



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	September 6, 2016
SUBJECT/REPORT NO:	Application to Amend the Town of Dundas Zoning By-law No. 3581-86 for Lands Located at 118 Hatt Street (Dundas) (PED16177) (Ward 13)
WARD(S) AFFECTED:	Ward 13
PREPARED BY:	Tiffany Singh Planner I (905) 546 - 2424 Ext. 1334 Steve Robichaud Director of Planning and Chief Planner
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That approval be given to **Zoning By-law Amendment Application ZAR-16-028 by Dalia Eino (Owner)**, for a modification to the General Industrial Flood Plain (I.G. - FP) Zone, in order to permit the adaptive re-use of the existing vacant one-storey building for a medical office on lands located at 118 Hatt Street (Dundas), as shown on Appendix "A" to Report PED16177 on the following basis:

- (i) That the draft By-law, attached as Appendix "B" to Report PED16177, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law be added to Schedule "A" of the Town of Dundas Zoning By-law No. 3581-86;
- (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and complies with the Urban Hamilton Official Plan.

EXECUTIVE SUMMARY

The purpose and effect of the proposed Zoning By-law Amendment to the Town of Dundas Zoning By-law No. 3581-86 is for a modification to the General Industrial Flood Plain (I.G. - FP) Zone, in order to permit the adaptive re-use of the existing vacant one-storey building for a medical office, with 21 associated onsite parking spaces, including two accessible spaces.

The proposed Zoning By-law Amendment has merit, and can be supported, since the proposal is consistent with the PPS (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and complies with the Urban Hamilton Official Plan (UHOP).

Alternatives for Consideration – See Page 21

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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

HISTORICAL BACKGROUND

Proposal

The subject property is a corner lot located within the central urban area of Dundas, just outside the core of Downtown Dundas, north of Spencer Creek, west of McMurray Street and on the south side of Hatt Street (see Appendix “A” to Report PED16177).

The applicant proposes to convert the existing vacant one-storey brick and metal clad building, which was most recently used as an eight bay car wash establishment, into a medical office with a paved parking area containing 21 parking spaces at the rear of the building. The majority of the alterations will be internal with minor modifications being made to the façade and rear parking area. In order to facilitate the development, the applicant proposes modifications to the General Industrial Flood Plain (I.G. - FP) Zone relating to use, side yard setback, landscape buffering requirements, parking space dimensions, and the location of access driveways in relation to the street and adjacent residential uses to the west.

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The initial application included a scheme that showed three points of access to the site, 34 parking spaces, no landscaping along McMurray Street, and an undersized loading space located in the front yard (Appendix “D” to Report PED16177). Staff advised the applicant that the Zoning By-law does not require a loading space due to the proposed gross floor area of the proposed development, but if the proposed use necessitated a loading space that it was recommended it be relocated from the front yard to the rear yard. Staff also requested reducing the points of access from three to two, and the provision of landscaping along the Hatt Street frontage and McMurray Street. The applicant agreed to these changes and submitted a revised Concept / Site Plan indicating these changes for the purposes of the Zoning By-law Amendment application (Appendix “C” to Report PED16177).

Chronology:

<u>May 6, 2016:</u>	Application ZAR-16-028 deemed complete.
<u>May 6, 2016:</u>	Circulation of Notice of Complete Application and Preliminary Circulation for Application ZAC-16-028.
<u>May 26, 2016:</u>	Public Notice Sign installed on subject property.
<u>July 26, 2016:</u>	Applicant submitted updated Concept / Site Plan.
<u>August 10, 2016:</u>	Public Notice Sign updated with Public Meeting Information.
<u>August 19, 2016:</u>	Circulation of the Notice of Public Meeting to 252 property owners within 120 m of the subject property.

