



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	June 6, 2017
<b>SUBJECT/REPORT NO:</b>	Application for a Zoning By-law Amendment, for lands located at 389 Rymal Road East (Hamilton) (PED17086) (Ward 7)
<b>WARD(S) AFFECTED:</b>	Ward 7
<b>PREPARED BY:</b>	Michael Fiorino (905) 546 2424 ext. 4424
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That **Amended Zoning By-law Amendment Application ZAC-16-074 by Schlegal Villages Inc., Owners**, for a change in zoning from the “AA” (Agricultural) District, in the City of Hamilton Zoning By-law No. 6593 to the Major Institutional (I3, 43) Zone, in the City of Hamilton Zoning By-law No. 05-200, to facilitate the expansion of a parking area for the adjacent nursing home onto the lands located at 389 Rymal Road East (Hamilton), as shown on Appendix “A” to Report PED17086, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED17086, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe, and complies with the Urban Hamilton Official Plan.
- (b) That upon finalization of the amendment to City of Hamilton Zoning By-law No. 05-200, that the Barnstown Neighbourhood Plan be amended to re-designate 389 Rymal Road East from “Single and Double” to “Medium Density Apartments”.

## **EXECUTIVE SUMMARY**

The proposed Zoning By-law Amendment is for a change in zoning from the “AA” (Agricultural) District, in Hamilton Zoning By-law No. 6593 to the Major Institutional (I3, 43) Zone, in Hamilton Zoning By-law No. 05-200, in order to facilitate the expansion of a parking area for the adjacent nursing home onto the lands located at 389 Rymal Road East (Hamilton). The lands located to the east (Schlegal Villages at 1620 Upper Wentworth and 401 Rymal Road East) is where the nursing home is located. The applicant has requested that the zoning of the adjacent lands to the east be applied forward for the subject lands.

The Zoning By-law will implement the regulations of the existing site specific Major Institutional (I3, 43) Zone and site specific special modifications to revise existing deficiencies of the previous Zoning By-law amendment regarding a typographical error referencing the wrong parking provision and addressing an existing deficiency in parking stall length for the underground parking spaces due to the door opening of the tenants locker. No other amendments have been made to the Major Institutional (I3, 43) Zone.

The application has merit and can be supported because it is consistent with the Provincial Policy Statement (PPS), conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and complies with the UHOP. The proposed development is considered to be compatible with and complementary to the existing and planned development in the immediate area.

### ***Alternatives for Consideration – See Page 14***

## **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 a Zoning By-law Amendment.

## **HISTORICAL BACKGROUND**

The Zoning By-law Amendment application is for a change in zoning from the “AA” (Agricultural) District, in the City of Hamilton Zoning By-law No. 6593, to the Major Institutional (I3, 43) Zone, in the City of Hamilton Zoning By-law No. 05-200. The applicant is proposing to expand the parking area onto the lands located at 389 Rymal Road East (Hamilton). The lands located to the east (Schlegal Villages at 1620 Upper

---

*OUR Vision: To be the best place to raise a child and age successfully.*

*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

*OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.*

**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200, for lands located at 389 Rymal Road East (Hamilton) (PED17086) (Ward 7) - Page 3 of 15**

---

Wentworth and 401 Rymal Road East) are used for a nursing home. An additional 48 parking spaces are proposed as part of this application as shown on Appendix “C” to Report PED17086. The subject lands were previously under separate ownership and have recently been acquired by Schlegal Villages Inc. for the expansion of the parking area.

The lands to the east were subject to a comprehensive phased development for a full range of housing and related services to provide a supportive seniors oriented housing environment. The lands to the east are 2.1 hectares in area, located at the northwest corner of the intersection of Upper Wentworth Street and Rymal Road East, and are municipally known as 1620 Upper Wentworth Street and 401 Rymal Road East.

Phase I consisted of a 120-bed, long term care facility, and 40 surface parking spaces. Phase II consisted of 188 retirement suites, 85 seniors apartments, as well as a health care clinic servicing the residents of the retirement home (but open to the public as well), together with 72 additional underground parking spaces and 151 surface parking spaces.

