



CITY OF HAMILTON
Planning and Economic Development Department
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	November 14, 2017
SUBJECT/REPORT NO:	Application to Amend the City of Hamilton Zoning By-law No. 6593 and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 952 – 954 Concession Street, (Hamilton) (Ward 6) (PED17193)
WARD(S) AFFECTED:	Ward 6
PREPARED BY:	Alana Fulford (905) 546-2424 Ext. 4771
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Amended Zoning By-law Amendment Application ZAR-17-010, by Sammani 786 Inc., Owner**, for a change in zoning from the “G-3” (Public Parking Lots) District (Block 1), and from the “G-4/S-1214a” (Designed Neighbourhood Shopping Area) District, Modified (Block 2), to the “G-4/S-1214b” (Designed Neighbourhood Shopping Area) District, Modified, in City of Hamilton Zoning By-law No. 6593, to permit a mixed use building containing an Animal Hospital (veterinary clinic) on the ground floor of the existing building, and three (3) residential dwelling units within a proposed second storey addition, on the lands located at 952 – 954 Concession Street, Hamilton, as shown on Appendix “A” to Report PED17193, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED17193, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the amending By-law, attached as Appendix “B” to Report PED17193, be added to Sheet E-35 of the District Maps of City of Hamilton Zoning By-law No. 6593; and,
 - (iii) That the proposed change in zoning complies with the Urban Hamilton Official Plan.

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- (b) That approval be given to add the lands located at 952 – 954 Concession Street, Hamilton, to Zoning By-law No. 05-200 and zone said lands Neighbourhood Commercial (C2, 657) Zone in Zoning By-law No. 05-200, subject to the following:
- (i) That the draft By-law, attached as Appendix “C” to Report PED17193, be held in abeyance until such time as the Commercial and Mixed Use Zones are in force and effect; and,
 - (ii) That staff be directed to bring forward the draft By-law, attached as Appendix “C” to Report PED17193, for enactment by City Council, once the Commercial and Mixed Use Zones are in force and effect.

EXECUTIVE SUMMARY

The purpose of this application is to rezone the subject lands from the existing “G-3/S-1214” (Public Parking Lots) District, Modified, and the existing “G-4/S-1214a” (Designed Neighbourhood Shopping Area) District, Modified, to “G-4/S-1214b” (Designed Neighbourhood Shopping Area) District, Modified, for the entirety of the subject property, to permit an Animal Hospital (veterinary clinic) on the ground floor of the existing commercial building, and to permit three (3) residential units within a proposed second storey addition. Ten (10) parking spaces are proposed. Of the ten (10) spaces proposed, four (4) spaces are for the residential use, five (5) spaces are for the commercial use, and one (1) space is for barrier free parking to be used for either the commercial or residential use. A number of site specific modifications are proposed to implement the proposed development.

The proposal has merit and can be supported as it is consistent with the Provincial Policy Statement, conforms to the Growth Plan for the Greater Golden Horseshoe (Growth Plan) and complies with the Urban Hamilton Official Plan (UHOP).

New Commercial and Mixed Use (CMU) Zones in Zoning By-law No. 05-200 have been developed. Certain lands, including the subject property, were excluded from the Draft CMU Zones as they were subject to existing planning applications. In anticipation of Council adoption of the CMU Zones, a draft by-law has been prepared with this report (attached as Appendix “C” to Report PED17193), to add the subject property into Zoning By-law No. 05-200 at such time as the CMU Zones are in force and effect. The draft by-law will be held in abeyance until the CMU Zones are in force and effect, at which time the by-law will be brought forward to City Council for enactment. The subject property is to be rezoned a modified Neighbourhood Commercial (C2) Zone. A number of site specific modifications are proposed to be carried forward from the “G-

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4/S-1214b” District in Zoning By-law No. 6593 to recognize site specific zoning permissions.

Alternatives for Consideration – See Page 31

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. As it pertains to this application, the Public Meeting is being held to consider amendments to both City of Hamilton Zoning By-law No. 6593 and Zoning By-law No. 05-200.

HISTORICAL BACKGROUND

Proposal:

The subject property presently consists of an existing one story commercial building approximately 395 sq m. in size, containing four separate commercial units. The plaza contains 15 parking spaces (10 spaces at a 90 degree angle, and 5 parallel parking spaces), and has primary access from Concession Street. There is a secondary access to the plaza from Upper Gage Avenue via a public alley located immediately to the south of the subject property (refer to Appendix “D” to Report PED17193).