Details of Submitted Application:

<u>Location:</u>	118 Hatt Street (see Appendix “A” to Report PED16177)		
<u>Owner/Applicant:</u>	Dalia Eino		
<u>Agent:</u>	Webb Planning Consultants (c/o James Webb)		
<u>Property Description:</u>	<u>Lot Frontage:</u>	45.60 m	
	<u>Lot Depth:</u>	51.30 m	
	<u>Lot Area:</u>	2,337.40 sq m (0.23 ha)	
	<u>Servicing:</u>	Existing Full Municipal Services	

Existing Land Use and Zoning:

<u>Subject Property:</u>	<u>Existing Land Use</u>	<u>Existing Zoning</u>
	Vacant (formally a carwash establishment)	General Industrial Flood Plain Zone (I.G. - FP)

Surrounding Land Uses:

North	Residential and commercial uses including a carwash and a dentist	Central Area Commercial Zone (C.A.C) and (C.A.C/S-91)
East	Commercial offices	General Industrial Zone (I.G.)
South	Gravel private parking lot	General Industrial Flood Plain Zone (I.G. - FP)
West	Stacked townhouses	Medium Density Multiple Dwelling Flood Plain Zone (RM2 – FP/S-41a)

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement & Growth Plan for the Greater Golden Horseshoe:

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* 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.

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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 property meet two of ten criteria the City and Ministry of Tourism, Culture and Sport use for identifying archaeological 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, it is staff's opinion that the application is:

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

Urban Hamilton Official Plan (UHOP)

The subject property is identified as a “Community Node” on Schedule “E” and designated as “Mixed-Use Medium Density” on Schedule “E-1” - Land Use Designations; and UD-1 Dundas One Zone Floodplain Area and UD-6 Dundas Six Zone Floodplain Area on Maps D-1 and D-2. The following policies, amongst others, apply:

Community Node

Function

“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. The Community Nodes shall provide services to residents within the former area municipalities and surrounding neighbourhoods in a mixed use environment.

E.2.3.3.3 Community Nodes shall provide community scale retail stores and services to the residents within the Node and surrounding neighbourhoods.

E.2.3.3.4 Community Nodes shall provide an employment function consisting primarily of employment in retail, services, local institutions, and government services.”

The applicant proposes to convert the existing building to a medical office, specifically for an ophthalmologist office, providing services to the surrounding residents and larger community.

Design

“E.2.3.3.13 The Community Nodes shall be planned to have a strong pedestrian focus.

E.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.

E.2.3.3.19 Streets within the Community Nodes shall be designed to provide strong pedestrian linkages and active transportation opportunities between the surrounding Neighbourhoods and the Nodes.

E.2.3.3.21 Parking shall be provided through on-street parking, in parking structures, and in surface lots to the rear or sides of commercial buildings.”

The subject site is less than 2.5 ha in size and is therefore suitable for one use, as it is not considered a major redevelopment. However, the proposal supports the mixed use nature of the area and will provide stronger pedestrian connections by creating a 1.5 m sidewalk internal to the site from the rear of the building, along McMurray Street and connecting to an existing public sidewalk on Hatt Street. All parking and loading will be provided in a paved surface parking area located to the rear of the building with curb and landscape improvements, as well as defined access points.

Mixed Use – Medium Density

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

“E.4.1.1 Create and retain vibrant mixed use areas that accommodate a range of uses and are accessible by automobile, transit, and *active transportation*.

E.4.1.2 Direct the majority of retail commercial uses to mixed use areas that are well served by transit and serve as a central place for the City, a portion of the City, or for one or more neighbourhoods.

E.4.1.3 Create comfortable, walkable and stimulating pedestrian streets along key roads within the mixed use areas.”

The subject lands will provide a use serving the residents of the community as well as creating a more visually appealing building adding character to the public realm of an area well served by transit and pedestrian networks, satisfying the above policy direction.

With respect to the specific designation of Mixed Use - Medium Density, staff note that the general intent is to provide a full range of retail, service, commercial, institutional, entertainment, office, and residential uses, while creating a vibrant pedestrian realm. In particular, it is noted that the following policies shall apply:

Function

“E.4.6.1 The range of commercial uses is intended to serve the surrounding community or series of neighbourhoods as well as provide day-to-day retail facilities and services to residents in the immediate area. These areas shall also serve as a focus for the community, creating a sense of place.

E.4.6.2 The Mixed Use - Medium Density designation shall be applied to traditional ‘main street’ commercial areas outside of the area designated Downtown Mixed Use, and to promote the continuation of these areas as pedestrian oriented mixed use areas. Retail and service commercial uses are key elements in maintaining that function and ensuring the continued vibrancy of the pedestrian realm.