Phase II required Official Plan (OPA-11-009) and Zoning By-law (ZAC-11-009) Amendments to re-designate and rezone 401 Rymal Road East and the southern portion of 1620 Upper Wentworth Street to the “Major Institutional” (I3) Zone, with site-specific modifications, to permit a retirement home / multiple dwelling with a maximum height of 37 metres.

At the time of the previous Official Plan (OPA-11-009) and Zoning By-law (ZAC-11-009) Amendment applications, the UHOP was recently approved by the Province but had been appealed to the Ontario Municipal Board (OMB). An amendment to the UHOP was also identified as being necessary but could not be implemented because of the UHOP had not been approved by the OMB. A portion of the lands subject to the 2011 applications were required to be re-designated from “District Commercial” to “Neighbourhoods” to be consistent with the designation that applies to the Phase I lands and the proposed use.

In approving the 2011 applications Council directed that the UHOP be amended to re-designate portions of the subject lands to “Neighbourhoods” from “District Commercial”. Implementation of this direction was to be held in abeyance until the UHOP received final approval. Planning staff will be bringing forward mapping changes to reflect the current development on the lands.

## **Chronology**

November 21, 2016: Zoning By-law Amendment Application ZAC-16-074 received.

---

*OUR Vision: To be the best place to raise a child and age successfully.*

*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

*OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.*

**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200, for lands located at 389 Rymal Road East (Hamilton) (PED17086) (Ward 7) - Page 4 of 15**

---

November 24, 2016: Zoning By-law Amendment Application ZAC-16-074 deemed complete.

December 1, 2016: Notice of Complete Application and Preliminary Circulation was sent to 205 property owners within 120 metres of the subject lands.

December 7, 2016: Public Notice sign posted on the property.

January 19, 2017: Neighbourhood Information Meeting held at Village of Wentworth Heights.

May 10, 2017: Public Notice sign updated with Public Meeting date.

May 19, 2017: Circulation of Public Meeting Notice for Zoning By-law Amendment Application ZAC-16-022 to 205 property owners within 120 metres of the subject lands.

**Details of Submitted Applications**

**Owner:** Schlegel Villages Inc.

**Applicant:** Schlegel Villages Inc. (c/o Brad Schlegel)

**Agent:** Wellings Planning Consultant Inc. (c/o Glenn Wellings)

**Location:** 389 Rymal Road East, Hamilton  
(see Appendix "A" to Report PED17086)

**Property Description:**

<u>Lot Frontage:</u>	24.99 metres
<u>Lot Depth:</u>	53.03 metres
<u>Lot Area:</u>	1335.46 square metres
<u>Servicing:</u>	Existing Municipal Services

**EXISTING LAND USE AND ZONING**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b><u>Subject Lands</u></b>	Single Detached Dwelling	"AA" (Agricultural) District
<b><u>Surrounding Land Uses</u></b>		

<b>North</b>	Townhouse Dwellings	“RT-20” (Townhouse – Maisonette) District
<b>East</b>	Nursing Home (three storey building)	Major Institutional (I3, 43) Zone
<b>South</b>	Turner Park	City Wide Park (P3) Zone
	Townhouse Dwellings	“DE” (Low Density Multiple Dwellings) District
<b>West</b>	Single Detached Dwelling	“AA” (Agricultural) District

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### **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* 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 UHOP analysis below.

Staff also note that Cultural Heritage policies have not been updated within the UHOP in accordance with the PPS (2014). Therefore, 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.”

A Stage 1-2 Archaeological Assessment was submitted to the City and the Ministry of Tourism, Culture and Sport. The report found that the site does not have sufficient cultural heritage value or interest to warrant additional work. The Ministry of Tourism, Culture and Sport signed off on the reports for compliance with licensing requirements in a letter dated October 11, 2016. Cultural Heritage staff concurs with the findings of the report that municipal interest in the archaeology of this portion of the site have been satisfied.

