



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

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| TO: | Chair and Members Planning Committee |
| COMMITTEE DATE: | June 20, 2017 |
| SUBJECT/REPORT NO: | Application for an Amendment to the Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 393 Wilson Street East (Ancaster) (PED17099) (Ward 12) |
| WARD(S) AFFECTED: | Ward 12 |
| PREPARED BY: | Delia McPhail (905) 546-2424 Ext. 6663 |
| SUBMITTED BY: | Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department |
| SIGNATURE: | |

RECOMMENDATION

That **Amended Zoning By-law Amendment Application ZAR-15-042 by Family Practice (Dixie) Ltd. (Owner)**, for a modification to the Village Area “VA” Zone to permit the development of a mixed use building, containing one ground floor commercial unit and six residential dwelling units above the ground floor, on lands located at 393 Wilson Street East, Ancaster, as shown on Appendix “A” to Report PED17099, be **APPROVED** on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED17099, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the Amending By-law, attached as Appendix “B” to Report PED17099, be added to Map No. 1 to Schedule B of Zoning By-law No. 87-57;
- (c) That the proposal 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; and,
- (d) That staff be directed and authorized to incorporate Recommendation (a) of Report PED17099 into the future housekeeping amendment to the Commercial and Mixed Use Zones, in accordance with the applicable provisions of the *Planning Act*.

EXECUTIVE SUMMARY

The proposed Zoning By-law Amendment to the Town of Ancaster Zoning By-law No. 87-57 is for a modification to the Village Area "VA" Zone to permit the development of a two and a half storey mixed use building, containing one ground floor commercial unit (53.08 sq m) and six residential dwelling units above the ground floor. Fifteen (15) parking spaces within an at-grade parking enclosure will be provided. A number of site specific modifications are proposed to implement the proposed development, in keeping with the configuration of the property and its location in the Ancaster Village Core.

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 26

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 lands are located in Ancaster, on the west side of Wilson Street East, near the intersection of Academy Street. The lands presently contain an existing single detached dwelling and accessory detached garage, both of which are proposed for demolition.

The initial concept proposed by the applicant was for the development of a three storey mixed use building with mansard roof, containing one ground floor commercial unit (53.08 sq m) and eight residential dwelling units above the ground floor, with 16 parking spaces provided on-site and 10 parking spaces provided off-site at 407 Wilson Street East. Following staff review, the proposal was considered by both the Hamilton Municipal Heritage Committee - Policy and Design Working Group and the Design

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Review Panel to be incompatible with the surrounding community in terms of its architectural design, lack of efficient pedestrian access and insufficient on-site parking.

The applicant revised the proposed concept plan, by simplifying the building form and materials to be more in keeping with the Urban Design Guidelines for the Ancaster Village Area, reducing the number of residential dwelling units from eight to six, and improving pedestrian access to the site (refer to Appendix “C” to Report PED17099).

Perspective drawings of the proposed building are included as Appendix “D” to Report PED17099 and depict a building that is both 10.8 metres in height and is consistent with the building typology approved for the Ancaster Village Core Area.

A Transportation Demand Management Report was submitted to address the proposed reduction in parking for the proposed development. Staff are satisfied that all parking can be accommodated on-site and that the proposal implements the intent of the Ancaster Wilson Street Secondary Plan.

The implementing By-law, attached as Appendix “B” to Report PED17099 proposes a change in zoning from the Village Area “VA” Zone to the Village Area “VA-684” Zone, Modified, to allow the development of a two and a half storey mixed use building, containing one ground floor commercial unit and six residential dwelling units above the ground floor, with the provision of 15 parking spaces within an at-grade parking enclosure on-site. Staff note that the implementing By-law, attached as Appendix “B” to Report PED17099, contains modifications to implement the proposed development to ensure the site design is both appropriate for the lot and sympathetic to the surrounding Village Core.

Chronology:

- July 30, 2015: Zoning By-law Amendment Application ZAR-15-042 received.
- August 28, 2015: Application deemed incomplete until an Urban Design Study was submitted.
- September 28, 2015: Application deemed complete.
- October 21, 2015: Public Notice Sign posted on the property.
- October 23, 2015: Notice of Complete Application and Preliminary Circulation is mailed to 106 property owners within 120 m of the subject lands.

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- November 2, 2015: Hamilton Municipal Heritage Committee - Policy and Design Working Group reviewed the Cultural Heritage Impact Assessment and identified compatibility issues.
- March 10, 2016: Design Review Panel recommended that the proposal be amended to address the building design, and to enhance pedestrian connections, in keeping with the Ancaster Wilson Street Urban Design Guidelines.
- August 10, 2016: Revised Concept Plan and Transportation Demand Management Report submitted.
- August 16, 2016: Revised application circulated to staff and commenting agencies.
- November 24, 2016: Revised Concept Plan and Transportation Demand Management Addendum submitted, following confirmation that shared access with adjacent owner (Bell Canada) is not possible.
- February 24, 2017: Revised Cultural Heritage Impact Assessment, Tree Protection Plan, Landscape Plan, and Noise Study submitted.
- May 24, 2017: Public Notice sign updated to reflect the Public Meeting date of June 20, 2017.
- June 2, 2017: Notice of Public Meeting given in accordance with the *Planning Act* to 107 property owners within 120 m of the subject lands.

