Site Plan Approval under SPA-14-004 and has been issued building permits, the RM3/S-80 Zoning requirements would not be modified except to address the proposed retirement home use subject to the following provisions:

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Addition of Retirement Home, Seniors' Residence or Home for the Aged

The "RM3/S-80" Zone, Modified would be further modified by adding "retirement home, seniors' residence or home for the aged, including a dining room, lounge and sun room" to the list of permitted uses. A maximum of 22 retirement home residents would be permitted for 54 Hatt Street.

Staff recommend that the retirement home use be permitted within a building existing at the time of passing of the amending by-law, which would limit the use to the five storey apartment building currently under construction.

Staff are supportive of the proposed change as it is minor in nature, compatible with existing development and would provide additional supportive housing within a central area in Downtown Dundas.

Minimum Distance Separation

A special provision is recommended to exempt the proposed use from having to comply with the minimum distance separation provision of the Dundas Zoning By-law for retirement homes (i.e. 150 m). This provision was applied under By-law 05-052 for retirement homes in the "RM3/S-81" Zone and for consistency will be applied to the amending zoning for 54 Hatt Street.

Off-Street Parking

A special provision is recommended to require the parking for the retirement home units to be consistent with the Dundas Zoning By-law which is based on one parking spaces for every six residents, one space for the owner and one space for every two employees for an eight hour shift. This change would reduce the parking requirement for the combined uses within 54 Hatt Street and provide for a surplus of 14 parking spaces.

5. In terms of servicing requirements, the proposed change to permit the conversion of apartment units to retirement home units required an engineering brief to examine impacts of the proposal on water, wastewater and fire flow demands. The brief provided by the engineering consultants identified that the proposed change would result in a slight decrease in density (i.e. approximately twelve persons) and that the approved domestic water and wastewater would not be affected by the proposed change. The approved fire flow requirements would also remain unchanged through the proposal.

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6. The proposal would require only physical internal changes to the second floor of the building under construction at 54 Hatt Street. Site Plan Control Amendment Application SPA-14-004 would continue to apply to the subject property and the proposal would not require further amendments to the approved Site Plan. The proposed design changes to the second floor would require the approval of B3 occupancy requirements for assisted living under the Ontario Building Code.

## **ALTERNATIVES FOR CONSIDERATION**

Should the proposed Official Plan Amendment and Zoning By-law Amendment applications be denied, the property could continue to be developed as an apartment building for 74 dwelling units under the Residential Multiple (RM3/S-80) Zone, 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 Urban Hamilton Official Plan Amendment
- Appendix “C”: Draft Amending Zoning to Dundas By-law No. 3581-86
- Appendix “D”: Approved Site Plan

CT/khm