As the application for a change in zoning complies with the UHOP, it is staff's opinion that the application:

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

### **Urban Hamilton Official Plan**

The subject lands are designated "Neighbourhoods" on Schedule "E-1" – Urban Land Use Designations. The following policies, amongst others, apply to the Zoning By-law Amendment application.

#### **Neighbourhoods Designation**

- "E.3.2.1 Areas designated Neighbourhoods shall function as complete communities, including the full range of residential dwelling types and densities as well as supporting uses intended to serve the local residents.
- E.3.2.3 The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations:
- a) residential dwellings, including second dwelling units and housing with supports;

#### **Scale and Design**

- E.3.2.5 Individual supporting uses in the Neighbourhoods designation shall be no greater than 4 hectares in size.
- E.3.2.7 The City shall require quality urban and architectural design. Development of lands within the Neighbourhoods designation shall be designed to be safe, efficient, pedestrian oriented, and attractive, and shall comply with the following criteria:

**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200, for lands located at 389 Rymal Road East (Hamilton) (PED17086) (Ward 7) - Page 7 of 15**

---

- b) Garages, parking areas, and driveways along the public street shall not be dominant. Surface parking between a building and a public street (excluding a public alley) shall be minimized.
- c) Adequate and direct pedestrian access and linkages to community facilities/services and local commercial uses shall be provided.
- d) Development shall improve existing landscape features and overall landscape character of the surrounding area.
- e) Development shall comply with Section B.3.3 – Urban Design Policies and all other applicable policies.

E.3.2.8 Proposals for supporting uses, except local commercial uses, within the Neighbourhoods designation shall be evaluated on the following criteria:

- a) compatibility with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking, and landscaping;
- b) access to a collector or major or minor arterial road shall be preferred;
- c) provision of adequate off-street parking with appropriate buffering and landscaping from residential uses;
- d) compliance with Section B.3.3 – Urban Design Policies and B.3.5 – Community Facilities/Services Policies; and,
- e) adjacency and integration with parks to provide an attractive extension of parks and maximize the use of parkland facilities.”

It is the intent of the Neighbourhoods designation to provide the opportunity for a full range of housing forms, types, and tenures, including affordable housing and housing with supports. In addition, Sub-section 3.2.4.3 - General Policies for Urban Housing, notes that housing with supports, including residential care facilities, shall be permitted in Institutional, Neighbourhoods, Commercial, and Mixed-Use designations. Retirement homes of various types would fall within this range of uses.

The Zoning By-law Amendment will provide additional parking for the lands to the east and a subsequent Site Plan Amendment application will be required to implement the proposal. The lands will be integrated as a comprehensive development for Schlegel Villages, ensuring the parking area is providing safe vehicular movement throughout the site as shown on Appendix “C” to Report PED17086. The overall size of the subject lands, including Schlegel Villages to the east, is approximately 2.1 hectares, which

---

*OUR Vision: To be the best place to raise a child and age successfully.*

*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

*OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.*

**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200, for lands located at 389 Rymal Road East (Hamilton) (PED17086) (Ward 7) - Page 8 of 15**

---

complies with the overall size limitations for individual supporting uses in the Neighbourhoods designation.

There are a number of mature trees located in close proximity to the westerly property line that may be impacted by the erection of a fence at the property line, as Hamilton Zoning By-law No. 05-200 requires that a visual barrier to be provided and maintained abutting a residential use. A visual barrier can be a wall, fence, earth berms or a continuous planting of suitable trees and shrubs. It is the intent of the applicant to maintain the existing mature vegetation.