Use

E.4.6.5 The following uses shall be permitted on lands designated Mixed Use - Medium Density on Schedule E-1 – Urban Land Use Designations:

- a) commercial uses such as retail stores, auto and home centres, home improvement supply stores, offices oriented to serving residents, personal services, financial establishments, live-work units, artist studios, restaurants, gas bars, and drive-through facilities;
- b) Notwithstanding Policy E.4.6 drive-through facilities on pedestrian predominant streets shall only be permitted in accordance with Section E.4.6.29 and all other applicable policies of this Plan.
- c) institutional uses such as hospitals, places of worship, and schools;

- d) arts, cultural, entertainment, and recreational uses;
- e) hotels;
- f) multiple dwellings; and,
- g) accessory uses.”

The introduction of a medical office that is oriented to serving the residents of the community, and which will improve the existing pedestrian network as well as the public realm is a permitted use and consistent with the above policy intent.

Scale

The UHOP similarly provides guidance on the scale of development considered appropriate within the Mixed Use - Medium Density:

“E.4.6.9 The predominant built form shall be mid rise and low rise buildings. The intent is to increase the proportion of multiple storey, mixed use buildings that have retail and service commercial stores at grade; however, single use commercial buildings and medium density ground related housing forms shall be permitted.

E.4.6.10 Permitted uses shall be located in single or mixed use buildings.”

As the applicant intends to maintain the existing structure, it respects the low rise character of the area. Staff are satisfied that the design conforms to the above policy intent.

Design

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

“E.4.6.16 New *development* shall be designed and oriented to create comfortable, vibrant and stimulating pedestrian oriented streets within each area designated Mixed Use - Medium Density.

E.4.6.17 Areas designated Mixed Use - Medium Density are intended to develop in a *compact urban form* with a streetscape design and building arrangement that supports pedestrian use and circulation and create vibrant people places.

E.4.6.18 In the historic former downtowns and main streets, a strong historic pedestrian focus is long established, and shall be enhanced through new development.”

With respect to these design policies, staff are of the opinion that the application provides a development that is street-oriented and that will accommodate a vibrant and pedestrian friendly realm.

Urban Design Policies

- “B.3.3.1.3 Create pedestrian oriented places that are safe, accessible, connected, and easy to navigate for people of all abilities.
- B.3.3.1.5 Ensure that new development is compatible with and enhances the character of the existing environment and locale.
- B.3.3.7.1 Service and loading areas shall be located away from streets so as to minimize disruption or conflicts with adjacent land uses and pedestrian routes and shall be screened as necessary from views from the public right-of-way.
- B.3.3.7.2 Service and loading areas shall be buffered to reduce visual and noise impacts, particularly when located adjacent to residential areas. Buffering methods should include berms, tree and shrub plantings, noise walls, fences, and/or the use of quality construction materials and methods.
- B.3.3.9.4 Landscaped walkways shall be provided along buildings, particularly in areas with high levels of pedestrian traffic. Walkways shall be connected to other pedestrian routes on the site and linked to pedestrian entry points at the street, and where appropriate to adjacent developments.
- B. 3.3.10.4 Where surface parking is proposed, it should be located to the sides or rear of buildings to enable the development of a continuous street edge and the creation of quality urban spaces consistent with Section B.3.3.2 – General Policies and Principles.
- B.3.3.10.6 Perimeters of surface parking lots shall be landscaped with appropriate materials that allow visibility from the public realm to the interior of the parking area.
- B.3.3.10.7 Interiors of parking lots shall include landscaped islands, when possible, to provide shade and visual relief from hard surfaces. Landscaped islands should be of sufficient size to ensure growth of vegetation.
- B.3.3.10.8 Parking lots shall be paved with hard surfaces to reduce dust and promote improved air quality. The use of permeable pavement systems or other low impact development practices is encouraged for storm water management, when technically possible.

- B.3.3.13 The policies of this section shall be implemented through mechanisms such as zoning, plans of subdivision and condominium, site plan control, site plan guidelines, and urban design guidelines as specified in Chapter F – Implementation.”

In addition to the conversion of the existing one-storey building, the applicant proposes an onsite parking area to the rear of the building; an 8.2 m wide landscaping strip along Hatt Street; a 3.0 m wide landscaping strip along McMurray Street; a 2.9 m wide landscaping strip along the southerly lot line; and a 0.9 m wide landscaping strip and fence along the westerly side lot line of the property to serve as a buffer to the adjacent residential use to the west; and a pedestrian walkway from the rear parking area to McMurray Street and connecting to an existing public pedestrian network along Hatt Street, as shown on the Revised Concept / Site Plan (Appendix “C” to Report PED16177). The applicant intends on making external modifications to improve the front façade of the building and creating a more visually appealing building with better connection to the existing public realm. The scope and details of these modifications will be further reviewed at the future Site Plan Control Approval stage.