Details of Submitted Application

- Owner/Applicant:** Family Practice (Dixie) Ltd.
- Agent:** T. Johns Consulting Group Ltd. (c/o Cheryl Selig)
- Location:** 393 Wilson Street East (Ancaster)

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.

As the application for a modification 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

The subject lands are identified as "Community Node" on Schedule "E" – Urban Structure Plan and are designated "Mixed Use Medium Density" on Schedule "E-1" - Urban Land Use Designation. The lands are located within the Ancaster Wilson Street Secondary Plan and are designated as "Mixed Use Medium Density - Pedestrian Predominant" within the Ancaster Village Core character area.

The following policies, amongst others, are applicable to the application for a zoning by-law amendment.

Intensification

"B.2.4.1.4 *Residential intensification* developments shall be evaluated based on the following criteria:

- a) a balanced evaluation of the criteria in b) through g) as follows;
- b) the relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;
- c) the development's contribution to maintaining and achieving a range of dwelling types and tenures;
- d) the *compatible* integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City

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encourages the use of innovative and creative urban design techniques;

- e) the development's contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;
- f) infrastructure and transportation capacity; and,
- g) the ability of the development to comply with all applicable policies.”

Policy B.2.4.1.4 provides evaluative criteria, when considering residential intensification throughout the Urban Area. The Ancaster Community Node is the historical centre of Ancaster, characterized as having an historical streetscape, traditional pedestrian circulation, with retail and service commercial uses, banks, offices and restaurants serving the residents of Ancaster. Staff are satisfied that the proposed development of a two and a half storey mixed use building containing one commercial unit and six residential dwelling units builds upon the existing neighbourhood character and is compatible with the use, form and character of the Ancaster Community Node, in terms of use, built form and pedestrian-orientation, in keeping with Policies B.2.4.1.4 b) and d). Furthermore, the proposal contributes to the provision of a range of dwelling types and tenures, as provided in Policy B.2.4.1.4 c), and there is sufficient infrastructure and transportation capacity to support the proposed development, as per Policy B.2.4.1.4 f). Finally, the proposal contributes to the function of a vibrant mixed use area within the Ancaster Community Node, which is in keeping with Policy B.2.4.1.4 e), above.

Natural Heritage

Policies concerning the protection and enhancement of natural areas and features within the Urban Area are found within Section C.2.0 of the UHOP.

In reference to Schedule B: Natural Heritage System, staff note that the subject lands do not contain any Core Areas (i.e. Environmentally Significant Areas, Areas of Natural and Scientific Interest, Significant Woodlands, wetlands and watercourses) or Linkages (natural areas that ecologically connect Core Areas) and there are no such areas adjacent to (within 120 m of) the subject property. Notwithstanding, Policy C.2.11.1 provides:

“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.”

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The Arborist's Report submitted with the subject application indicates that 13 trees may be impacted by the proposed development, nine of which will require protective fencing, prior to the commencement of any on-site works. Staff has reviewed and approved the proposed Tree Protection Plan, which will be implemented through the Site Plan Control process. Therefore, the above policy has been met.

Archaeology

The subject property has been identified as having archaeological potential, and as such, Policy B.3.4.4.2 applies:

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

- a) official plan amendment or secondary plan amendment unless the development proposed in the application in question or other applications on the same property does not involve any site alteration or soil disturbance;
- b) zoning by-law amendments unless the development proposed in the application in question or other applications on the same property does not involve any site alteration or soil disturbance; and,
- c) plans of subdivision."

In accordance with Policy B.3.4.4.2, a Stage 1-2 Archaeological Assessment (P018-0714-2015), dated May 27, 2015, has been submitted to the City of Hamilton with the subject application, as well as to the Ministry of Tourism, Culture and Sport. The report indicates that no cultural material was recovered during the investigation, and that the subject lands are free from concern and require no further assessment. On June 9, 2015, the Ministry issued a letter, indicating that the report had been entered into the public register. Staff concur with the report's findings that the provincial interest in archaeology has been met and have no further interest in the subject property with respect to archaeology.

Built Heritage

The subject property is adjacent to two properties that are individually designated under Part IV of the *Ontario Heritage Act* and are protected heritage properties under the Provincial Policy Statement, specifically 398 Wilson Street East (Marr House / Heritage

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Bookstore) to the east, and 375 Wilson Street East (George Brock Rousseau Stone House) to the south. Accordingly, the following policies apply:

- “B.3.4.1.3 Ensure that all new *development*, site alterations, building alterations, and additions are contextually appropriate and maintain the integrity of all on-site or *adjacent cultural heritage resources*.
- B.3.4.2.1 (i) Use all relevant provincial legislation, particularly the provisions of the *Planning Act* and all related plans and strategies in order to appropriately manage, *conserve* and protect Hamilton’s *cultural heritage resources*.
- B.3.4.2.12 A *cultural heritage impact assessment* shall be required by the City and submitted prior to or at the time of any application submission pursuant to the *Planning Act* where the proposed *development, site alteration, or redevelopment* of lands (both public and private) has the potential to adversely affect the following *cultural heritage resources* through displacement or disruption:
- a) Properties designated under any part of the *Ontario Heritage Act* or *adjacent* to properties designated under any part of the *Ontario Heritage Act*.
- B.3.4.2.14 Where cultural heritage resources are to be affected, the City may impose conditions of approval on any planning application to ensure their continued protection. In the event that rehabilitation and reuse of the resource is not viable and this has been demonstrated by the proponent, the City may require that affected resources be thoroughly documented for archival purposes at the expense of the applicant prior to demolition.”