Policy E.3.2.7 identifies that parking areas should not be dominant. The intent of the application is to rezone subject land in order to facilitate the expansion of a parking area for the adjacent nursing home. The subject land has a frontage of 24.99 metres. This frontage only comprises of approximately 13% of the entire frontage along Rymal Road East of the subject lands and the lands to the east (nursing home). Staff are of the opinion that the streetscape and character along Rymal Road East will not be negatively altered as the parking area is only a small portion of the frontage. The majority of the combined frontage of the comprehensive development will not negatively existing neighbourhood and will maintain streetscape character. As well, maintaining the existing mature vegetation will provide a buffer which will ensure that the parking area is not dominant. As well, the applicant will be required to submit a Landscape Plan with the subsequent Site Plan Amendment application which will be reviewed to ensure the landscaping provided along the street is appropriate. Policy E.3.2.8 identifies that the proposal shall ensure compatibility with the surrounding area with regards to setbacks, parking and landscaping. Maintaining the existing mature vegetation in addition to providing appropriate setbacks with enhanced landscaping will ensure compatibility.

The applicant has provided a revised Site Plan (as shown on Appendix “C” to Report PED17086) and Tree Protection Plan (TPP) which have addressed previous design concerns by providing a wider western landscape buffer. Further details with regards to buffer planting and landscaping along the parking lot perimeter as well as enhancing the visual screening between the subject property and adjacent residential uses will be addressed at the Site Plan Control application stage.

Based on the above, staff are of the opinion that the proposed expansion of the parking area complies with the above “Neighbourhoods” designation policies.

### Natural Heritage

Policy C.2.11.1 Tree and Woodland Protection of Volume 1 states the following:



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

Trees are located on the subject lands. A TPP prepared by a recognized tree management professional (i.e. certified arborist, registered professional forester or landscape architect) was submitted with the Zoning By-law Amendment application. Staff note, that revisions to the TPP will be required. Staff will require that the tree inventory table be revised to ensure that the removal is in accordance with the City’s Tree Protection Guidelines. As well, it is difficult to determine the location of the tree protection fencing. Revisions will be required to clearly demonstrate the location of the tree protection fencing. These revisions will be addressed as a required condition with the future Site Plan Control application.

#### Functional Classification

The following policies, amongst others regarding Functional Classification in Volume 1 of the Official Plan, apply to the Zoning By-law Amendment application:

“C.4.2.17 The City shall plan for and protect corridors and rights-of-way for transportation, transit and infrastructure facilities to meet current and projected needs and not permit development in planned corridors that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified.

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

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

- ii) Although land accesses are permitted, they shall generally be controlled / restricted.
- iii) The primary function of a major arterial road shall be to carry relatively high volumes of intra-municipal and inter-regional traffic through the City in association with other types of roads.
- iii) The basic maximum right-of-way widths for major arterial roads shall be 45.720 metres unless otherwise specifically described in Schedule C-2 – Future Road Widenings.

C.4.5.6.5 Notwithstanding Section C.4.5.6, the City shall interpret the required right-of-way widths detailed in Section C.4.5.2 and Schedule C-2 – Future Road

Widenings, where applicable to denote only the basic requirement for the section of the road. Additional rights-of-way may be required at intersections to provide for exclusive turning lanes, daylight triangles and other special treatments to accommodate the optimum road / intersection geometric design. There may also be additional requirements for rights-of-way to provide lands for environmental considerations, the construction of bridges, overpasses, earth filled ramps, grade separations, depressed sections of roads, pathways, roundabouts, traffic control and transit priority measures, including rapid transit lanes and/or stations in accordance with Section C.4.5.7. Any such additional right-of-way requirements shall be determined at the time of design of the road facilities and shall become part of the total required right-of-way.”

Rymal Road East currently has a width of 37.1 metres whereas the ultimate width shall be 45.72 metres. The lands are also located along the S Line of the BLAST Transit Network, which encourages future redevelopment of lands to include full road widenings, as per Policy C.4.5.6.5. A road widening will be required to provide an ultimate width of 45.72 metres at the Site Plan stage.