Natural Heritage

Based on Schedule B (Natural Heritage Systems) of the UHOP, natural heritage features (Core Areas and Linkages) have not been identified on the property. However, the subject property is adjacent to a Core Area (stream) regulated by Hamilton Conservation Authority. Core Areas are the most important components of the Natural Heritage System in terms of biodiversity, productivity and ecological and hydrological functions.

Based on policies within the UHOP, any development and site alteration within or adjacent to Core Areas shall not negatively impact their natural features or their ecological functions:

- “C.2.3 It is the intent of this policy to preserve and enhance Core Areas and to ensure that any development or site alteration within or adjacent to them shall not negatively impact their natural features or their ecological functions.
- C.2.5.5 New development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in Section C.2.5.2 to C.2.5.4 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there shall be no negative impacts on the natural features or on their ecological functions.”

The subject property is located approximately 45 m away from Spencer Creek (identified Core Area), and the proposal is for an adaptive re-use of an existing building

and parking area on already disturbed land. In addition, there is an existing private gravel parking lot located between the subject property and Spencer Creek. As such, an Environmental Impact Study is not required as the proposed redevelopment is not anticipated to create any negative impacts on this natural feature or its ecological function.

Transportation

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

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

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

e) Collector roads, subject to the following policies:

- i) The function of a collector road shall be equally shared between providing direct land accesses and the movement of moderate volumes of traffic within and through designated Employment or Neighbourhood Areas.
- ii) The basic maximum right-of-way widths for urban collector roads shall be 30.480 metres in designated Employment Areas and 26.213 metres in all other areas, unless specifically described otherwise in Schedule C-2 – Future Road Widenings.
- iii) Collector roads in the urban area shall generally be organized in a grid-network and connect to minor arterial roads and major arterial roads.
- v) Trucks shall generally be restricted from collector roads, except in designated Employment Areas. Wider lanes or separate facilities shall generally be in place to accommodate cyclists and sidewalks shall be provided on both sides of the street.”

Schedule C of the UHOP identifies Hatt Street as having a 25.21 m road allowance width, however, according to City records, the existing road allowance width of Hatt Street is 19.20 m. Similarly, McMurray Street is identified as a local road having a road right-of-way width of 20.12 m, whereas the existing width of the road adjacent to the subject site is only 12.50 m. The City recommends the owner dedicate a 3.51 m road

allowance widening along Hatt Street and a 3.81 m road allowance widening along McMurray Street to the City. However, as the applicant intends on maintaining the existing building, and mainly making interior renovations and façade improvements, there is no opportunity for a road allowance dedication along Hatt Street at this time. The applicant intends on converting the existing building into a medical office, which will involve mainly internal renovations with minor exterior modifications to the existing building and rear parking area. However, the applicant does intend on dedicating a 3.81 m wide strip for a road widening along McMurray Street, to facilitate improvements including the installation of a sidewalk from the rear parking area that wraps around the building connecting to the existing pedestrian network along Hatt Street and to the front entrance. The road widening will be dedicated at the Site Plan Control Approval stage.

Dundas Urban Area Specific Policies

Volume 3, Chapter B of the UHOP provides Area Specific Policies that provide more detailed direction for land use, infrastructure, transportation, environment and urban design due to unique local circumstances within the urban area of Hamilton. The southern portion of the subject property is located within the floodplain area shown on Map D-1 and is subject to UD-1 Dundas One Zone Floodplain Area. The following policies apply to the subject property due to the inherent constraints and dangers of development in areas subject to flooding:

“UD-1

- 1.0 a) It is the intent of Council to limit development within the floodplain areas defined by the Hamilton Conservation Authority, of Spencer, Ann and Sydenham Creeks. In this regard, policies a) through i) shall apply to floodplain areas identified from time to time as floodway or flood fringe by the Conservation Authority in consultation with the City;
- b) Where a proposal is made for development or redevelopment within or in proximity to UD-1, the City shall request the proponent to contact the Hamilton Conservation Authority to determine if and what flood protection measures are necessary, or other limitations to development;
- c) It is intended the floodway be kept unobstructed, and free of all structures or the placement of fill;
- d) Notwithstanding Policy 1.0 c), existing and similar uses otherwise complying with the intent of this Plan shall be appropriately zoned in the implementing Zoning By-law. However, extensions and enlargements of these uses shall not be permitted within the floodway;

- e) It is the intent of Council that limited development may be permitted within the flood fringe subject to protection from flooding. In this regard such protection shall include the placement and stabilization of fill to or above the limit of the flooding, identified by the Hamilton Conservation Authority, flood proofing, or a combination of both;
- g) Non-residential development within the flood fringe area may be permitted on the basis of limited or no fill and subject to adequate flood proofing;
- h) Paved day-use parking lots may be permitted within the flood fringe without the necessity of flood protection measures; and,
- i) The boundaries of this Area Specific Policy Area are approximate and shall be confirmed by the Hamilton Conservation Authority during the review of applications for development regulations of the Conservation Authority.”

The proposal intends to convert the existing building into a medical office, through internal renovations and minor exterior modifications and façade improvements to the building and rear parking area. A portion of the rear parking area is within the identified flood plain area; however, as noted in the relevant consultation section, the HCA has no concerns with the revised Concept / Site Plan (Appendix “C” to Report PED16177). The details regarding the parking layout, access, paving and design will be further reviewed during the future Site Plan Control stage.

As the subject property is also located within close proximity to Spencer Creek, Area Specific Policy UD-6 Dundas Six Zone Floodplain Area applies to the entire property:

“1.0 In addition to the policies of Volume 1, the following policy shall apply to lands located along Spencer Creek, shown as Area Specific UD-6 on Map D-2:

- a) Development or redevelopment proposals on sites adjacent to Spencer Creek shall be required to provide public access to the creek, and to make necessary improvements to complete the trail system along Spencer Creek to the satisfaction of the City and the Hamilton Conservation Authority.”

The subject property does not directly abut Spencer Creek and as such, the redevelopment cannot facilitate improvements to the proposed trail system. However, the applicant intends to dedicate a road widening along a portion of McMurray Street, which will facilitate the construction of a sidewalk connecting the parking area to the existing pedestrian network along Hatt Street.

Based on the foregoing, the proposal complies with the policies of the Urban Hamilton Official Plan.

Town of Dundas Zoning By-law No. 3581-86

The subject property is currently zoned General Industrial Flood Plain (I.G. – FP) Zone, which permits a wide range of manufacturing uses. A medical office is not a permitted use. A modification to the General Industrial Flood Plain (I.G. - FP) Zone has been requested to facilitate the proposed conversion of a vacant one-storey building into a medical office with minor modifications reflecting setbacks and landscaping regulations. An evaluation of the proposed modifications is included in the Analysis and Rationale for Recommendation section of this Report.

Hatt Street Urban Design Study

The subject property is located within the Hatt Street Urban Design Study Area. The City of Hamilton has recognized that Hatt Street has unique heritage qualities that set it apart from other downtown areas in the City. The Urban Design vision for Hatt Street is “based on the following five principles:

1. Build on existing strengths;
2. Bring more residents to the Downtown through brownfield redevelopment;
3. Create a sequence of new public spaces;
4. Strengthen pedestrian connections and improve accessibility; and
5. Support catalytic / incremental implementation.”

The subject property is identified as being part of Precinct 3. The vision for this precinct is to facilitate a mixed use pattern by encouraging more residential and employment uses. Future development should support adaptive re-use of existing buildings.

The subject property is further identified as Site 8 and it is suggested that it would be a good candidate site for lower-density built form, including uses such as business-oriented commercial and service uses, small retail uses and residential uses above grade. It is noted that redevelopment proposals should reflect the architectural past of Hatt Street by utilizing contemporary interpretations of industrial architecture and utilizing traditional façade material such as red brick, stone and stucco.

Based on the foregoing, the proposal complies with the general recommendations of this study. Urban Design considerations are further discussed in the Analysis and Rationale for Recommendation section of this Report.