In keeping with the above policies, a Cultural Heritage Impact Assessment was submitted with the proposal, and a subsequent response letter addressed the initial concerns raised by staff and the Cultural Heritage Committee – Policy and Design Working Group. In particular, the applicants were required to change the building typology and site design to be more contextually appropriate and characteristic of the Ancaster Village Core Area. Changes were made to the building’s roofline and improved connections were made to enhance the pedestrian experience. Staff concur that the building incorporate a brick façade and that the building envelope be brought closer to the street, to the extent practical, to suitably blend in with adjacent heritage properties, as well as the proposed new building under construction for the adjacent lands located at 385 Wilson Street East. Through the detailed design review of the Site Plan Control process, staff will require building elevations and materials to be in keeping with the historical context of the Village Core Area.

Noise

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

As the application is for a sensitive land use that fronts along a major arterial road, the applicant submitted a Noise Study and subsequent Addendum to identify and implement any noise mitigation measures / construction techniques that may be required for the residential component of the building. Necessary warning clauses have been identified to warn prospective purchasers / tenants of noise sources (including road traffic and commercial / industrial facilities nearby), which will be implemented through the Site Plan approval process, as well as the Condominium approval process, if applicable.

Ancaster Wilson Street Secondary Plan

In Volume 2, the lands are designated “Mixed Use Medium Density - Pedestrian Predominant” and fall within the Village Core Area of the Ancaster Wilson Street Secondary Plan. The following policies from Volume 2 are relevant to this proposal.

"2.8.6.1 Ancaster Community Node Policies

In addition to Section E.2.3.3 - Community Nodes of Volume 1, and the policies of this Secondary Plan, the following policies shall apply to the Ancaster Community Node shown on Appendix A - Character Areas and Heritage Features:

- a) The Ancaster Community Node shall be a focus area for growth, development, and intensification within the Ancaster Wilson Street Secondary Plan.
- c) Intensification and infill development shall be balanced with the heritage and historic character of Ancaster. Further guidance for incorporating heritage features, design, and overall character through infill and intensification is provided in the supporting Ancaster Wilson Street Urban Design Guidelines.
- e) Mixed Use, Commercial, and Institutional development and redevelopment is encouraged within the Village Core area, though the

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scale of development shall be consistent with the historic character of the area. The scale and design of buildings is detailed in Policy 2.8.12 of this Plan, and the supporting Urban Design Guidelines.

- f) Commercial and Mixed Use areas within the Community Node shall provide an important source of employment in the Ancaster Wilson Street Secondary Plan, and shall support the viability of the Ancaster Community Node and meet the daily needs of residents and visitors to Ancaster.
- g) The overall density for the Ancaster Community Node shall be 50 people and jobs per hectare.”

The proposed infill development is in keeping with Policies 2.8.6.1 a), c), e) and f) through the development of a mixed use building that will contribute to achieving the focus of residential and employment growth in the Ancaster Community Node, while respecting the scale and historical character of the Ancaster Village Core.

“2.8.8.2 General Commercial and Mixed Use Policies

In addition to Sections E.3.8 - Local Commercial and E.4.0 - Commercial and Mixed Use Designation of Volume 1, the following policies shall apply to all Commercial and Mixed Use designations identified on Map B.2.8-1 - Ancaster Wilson Street Secondary Plan: Land Use Plan:

- a) Commercial areas shall be developed in a co-ordinated and comprehensive manner.
- b) Vehicular access points along Arterial and Collector roads shall be limited, and regard shall be given to the sharing of access points, adequate internal traffic circulation, accommodation for active transportation, and adequate off-street parking, loading, and maneuvering facilities.
- c) Landscaping shall form an integral part of all development or redevelopment, and shall provide buffering from adjacent sensitive land uses.
- d) Mixed Use and Commercial uses fronting onto Wilson Street shall accommodate and plan for pedestrian amenities and the public realm.

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- e) Design of commercial buildings that discourage or limit pedestrian movement or access should be avoided.”

In order to address Policy 2.8.8.2 a), attempts were made by both the owner and staff to coordinate development and provide shared access between the subject lands and the lands to the south, which would also reduce the number of vehicular access points along this portion of Wilson Street, as per Policy 2.8.8.2 b). However, representatives of the adjacent owner (utility company) were unwilling to entertain any discussion on the matter. Notwithstanding, the proposed concept plan, attached as Appendix “C” to Report PED17099, provides a site design that will provide landscaping within the front yard and a concrete walkway, which will enhance the streetscape and encourage pedestrian movement, in keeping with Policies 2.8.8.2 d) and e), above.

“2.8.8.4 Mixed Use - Medium Density Designation

In addition to the policies of Section E.4.6 - Mixed Use - Medium Density Designation of Volume 1, for lands designated Mixed Use - Medium Density on Map B.2.8-1 - Ancaster Wilson Street Secondary Plan: Land Use Plan, the following policies shall apply:

- a) There shall be two primary commercial areas in the Ancaster Wilson Street Secondary Plan and Community Node which function as community focal points: the Village Core area and the Uptown Core area, as shown on Appendix A - Character Areas and Heritage Features. Retail uses shall be directed to these two primary Mixed Use areas.