#### Servicing

- “5.3.12 Water and wastewater systems shall be designed and constructed in accordance with the specifications and standards of the City, provincial guidelines, and other applicable standards, regulations and guidelines.
- 5.4 The City shall ensure that appropriate storm water management facilities are built and maintained to provide a safe and secure system for storm water.
- 5.4.2 Any new development that occurs shall be responsible for submitting a detailed storm water management plan prior to development to properly address on site drainage and to ensure that new development has no negative impact on off site drainage.”

The subject lands have full access to the City’s water and wastewater system. The applicant has submitted a Stormwater Management Report which will require revisions. Development Engineering staff have advised that the revisions can be addressed at the Site Plan Control application stage as the development can be accommodated within the municipal water and wastewater system. As well, detailed review of grading and sediment control will be a condition of the future Site Plan Control application.

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

### **Barnstown Neighbourhood Plan**

The Barnstown Neighbourhood Plan identifies the subject lands as “Single and Double”.

Policy F.1.2.8 in Volume 1 of the UHOP states:

“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.”

Policies F.1.1.3 and F.1.1.4 in Volume 1 of the UHOP further states:

“F.1.1.3 Amendments to this Plan, including secondary plans, shall be required to create, modify or expand land use designations and policies which do not comply with this Plan.

F.1.1.4 Amendments to this Plan shall be undertaken by the City:

- a) to update this Plan to reflect new provincial or municipal planning policies at the time of Official Plan Five Year review or other appropriate time through a City initiative; or,
- b) to update and streamline administration of municipal planning policies.”

The proposal for the expansion of a parking area at 389 Rymal Road East will require an amendment to the Neighbourhood Plan to Medium Density Apartments. Staff are of the opinion that an amendment the Barnstown Neighbourhood Plan constitutes good planning as the location is along a major arterial road on the periphery of the neighbourhood. The parking area will be supporting the existing retirement complex (Schlegel Villages) to the west. Staff support the amendment to the neighbourhood plan as the expansion will help ensure the long term viability of the retirement complex, while ensuring parking is maintained on site and does not spill over into the adjacent neighbourhood to the west.

### **Hamilton Zoning By-law No. 05-200**

The applicant has requested a change in zoning from the “AA” (Agricultural) District in the City of Hamilton Zoning By-law No. 6593 to the Major Institutional (I3, 43) Zone in the City of Hamilton Zoning By-law No. 05-200, in order to facilitate the expansion of a parking area onto lands located at 389 Rymal Road East (Hamilton), to support the existing development on the lands located to the east (Schlegel Villages). The Major Institutional (I3, 43) Zone permits the following special exceptions:

**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200, for lands located at 389 Rymal Road East (Hamilton) (PED17086) (Ward 7) - Page 12 of 15**

---

- A maximum building height of 37 metres;
- A minimum side yard of 0.65 metres;
- That an Educational Establishment shall not be required on the same lot as a medical clinic or multiple dwelling;
- Modification to the definition of a Lot;
- Permitting a parking lot to be located between the building facade and the front lot line facing Upper Wentworth Street;
- Modifications to the parking ratio for a retirement home; and,
- Permission to allow walkways and retaining walls within the required 3.0 metre planting strip.

Further evaluation of the proposed change in zoning is included in the Analysis and Rationale for Recommendation section of Report PED17086.

### **RELEVANT CONSULTATION**

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

**Transportation Management Division, (Public Works Department)** has requested that the ultimate right of way width of 45.72 metres be provided. Furthermore, staff has advised that the site design will need to comply with the AODA regulations to ensure safe pedestrian movement throughout the subject lands. The overall site design and road dedication will be addressed at the Site Plan Control Application stage.

**Forestry and Horticulture (Public Works Department)** has advised that the Tree Management Plan is approved with no amendments required and Forestry does not require a Landscape Plan due to the insufficient room for municipal trees within proximity to privately owned trees.

Planning staff note that Forestry and Horticulture comments address the trees and vegetation within the municipal right of way and an updated TPP and Landscape Plan will be a required as a condition of approval for the future Site Plan Control application to address the vegetation on the subject lands.