RELEVANT CONSULTATION

The following Departments and Agencies had no comments or objections to the applications:

- Corridor Management, Public Works Department;
- Recreation, Community Services Department;
- Operations Division, Public Works Department;
- Strategic Planning, Public Works Department;
- City Wide Services, Community and Emergency Services Department;
- Tax Administration / Banking Section, Corporate Services Department; and,
- Horizon Utilities Corporation.

The following Departments and Agencies have provided comments on the applications:

Forestry and Horticulture Section, Public Works Department have no concerns with the subject rezoning application. Further, Forestry approves the Tree Management Plan submitted and acknowledges that there are no municipal tree assets on site to comment on. Forestry has no concerns regarding the proposed zoning by-law amendment and will require a Landscape Plan at the Site Plan Control stage. In addition, a detailed Landscape Planting Plan prepared and signed by a Registered Landscape Architect will also be required at the Site Plan Control Stage. This can be combined with the Tree Management Plan and must be submitted for review and comments by the Forestry & Horticulture Section.

Transportation Management, Public Works Department have no objections to the subject rezoning application. Transportation Management have noted that the submitted Transportation Demand Management memo indicated bicycle parking would be added to the site. It is recommended that this be formalized with the addition of an outdoor bike rack (for short-term parking) to the site plan during the Site Plan Control Approval stage.

Hamilton Conservation Authority have no objections to the subject rezoning application. However, they do have comments regarding the parking area.

They advise that the southerly portion of the site (parking area) is located within an area affected by HCA's Development, Interference with Wetlands, and Alterations to Shorelines and Watercourse Regulation 161/06 due to its proximity to Lower Spencer Creek (approximately 45 m to the south).

While the subject property is located entirely outside the erosion hazard area associated with Lower Spencer Creek, a portion of the site (parking area) is located within the Regulatory floodplain, below the Regional Storm flood elevation of 97.34 masl. In this regard, HCA's October, 2011 Planning and Regulation Policies and Guidelines, Policy No. 8.1.1 requires that safe ingress and egress be provided for pedestrians and

vehicles, whereby the depth of flooding is less than 0.30 m and the velocity is no greater than 1.7 m/s. In addition, the 2014 Provincial Policy Statement, Policy 3.1.7 b) states that vehicles and people must have a way of safely entering and exiting an area during times of flooding, erosion and other emergencies.

Regarding the proposed rezoning of the subject property, as the existing building is located outside of the regulatory floodplain, the proposed new medical office within the converted building would also be outside the floodplain. In addition, HCA staff are satisfied that their floodplain concerns regarding the parking area have been addressed through the revised Concept / Site Plan (Appendix “C” to Report PED16177) and that safe ingress and egress will be provided.

PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 252 property owners within 120 m of the subject property on May 6, 2016. A Public Notice sign was posted on the property on May 26, 2016, and updated on August 10, 2016, with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act*.

To date, three public submissions have been received, raising concerns related to on-street parking and medical office competition in the area. These issues and concerns are discussed in the Analysis and Rationale for Recommendation section of this Report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement, and conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow);
 - (ii) It complies with the intent and purpose of the Urban Hamilton Official Plan and the Dundas Area Specific Policies; and,
 - (iii) The proposed development is compatible with existing light industrial, commercial, and residential land uses in the immediate area and represents good planning by, among other things, supporting the adaptive re-use of an existing building.
2. The applicant proposes to convert the existing vacant one-storey building into a medical office, with an associated parking area containing 21 parking spaces, including two accessible spaces in the rear yard (see Appendix “C” to Report PED16177). The majority of the renovations will take place internally with minor

façade improvements being made to the exterior of the building, a landscaping buffer and fence along the westerly side lot line and a landscaping strip along the front, easterly and southerly lot lines of the property. Detailed plans outlining façade improvements, landscaping, parking layout and pedestrian connections will be provided and reviewed at the Site Plan Control stage to ensure appropriate landscaping and buffering is provided. Generally, the site design complies with the policies of the UHOP, the Dundas Area Specific Policies, and the Hatt Street Urban Design Study. The proposed medical office will provide a supporting use to existing Hatt Street residents and the larger downtown Dundas community that contains a variety of small scale retail, local commercial, light industrial and residential uses in the immediate area.