Village Core Area

- g) The Village Core area, shown on Appendix A - Character Areas and Heritage Features, shall primarily consist of service and retail uses, as well as residential uses. The Village Core area shall serve the daily retail, commercial, and personal service needs for the Ancaster Community.
- h) Commercial facilities to be encouraged within the Village Core area may include retail stores, service commercial uses, banks, restaurants with sit-down service, and offices. The lands to be used for commercial purposes shall be those lands that front onto Wilson Street.
- i) The design of buildings and lands located in the Village Core area, shown on Appendix A - Character Areas and Heritage Features, are

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detailed in Policy 2.8.12.1 j) ii), and are further described in the supporting Ancaster Wilson Street Secondary Plan Urban Design Guidelines.”

Policy 2.8.8.2 a) identifies the Ancaster Village Core as one of the two primary commercial areas of the Ancaster Wilson Street Secondary Plan Area, and is intended to function as a community focal point in which retail uses are to be located. Although details are not presently known, the implementing By-law, attached as Appendix “B” to Report PED17099, permits retail uses, as well as a range of commercial uses that serve the daily needs of residents, as per Policies 2.8.8.4 g) and h). As will be discussed in the Urban Design Policies Section further below, staff are satisfied that the mixed use building will be in keeping with the Ancaster Wilson Street Secondary Plan Urban Design Guidelines, which are referenced in Policy 2.8.8.4 i).

“2.8.8.5 Pedestrian Predominant Streets

- a) Notwithstanding Policy 2.8.8.4 c), building height shall not exceed 2.5 storeys on Pedestrian Predominant Streets.
- c) Notwithstanding Policy E.4.3.4 b) of Volume 1, building setbacks may vary along Wilson Street, and parking, driveways, or lands shall be discouraged from being located between the buildings and the street.
- d) New development shall respect and reflect the existing heritage character of the Village Core, and shall be in accordance with Section B.3.4 - Cultural Heritage Resource Policies, in Volume 1 and Sections 2.8.12 and 2.8.13 of this Plan.
- e) Private and public parking areas are permitted on lands designated Mixed Use - Medium Density, and identified as Pedestrian Predominant Streets, subject to the following:
 - i) Parking areas shall be buffered from the street through the use of building placement or enhanced landscaping;
 - ii) The location of parking areas shall not negatively affect the pedestrian environment or access to buildings; and,
 - iii) Private and public parking areas are encouraged to provide for shared parking for several uses within the Village Core.”

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Policy 2.8.8.5 a) restricts the height of buildings on Pedestrian Prominent Streets, including Wilson Street East, to two and a half storeys. Although the proposed building is 10.8 metres in height, staff have reviewed floor plans submitted by the applicant that confirm the entire building meets the definition of two and a half storeys. Therefore, the proposal complies with Policy 2.8.8.5 a).

The Concept Plan, attached as Appendix "C" to PED17099, separates the on-site parking spaces from the street by an enclosed parking structure that is further set back than the commercial unit, in accordance with Policy 4.8.8.5 b). With respect to the requirements of Policy 4.8.8.5 e), the parking area is buffered from the street through building placement and pedestrian movement is clearly delineated by a concrete sidewalk, so as to avoid conflicts with vehicles. Finally, the proposal includes the sharing of visitor parking spaces between the residential use and the commercial use within the enclosed parking structure during regular business hours, when it is expected that the visitor parking spaces for the residential component are at least partially vacant.

"2.8.13.2 Special Character Roads

In addition to Section C.4.5.3 of Volume 1, the following policies shall apply to the portions of Jerseyville Road East, Wilson Street East, and Sulphur Springs Road, identified as Special Character Roads on Appendix A - Character Areas and Heritage Features:

- a) Special Character Roads are identified on Appendix A - Character Areas and Heritage Features and include:
 - iii) Wilson Street East from Rousseaux Street to Halson Street.
- b) The existing road cross-section, including existing mature vegetation fronting the street, shall be maintained, where feasible. Protection of trees may require unique approaches to grading and to the preservation of trees along the road.
- c) The existing character of these streets identified in Policy 2.8.13.2 a) shall be protected by minimizing changes to the existing road right-of-way and ensuring that development or redevelopment is compatible with, and sympathetic in design to the character of the existing streetscape."

Policy 2.8.13.2 a) indicates that this portion of Wilson Street is identified as a Special Character Road, which requires that the existing road cross-section be maintained and that development is compatible with and sympathetic to the character of the existing

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streetscape. Staff note that there is no existing vegetation in the front yard and that the proposed development will be compatible with the existing streetscape, in terms of setbacks and building typology, in keeping with Policies 2.8.13.2 b) and c), above.

Transportation Policies

"2.8.14.1 In addition to the policies of Section C.4.0 – Integrated Transportation Network of Volume 1, the following transportation policies shall apply to the Secondary Plan Area:

- d) Access to Wilson Street for development or redevelopment shall be via shared laneways or condominium roads, where possible, to contribute to an improved streetscape and urban character, while enhancing road safety by limiting multiple individual accesses onto Wilson Street.
- e) Notwithstanding C.4.5.2 c) vii) of Volume 1, on-street parking shall be encouraged on Wilson Street, where appropriate, to provide additional parking for area residents and businesses and to serve as a natural traffic calming method and provide a buffer between moving traffic and pedestrians.
- f) *Development or redevelopment* within the Ancaster Wilson Street Secondary Plan shall have regard for the Council-adopted Transit Oriented Development Guidelines."