### **Public Consultation:**

In accordance with Council's Public Participation Policy, the proposal was circulated as part of the Notice of Complete Application to 205 property owners within 120 metres of the subject lands on December 7, 2016. A public notice sign was also established on-site on December 1, 2016 and updated on April 19, 2017 with the date of the Public Meeting. A neighbourhood information meeting was held on January 19, 2017. Notice of the Public Meeting was given, in accordance with the requirements of the *Planning Act* on May 19, 2017.

---

*OUR Vision: To be the best place to raise a child and age successfully.*

*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

*OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.*

**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200, for lands located at 389 Rymal Road East (Hamilton) (PED17086) (Ward 7) - Page 13 of 15**

---

The applicant submitted a Public Consultation Strategy as required under the *Planning Act*. The applicant provided mail notification to landowners within 120 metres of the subject lands for a Public Information Meeting which was held on Thursday, January 19, 2017.

To date, one public submission has been received, which requested to be informed of the public meeting related to the proposal (see Appendix “E” to Report PED17086).

## **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), as it represents an opportunity for growth in the Settlement Area, in a compact form providing for a mix of land uses.
  - (ii) It complies with the Urban Hamilton Official Plan.
  - (iii) The proposed development is compatible with existing land uses in the immediate area and represents good planning by, among other things, providing for the development of a complete community and enhancing and continuing the streetscape within the neighbourhood.
2. The implementing Zoning By-law will remove the lands from Hamilton Zoning By-law No. 6593, and rezone them to the Major Institutional (I3, 43) Zone. The applicant has requested a site specific change to the Hamilton Zoning By-law No. 05-200 that will be consistent with and in keeping with the existing Major Institutional (I3, 43) zoning of the lands to the east who will use the lands for additional parking. The implementing Zoning By-law will include the regulations of the existing site specific Major Institutional (I3, 43) Zone. Staff are supportive of the change in zoning as the proposed development is considered to be compatible with and complementary to the existing and planned development in the immediate area.

The following site specific special modifications to the Major Institutional (I3, 43) Zone are also required to revise deficiencies of the previous amendments:

- i) There is a typographical error in Section f) of Special Exception # 43 in Schedule C (subsection 2 f) of Amending By-law 12-083). The “notwithstanding” clause refers to Section 5.6 a) of Hamilton By-law 05-200 instead of the correct Section 5.6 c). Section 5.6 a) refers to the “Parking Schedules for All Downtown Zones”; however, the “I3” Zone is

---

*OUR Vision: To be the best place to raise a child and age successfully.*

*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

*OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.*

not in a downtown zone. As such, it is recommended that the Amending By-law correct this typographical error and state, “Notwithstanding Section 5.6 c) of this By-law, parking for a retirement home shall be provided at the rate of one parking space for every three bachelor units or every one-bedroom unit.”

- ii) Building staff’s review of the existing site specific regulations identified non-conformity with regards to the existing underground parking spaces. Lockers have been provided for tenants located along the wall of their parking space. The door opening for the lockers creates a deficiency in stall length and therefore a provision to the by-law will be added to identify this obstruction for the underground parking spaces. Staff are of the opinion that the existing deficiency will not negatively impact the vehicular movement within the underground parking area and the underground parking area will be able to function in the existing manner.

## **ALTERNATIVES FOR CONSIDERATION**

Should the applications be denied, the lands could continue to be used in accordance with the “AA” (Agricultural) District, which permits a single detached dwelling.

## **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

### **Strategic Priority #2**

Valued & Sustainable Services

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

### **Strategic Priority #3**

Leadership & Governance

*WE work together to ensure we are a government that is respectful towards each other and that the community has confidence and trust in.*

### **Strategic Objective**

- 3.1 Engage in a range of inter-governmental relations (IGR) work that will advance partnerships and projects that benefit the City of Hamilton.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A": Location Map  
Appendix "B": Zoning By-law Amendment to By-law No. 05-200  
Appendix "C": Site Plan  
Appendix "D": Overall Site Plan  
Appendix "E": Public Correspondence

MF:jp