3. The following section evaluates the requested zone modifications:

Staff are supportive of the application for a site specific General Industrial Flood Plain (I.G. – FP/S-xxx) Zone, Modified to permit a medical office. The proposed zone change would maintain the overall intent of the Community Node and the “Mixed Use Medium Density” policies identified in the UHOP. The addition of a medical office on the subject property is consistent with the zoning immediately across the street which permits commercial uses including medical offices of Physicians, Surgeons and Dentists, Private Practice.

The applicant proposes a medical office within the Mixed Use - Medium Density designation. The Mixed Use – Medium Density designation permits a full range of retail, service commercial, entertainment, and residential accommodation at a moderate scale. The designation recognizes the traditional mixed use main streets in the city (outside of the Downtown Mixed Use area), as well as other large commercial areas which serve the surrounding community or a series of neighbourhoods and are intended to evolve and intensify into mixed use, pedestrian oriented areas.

The use of a medical office is not permitted within the “I.G.” zone. Pursuant to Dundas Zoning By-law No. 3581-86 this use is considered “Offices of Physicians, Surgeons and Dentists, Private Practice”. Staff recommend the “I.G.” Zone be modified and that the “Offices of Physicians, Surgeons and Dentists, Private Practice” be permitted in addition to the General Industrial uses already permitted on the subject property.

The following modifications are required to implement the proposal:

Minimum Side Yard

The applicant proposes a minimum westerly side yard of 4.5 m abutting a residential zone; whereas the By-law requires a minimum 9.0 m side yard

setback to adjacent residential zones. Staff note that the proposed side yard reduction reflects the existing situation. Since the intent of the proposed development is to maintain the existing structure and only make interior renovations and minor façade improvements, staff are of the opinion that the proposed reduction in the westerly side yard setback is appropriate for the development. Accordingly, the modification is reasonable and supported by staff.

Access Driveway Location

The applicant proposes maintaining an existing access driveway off of Hatt Street located 0.9 m from the westerly lot line abutting a residential zone; whereas the By-law requires every access driveway to or from the non-residential use adjacent to a residential zone be located not less than 3.0 m from the common boundary with the residential zone. The reduced setback from a residential zone is reasonable given that the applicant intends on maintaining the existing building and access driveway. The access driveway off of Hatt Street is located adjacent to an access driveway to a surface parking lot for residents and visitors to a stacked townhouse development to the west of the subject site. The driveway access on the subject property and the surface parking area for the stacked townhouses will be separated by a landscaping strip, an existing row of mature trees and board fencing, providing visual screening. Therefore, no adverse effects are anticipated. Accordingly, the modification is reasonable and supported by staff.

Parking Space Dimensions

The minimum parking space dimension within the existing Town of Dundas Zoning By-law No.3581-86 is 2.7 m in width and 6.0 m in length. The applicant has requested a reduction in the dimensions, consistent with the Hamilton Zoning By-law No. 05-200 parking space standards of 2.6 m in width and 5.5 m in length for a regular parking space; and 4.4 m in width and 5.5 m in length for a barrier-free parking space. The Hamilton Zoning By-law No. 05-200 regulations for parking space dimensions are proposed to be applied throughout the municipality for commercial properties, as part of the commercial and mixed-use zoning review currently underway and subject to public consultation. Accordingly, the modification is reasonable and supported by staff.

Landscaping Buffer

The applicant proposes a minimum 0.9 m wide landscaping buffer strip abutting the residential property to the west, whereas the By-law requires a minimum 3.0 m wide landscaping buffer strip. The reduced width of the buffer strip is reasonable, as the applicant intends on maintaining the existing building, and due to the comments received from HCA the existing access from Hatt Street

must be maintained reducing the land available to provide the required landscaping buffer width adjacent to the existing building. The applicant proposes increasing the landscaping buffer strip from 0.9 m to 1.5 m adjacent to the rear surface parking area. In addition to the proposed landscaping buffer strip, the applicant intends on maintaining a fence and the existing private trees along the westerly lot line providing increased privacy and separation of uses. The design of the landscaping buffer will be further assessed at the Site Plan Control Approval stage. Accordingly, the modification is reasonable and supported by staff.

4. There are separated municipal sewers and water systems available within the Hatt Street road allowance. Municipal storm and water systems are also available on McMurray Street.