The proposed development will contribute to an improved streetscape by bringing the building closer to the street edge with landscaping and concrete walkway for pedestrians. With respect to Policy 2.8.14.1 e), staff note that there are no opportunities for on-street parking within this portion of the Ancaster Village Core. However, the applicant has submitted a Transit Demand Options Report, which explores opportunities for the proposed development to encourage the use of alternative modes of transportation, such as the sharing of visitor parking spaces between the residential and the commercial use, as well as the provision of bicycle racks for long-term and short-term storage (add other incentives), in keeping with Policy 2.8.14.1 f). Staff are satisfied that the provision of parking spaces to be shared by the commercial and residential components of the development is appropriate and can be supported.

"2.8.14.2 In addition to Section C.4.3 - Active Transportation Network of Volume 1, the following policies shall apply to the entire Secondary Plan area:

- c) When *development or redevelopment* occurs, pedestrian amenities shall be required in order to promote a viable streetscape and

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encourage active transportation and a continuous street presence. Pedestrian amenities include, but are not limited to, street furniture, wayfinding signs, and paved walkways.

- d) An Urban Design Report shall be submitted as part of any *development or redevelopment*, and shall demonstrate how pedestrian amenities can be accommodated."

Following the proposal's review by the Heritage Committee - Policy and Design Working Group and the Design Review Panel, urban design and pedestrian amenities were addressed through the revised Concept Plan (Appendix "C" to Report PED17099), promoting active transportation and an animated street presence. Pedestrian amenities for the subject development include a clearly delineated concrete sidewalk and active transportation is encouraged by the provision of short and long-term bicycle storage facilities.

Urban Design

The Ancaster Wilson Street Secondary Plan contains a number of urban design policies regarding heritage and maintaining a high quality of design and aesthetics. A high quality of built form is required, and development and redevelopment is intended to contribute to the vitality and functionality of the Secondary Plan area.

"2.8.12.1 In addition to Section B.3.3 - Urban Design Policies of Volume 1, the following policies shall apply to lands within the Ancaster Wilson Street Secondary Plan and Community Node areas, as identified on Map B.2.8-1 Ancaster Wilson Street Secondary Plan: Land Use and Appendix A - Character Areas and Heritage Features:

- a) Development and redevelopment shall be consistent with the Ancaster Wilson Street Secondary Plan Urban Design Guidelines, and shall be sympathetic to adjacent building styles, features, and materials when adjacent to a designated or listed heritage building.
- c) For the purposes of maintaining community character and cohesive design, five Character Areas have been identified, as shown on Appendix A - Character Areas and Heritage Features. The five Character Areas shall include:
- ii) Village Core, located from Rousseaux Street to Dalley Drive, which is the traditional downtown of Ancaster consisting of retail, commercial, and mixed residential uses;

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- d) The Ancaster Wilson Street Secondary Plan Urban Design Guidelines further describe the design objectives, function, and design character of each Character Area.
- e) New development or redevelopment shall complement the distinct character, design, style, building materials, and characteristics, which define each Character Area.
- h) Development and redevelopment shall foster streets as interactive outdoor spaces for pedestrians.
- j) Two primary commercial mixed use areas have been identified within the Ancaster Wilson Street Secondary Plan and are part of the Community Node: the Uptown Core and Village Core, as shown on Appendix A - Character Areas and Heritage Features. The following policies shall apply to the Uptown Core and Village Core:
 - ii) The Village Core area, shown on Appendix A - Character Areas and Heritage Features, shall be consistent with the following design considerations:
 1. Notwithstanding Policy E.4.3.4 b) of Volume 1, for buildings fronting onto Wilson Street, setbacks may be varied, as per the character of the Village Core area;
 2. Buildings within the Village Core should incorporate historical building features and styles in order to encourage a village atmosphere and pleasant pedestrian experience, where feasible;
 3. Additional considerations to encourage the historic characteristics of the Village Core, including heritage styled signage and building façades, as described in the Urban Design Guidelines, should be given for any development or redevelopment;
 4. The Village Core area should express a strong heritage design character that invites pedestrians and encourages interaction; and,

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5. The heritage characteristic of the Village Core area can be strengthened through the use of a public walkway linking buildings and other land uses."

Staff are satisfied that the proposed development will be sympathetic to the historical character of the Ancaster Village Core, as promoted by the above policies. Revisions to the building's design that are intended to be finalized through Site Plan Control include the following: standardizing the proportions of the window openings along the garage enclosure, fenestration along the northerly and rear portion of the building, providing architectural detail to the soffit of the roofline, as well as altering the design and material used in the fencing. Finally, staff will require further review of the rolling garage door for the parking structure to ensure its design is in keeping with the character of the Village Core area, again as part of the Site Plan Control process.

Therefore, based on the above policy analysis, the proposal complies with the Urban Hamilton Official Plan.

Ancaster Wilson Street Urban Design Guidelines

The subject lands are located within the Village Core Character Area, and the intent of the design guidelines for this area is to enhance and promote its existing character, to preserve the identity of the community, and maintain the pedestrian scale of the corridor.