The UHOP classifies Hatt Street as a collector road having a designated road right-of-way width of 26.213 metres. The present width of the road in this area is only 19.200 m. Should this property redevelop in the future, it is recommended that the applicant dedicate an 3.510 m road allowance widening to the City from the property frontage on Hatt Street. As the applicant intends on maintaining the existing building, and mainly making interior renovations and façade improvements, there is no opportunity for a road allowance dedication along Hatt Street at this time.

Similarly, the UHOP classifies McMurray Street as a local road having a designated road right-of-way width of 20.117 m. The present width of the road in this area is only 12.500 m. Upon future redevelopment of the property, we recommend that the applicant dedicate a 3.810 m road allowance widening to the City from the property adjacent to McMurray Street. The right-of-way dedication has been identified on the associated Revised Concept / Site Plan and will be conveyed to the City through the Site Plan Control process (see Appendix “C” to Report PED16177).

At the future Site Plan Control stage it is recommended that the applicant dedicate to the City, an approximate 7.5 m by 7.5 m daylighting triangle from the widened limits of the intersection of Hatt and McMurray Streets.

Growth Management Staff has investigated the future sidewalk requirement on McMurray Street. There is an existing sidewalk on the east side of the street and no sidewalk on the west side adjacent to this site. The McMurray Street bridge immediately south of this location, also has a sidewalk only on the east side. Our records indicate that the City has no current plans to widen the McMurray Street bridge. When the structure reaches the end of its useful service life and replacement or major rehabilitation is required, recommendations outlined in the City of Hamilton’s Transportation & Cycling Master Plan’s will be reviewed at that time. The applicant is not required to install a sidewalk on McMurray Street

adjacent to this site at this time, except to connect from the rear parking area to Hatt Street. However, the applicant will be required to improve the Hatt Street sidewalk at the intersection with McMurray Street to City Standards through the Site Plan Control process. A painted cross-walk is recommended to encourage pedestrians to cross to / from the sidewalk on the east side of McMurray Street.

5. There are trees on site and a Tree Protection Plan (TPP) has been submitted as part of the application. Natural Heritage Planning staff have reviewed the TPP, prepared by Adesso Design and dated November 26, 2015 and identified Trees #17 to 20 as publically owned trees within the right-of-way. However, the Forestry Section has confirmed there are no municipal assets on site. The remainder of the trees on site are privately owned (trees #1 to 16) and show on the TPP as being retained on site. However, tree protection fencing (hoarding) is not shown and therefore the TPP will need to be revised for the Site Plan Control Approval application to show the location of hoarding, to protect trees from construction impacts. As a result, the TPP is approved subject to the tree protection fencing (hoarding) being shown, which can be completed at the Site Plan Control Approval stage.
6. The circulation of the application to consider a Zoning By-law Amendment application has resulted in the submission of correspondence from three property owners (see Appendix “D” to Report PED16177). The issues identified are as follows:

On-Street Parking

An adjacent property owner identified concerns with the proposed medical office regarding increased traffic and on-street parking on an already busy section of Hatt Street. Staff note that the application will provide almost double the number of required parking spaces at the rear of the building minimizing the need for any employees or patients to use on-street parking. Corridor Management staff's review of the application did not require a Traffic Impact Study or Parking Study and further concerns with traffic impacts were not identified.

Medical Industry Competition

The owner of a pharmacy nearby as well as the owner of a building that contains other medical offices have raised concerns that the proposed use of the subject property will increase competition within the private practice medical office industry in the area. This concern is not a land use planning issue, and staff are satisfied that the use meets the intent of the Urban Hamilton Official Plan.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Zoning By-law Amendment application be denied, the applicant would be able to develop the existing lands for industrial use in accordance with the General Industrial Flood Plain (I.G. - FP) Zone.

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

- 1.2 Continue to prioritize capital infrastructure projects to support managed growth and optimize community benefit.
- 1.5 Support the development and implementation of neighbourhood and City wide strategies that will improve the health and well-being of residents.
- 1.6 Enhance Overall Sustainability (financial, economic, social and environmental).

Strategic Priority #2

Valued & Sustainable Services

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

APPENDICES AND SCHEDULES ATTACHED

- Appendix “A”: Location Map
- Appendix “B”: Zoning By-law No. 3581-86 Amendment
- Appendix “C”: Revised Concept / Site Plan
- Appendix “D”: Original Concept / Site Plan
- Appendix “E”: Correspondence

:TS/khm