The applicant has submitted an Urban Design Brief to address the urban design policies of the UHOP, the Secondary Plan, and the Ancaster Wilson Street Secondary Plan Urban Design Guidelines. The following applicable guidelines apply to the proposal:

Design Intent

"The intent of the design guidelines for the Village Core Design District is to enhance and promote its existing character to preserve the identity of the community and maintain the pedestrian scale of the corridor. Primary elements of the guidelines that achieve this include:

- Building masses are compact and sited on individual lots with defined front and side yards;
- Building heights are limited to two and a half storeys with pitched rooflines;
- Building materials and details are simplified;

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- Walkability, pedestrian access and comfort is prioritized; and,
- Vehicle parking is located in connected rear lots.”

The building follows Typology A of the Village Core, which has a gabled roof that reflects the historical buildings in the district, as depicted in Appendix “D” to Report PED17099. The building is massed in such a way that the commercial unit is located in the front of the building on the ground floor, adjacent to Wilson Street East, while the second storey of that portion of the building comprises the common room(s) for building residents.

With reference to the Concept Plan, attached as Appendix “C” to Report PED17099, to the rear of the ground floor commercial unit there is pedestrian access to the enclosed ground level parking spaces, as well as the dwelling units that are located on the upper levels. A single door is provided on the front façade of the commercial unit to allow direct access to patrons, while a separate door to access the residential component of the building is provided along the southerly side, adjacent to the driveway.

Staff are satisfied with the current proposal for the purposes of rezoning the lands, particularly as a more detailed review of urban design matters will be undertaken at the Site Plan Control stage, which will include the requirement for the addition of windows / fenestration along northerly wall on ground floor (commercial unit and internal corridor). Although the Perspectives attached as Appendix “D” to Report PED17099 give the appearance of a three storey building in the rear, Building Services staff have reviewed the floor plans for the uppermost level and confirm that it is, in fact, a half storey.

Therefore, the proposed development is in keeping with the Ancaster Wilson Street Urban Design Guidelines for the Village Core Area, in terms of building height, architectural style, and functionality.

Ancaster Zoning By-law No. 87-57

The subject lands are currently zoned Village Area “VA” Zone in the Town of Ancaster Zoning By-law No. 87-57, as shown on Appendix “A” to Report PED17099. The Village Area “VA” Zone permits a range of commercial uses within commercial buildings, existing as of the date of the passing of Ancaster Zoning By-law No. 87-57 (on June 22, 1987). Similarly, the “VA” Zone only permits those residential uses existing as of the date of the passing of Ancaster Zoning By-law No. 87-57 (on June 22, 1987) and new residential uses are not permitted. Therefore a successful Zoning By-law Amendment Application is required to allow a new mixed use building on the subject lands.

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The proposed changes to the Zoning By-law will allow the development of a two and a half storey mixed use building, containing one ground floor commercial unit and six residential dwelling units above the ground floor, in accordance with the proposed Village Area "VA-684" Zone, Modified. The site-specific modifications to the Village Area "VA" Zone include the following:

Requested by Applicant

- Maximum lot coverage of 62%, whereas 50% is required;
- Minimum front yard of 3.0 metres, whereas 60 centimetres plus any applicable distance as specified in Schedule "C" to the By-law is required;
- Minimum rear yard of 12 metres, whereas 13 metres is required abutting a residential use;
- Maximum height of 10.8 metres, whereas 10.5 metres is permitted;
- Minimum landscaping of 30%, whereas there is no minimum requirement; and,
- To permit encroachments of 0.7 metres for eaves and gutters into the side yard, whereas an encroachment of 0.6 metres is permitted.

Incorporated by Staff

- Prohibits commercial uses that may result in potential conflicts between the sharing of visitor parking with the residential use, and other potential conflicts with residential uses (i.e., noise, parking generated and hours of operation); and,
- To permit a total of 15 parking spaces, of which 2 spaces per dwelling unit and 3 spaces for the commercial unit shall be required, as well as the sharing of the commercial spaces with residential visitor parking, whereas a total of 12 resident and 2 visitor parking spaces are required for the residential use and the number of parking spaces cannot be calculated for the commercial use (specific commercial use is not yet known).

These site specific zoning modifications were reviewed by staff and are further discussed under the Analysis and Rationale for Recommendation section below.

RELEVANT CONSULTATION

The following Departments and Agencies have no comments or objection to the application:

- Trails, Parks, and Open Space (Public Works Department);
- Capital Budget Project Coordination (Public Works Department);
- Recreation Division (Community and Emergency Services Department); and,
- Alectra Utilities (formerly Horizon Utilities).

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The following Departments and Agencies had comments on the application:

Forestry and Horticulture Section, Public Works Department staff are satisfied with the submitted Tree Management Plan and Landscape Plan and note that the Forestry By-law Conservation Officer shall be notified regarding the permit process for tree removal.

Corridor Management, Public Works Department advise that the neighbouring property to the south (385 Wilson Street East) is presently undergoing redevelopment (DA-14-107) and the owner of the subject lands will be required to coordinate the reinstatement of the driveway apron with the abutting landowner. The actual width of the driveway and curve radius should be illustrated on the drawings included in a future submission (i.e. Site Plan Control).

An Access Permit from the Public Works Department is required for any new or changes to existing accesses and, prior to commencing any work within the road allowance, staff recommend that the applicant / owner contact all the respective Utilities.

During construction, all vehicles, equipment, and materials must be kept on private property and cannot occupy the municipal sidewalk or roadway. Should occupancy be required, a permit must be obtained from the Corridor Management Section.

Transportation Management (Public Works) reviewed the submitted Transportation Demand Management Report and Addendum, dated July 2016 and November 2016, respectively, which explores opportunities for boosting transportation choices to justify the reduction to the number of parking spaces provided on the subject property. Among the recommendations included in the report, staff encourage the installation of a bicycle “fix-it” station that provides on-site tools and instructions for bicycle maintenance to promote cycling, and welcome packages to new residents that include transit routes, resident cycling facilities, and proximity of the subject lands to activity centres. Staff also suggest considering the provision of a dedicated vehicle and parking space for a carshare that would be accessible to tenants, as well as the local community.

Corporate Services Budgets staff noted that the owner must pay sewer local improvement commutation amount of \$40.37 as of Sept. 30, 2016 to the Finance Section of the Corporate Services Department, City Hall.

Design Review Panel advised that the building’s typology and construction materials be in keeping the Ancaster Wilson Street Urban Design Guidelines, and that the proposed development provide clear pedestrian connections between the residential and commercial components and Wilson Street East.

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Public Consultation

In accordance with the provisions of the *Planning Act*, and Council's Public Participation Policy, Notice of Complete Application and Preliminary Circulation for the Zoning By-law Amendment Application was sent to 106 property owners within 120 m. of the subject lands on October 23, 2015, and a Public Notice sign was placed on the property on October 21, 2015 and was updated with the Public Meeting date on May 24, 2017. One email was received from the public, requesting notification of when the proposed Zoning By-law Amendment becomes available for public inspection, but had no comments on the proposal. At the time of preparation of the staff report, no further correspondence from the public has been received.

As a result of an updated circulation list, Notice of the Public Meeting was given to 107 property owners within 120 m. of the subject lands on June 2, 2017, in accordance with the requirements of the *Planning Act*.

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 Ancaster Wilson Street Secondary Plan; and,
 - (iii) The proposed development is compatible with existing commercial and residential land uses in the immediate area and represents good planning by, among other things, providing for the development of a complete community.
2. The applicant has requested an amendment to the Ancaster Zoning By-law No. 87-57 to rezone the subject lands from the Village Area "VA" Zone to the Village Area "VA-684" Zone, Modified, in order to permit the construction of a mixed use building on the subject lands with one commercial ground floor unit and a maximum of six dwelling units above, as shown on the Concept Plan attached as Appendix "C" to Report PED17099.

The present Village Area "VA" Zone permits only those residential uses existing at the date of the passing of Ancaster Zoning By-law No. 87-57 (on June 22, 1987) and commercial uses within buildings uses existing at the date of the passing of Ancaster Zoning By-law No. 87-57 (on June 22, 1987). Staff note that the applicant has not specified the intended commercial use, but are satisfied that the

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proposed mixed use building will be in keeping with the policies of the Ancaster Wilson Street Secondary Plan. Therefore, the draft By-law, attached as Appendix “B” to Report PED17099, specifies that the commercial use is to be in keeping with those permitted within the Village Area “VA” Zone of Section 22.1, but prohibits those that possess potential conflicts with the mixed use nature of the building and the sharing of visitor parking spaces, such as medical clinics, private clubs (i.e. hours of operation, parking generated and noise).

Staff note that the proposed Mixed Use Medium Density – Pedestrian Focus (C5a) Zone to be incorporated in Hamilton Zoning By-law No. 05-200 will be applied to the subject lands does not restrict these commercial uses. However, staff have completed a comprehensive review of the subject proposal and have deemed it appropriate to prohibit said uses. Through a future Housekeeping Amendment to Hamilton Zoning By-law No. 05-200, a Special Exception will be added to the subject lands that will restrict the range of permitted uses to be consistent with those uses in the proposed implementing Zoning By-law, attached as Appendix “B” to Report PED17099.

Yard Requirements

Staff note that the proposed front yard setback of 3 m exceeds the minimum front yard setback of 1 m (i.e., 10 m, plus 60 cm from the centreline of Wilson Street East), required by Ancaster Zoning By-law No. 87-57. As the Ancaster Wilson Street Secondary Plan encourages varied setbacks, the proposed increase will promote a comfortable pedestrian environment, through the construction of a new building that is built close to the streetline, with a storefront and other active uses opening to the street. Staff are satisfied that enhanced landscaping and possible street furniture may be accommodated within the front yard to provide an enhanced pedestrian experience. As the subject lands abut a convent, which has a residential component to the use, the required rear yard setback of 13 m has been reduced to 12 m. Therefore, staff consider the proposed modifications to be minor in nature and supportable, given the site’s location within the Ancaster Village Core.

Encroachments into Yards

In addition, the applicant is seeking permission for the projection of eaves and gutters into the minimum side yard a distance of not more than 70 cm, whereas Section 7.12 (b) allows such features to project only 60 cm. Staff are satisfied that the increased projection can be supported as the modification is due to building design and is considered minor in nature.

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Lot Coverage

The effect of the above modifications results in the proposed development having a maximum lot coverage of 62%, whereas 50% is required. Staff are satisfied that the proposed development provides sufficient landscaping and drainage and respects the character of the Ancaster Village Core. Therefore, the proposed modification can also be supported.

Height

The maximum height of 10.8 m proposed by the applicant is slightly greater than 10.5 m, which is currently permitted in Village Area “VA” Zone. Although 10.5 m is typical of a three storey building, the applicant has provided floor plans to confirm that the upper level is consider a half-storey, thereby ensuring that the draft By-law implements the requirement of two and a half storeys, as specified in the Ancaster Wilson Street Secondary Plan. Staff supports the proposed height modification.

Parking Requirements

The proposed parking modifications will result in the minimum requirement of 15 parking spaces (two spaces per dwelling unit and three for the commercial unit, which may be shared with visitor parking for the residential use); whereas 14 (12 resident and two visitor) parking spaces are required for the residential component of the building. Staff note that the parking requirement for the proposed commercial use cannot be determined, since the specific use of the unit is unknown at this time. However, given the size of the proposed commercial unit (approximately 54 sq m), the highest known parking generator of the uses permitted in the Village Area “VA” Zone is a bank, which requires five parking spaces.

In support of the reduction in parking requirements, the applicant has submitted a TDM Report, which forecasts that nine vehicles are required for the residential component of the development, leaving six spaces for commercial and visitor use. However, staff deem it appropriate to provide a minimum of two parking spaces per dwelling unit and three parking spaces for the commercial unit, which may be shared with residential visitor parking. To facilitate shared parking, staff deem it appropriate to restrict the size of the commercial unit and to prohibit commercial uses that are high parking generators and have business hours extending beyond those of a typical retail use, such as a medical clinic and private clubs, so as to ensure there are no conflicts with visitor parking for the residential use. Additional modifications require that shared parking spaces are to be clearly marked and free and clear of any obstructions to be used by either use. Staff note that the future

condominium corporation may establish the hours within which the parking spaces will be used by the commercial use or the residential visitor parking.

Transit options available to residents, visitors, and patrons include Hamilton Street Railway (HSR) Route #16, which serves the Ancaster community, as well as Route #5, which offers bus service between Ancaster and central Hamilton. Staff are satisfied that the proposed parking arrangement and the transportation demand measures that will be implemented by the applicant, such as bicycle storage facilities, and the sharing of visitor parking spaces between the residential and commercial uses, facilitating reduced automobile dependency and providing sufficient parking for the proposed development. Staff are satisfied that the proposed development will encourage a broader range of uses and densities within the Ancaster Village Area to support transit and enhance the pedestrian experience.

Finally, staff note that there is a Hamilton Municipal Parking Lot located within the Ancaster Village Area, as well as on-street metered parking 50 m west of the subject lands along Wilson Street East, and that the proposed Mixed Use Medium Density – Pedestrian Focus (C5a) Zone to be incorporated in Hamilton Zoning By-law No. 05-200 that will be applied to the subject lands has reduced parking requirements.

Therefore, the modifications can be supported.

Landscape Coverage

With respect to landscaping, the Village Area “VA” Zone does not require a minimum landscape coverage. However, the applicant is proposing the addition of a minimum of 30% landscape coverage for the site. The applicant also proposes to amend the definition of “Landscaping” by adding reference to a transformer pad. As a transformer is typically installed by a utility company within a landscaped portion of the private property limits and may be screened from view, staff are satisfied that the proposed modifications are appropriate and can be supported.

3. The applicant has submitted a Functional Servicing Report (FSR), which identifies that the existing 200 mm water main, 200 mm sanitary sewer and 600 mm storm sewer along Wilson Street East can accommodate the proposed development. Staff are satisfied with the submitted FSR, for the purposes of the subject application. The FSR is proposing to control 1 in 100 year storm within the site using an underground storage tank to reduce the impact to surrounding lands. However, revisions to the FSR will be required through Site Plan Control, including updates to the expected water and wastewater equivalent population density from

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an eight to a six unit residential mixed use development, the replacement of the proposed orifice plate with a restrictor pipe to control storm flows, as well as on-site sewer back-up prevention measures will be required to reduce the sewer back up during the wet weather conditions.

Staff also note that, in addition to an updated FSR, site servicing, grading, erosion and sediment control plans will be reviewed at the Site Plan Control stage of development.

Finally, staff note that the ultimate right-of-way width of Wilson Street East is 66 feet (20.117m). Therefore, the applicant will be required to dedicate a right-of-way widening of 2.3 feet (0.700m) to establish the ultimate right-of-way width, which will be required through the Site Plan Control process and has been identified in the Concept Plan, attached as Appendix “C” to Report PED17099.

4. In accordance with Site Plan Control By-law No. 15-176, the future development of the proposed mixed use building is subject to Site Plan Control. The Site Plan process will review matters in greater detail, including grading, erosion and sedimentation control, stormwater management, servicing, road widening, landscaping, building elevations and materials, as well as the inclusion of warning clauses regarding noise.

ALTERNATIVES FOR CONSIDERATION

Should the application be denied, the subject lands could be used in accordance with the Village Area “VA” Zone, which would permit residential uses existing as of the date of the passage of Ancaster Zoning By-law No. 87-57 (on June 22, 1987) as well as commercial uses within buildings existing, as of the date of the passage of Ancaster Zoning By-law No. 87-57 (on June 22, 1987). An Urban Farm, Urban Farmer’s Market, and Community Garden would also be permitted, subject to the requirements of Ancaster Zoning By-law No. 87-57.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

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APPENDICES AND SCHEDULES ATTACHED

- Appendix "A": Location Map
- Appendix "B": Draft Implementing Zoning By-law Amendment
- Appendix "C": Concept Plan
- Appendix "D": Perspectives

DM:jp