The applicant intends to renovate the existing commercial building to accommodate a veterinary clinic (identified as an Animal Hospital in Zoning By-law No. 6593), on the ground floor of the existing building. The applicant has indicated that the veterinary practice will consist of two veterinarians along with support staff (veterinary technicians, assistants and reception staff), for a total of four to six staff at any given time. The floor plan for the veterinary clinic can be found as Appendix “E” to Report PED17193.

The initial proposal included a basement as part of the veterinary clinic operation. However, the basement portion of the proposal has since been removed as it pertains to the clinic operation, as the increase in the intensity of the use was deemed to be too significant given the existing site conditions, particularly the availability of parking. Thus, the veterinary clinic is to be contained within the ground floor of the existing building, with the basement (cellar) utilized for storage purposes only for the commercial use. The initial proposal also consisted of four (4) residential units within the new

second storey addition. Given the size of the subject property and the amount of on-site parking available, the number of residential units was reduced from four (4) to three (3) to reduce the intensity of the use.

The new second storey is proposed to accommodate three (3) residential units, each consisting of two bedrooms and ranging in size from 111.67 sq. m. to 118.64 sq. m. Access to these apartments is located on the east side of the building, through two access doors at either end of the building. The north access door will provide access to two units, while the south access door will provide access to the third unit. The second storey floor plan can be found in Appendix “E” to Report PED17193.

The proposed renovations include updates to the exterior of the building with updated materials and fenestration. The proposed building elevations can be found as Appendix “F” to Report PED17193.

Zoning By-law Amendment Application:

While the applicant initially proposed a modified “H” (Community Shopping and Commercial, etc.) District for the subject property to implement the development proposal, staff are recommending a modified “G-4” (Designed Neighbourhood Shopping Area) District for the subject property, which more suitably captures the local commercial intent of the subject lands. The By-law includes the regulations of the parent “G-4” (Designed Neighbourhood Shopping Area) District, the applicable provisions of the existing “G-4/S-1214a” (Designed Neighbourhood Shopping Area) District, Modified, and new site specific provisions to address a number of matters which are discussed in detail in the Analysis and Rationale for Recommendation section of the Report. More specifically, as the subject property is presently divided into two separate site specific zones, the draft By-law proposes to firstly, repeal the By-law in effect for the portion of the property with a modified “G-3” District and then rezone to a modified “G-4” District. Secondly, the By-law in effect for the remaining portion of the property zoned “G-4/S-1214a” District, is to be amended to permit the development proposal. The entirety of the property is to be zoned a modified “G-4/S-1214b” District.

Staff are also proposing an amending By-law for Zoning By-law No. 05-200, attached as Appendix “C” to Report PED17193, for a modified Neighbourhood Commercial (C2) Zone, in order to recognize the site specific permissions of the “G-4/S-1214b” (Designed Neighbourhood Shopping Area) District, Modified, as well as existing site conditions.

Chronology:

December 22, 2016: Submission of Zoning By-law Amendment Application ZAR-17-010 by IBI Group, on behalf of Sammani 786 Inc.

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January 9, 2017: Zoning By-law Amendment Application ZAR-17-010 deemed complete.

January 20, 2017: Circulation of Notice of Complete Application and Preliminary Circulation for Application ZAR-17-010 to 83 property owners within 120 m of the subject lands.

January 26, 2017: Public Notice sign erected on the subject property.

May 3, 2017: Neighbourhood Information Meeting

October 18, 2017: Public notice sign updated with Public Meeting Information.

October 27, 2017: Circulation of the Notice of Public Meeting to 83 property owners within 120 m of the subject lands.

Details of Submitted Application:

Location: 952 – 954 Concession Street, Hamilton (see Appendix “A” to Report PED17193)

Owner/Applicant: Sammani 786 Inc.

Agent: IBI Group (c/o Scott Arbuckle)

Property Description: Lot Frontage: 28 m (Concession Street)

Lot Depth: 30.480 m

Lot Area: 0.09 ha

Servicing: Full Municipal Services

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Commercial	“G-4/S-1214a” (Designed Neighbourhood Shopping Area) District, Modified and “G-3/S-1214” (Public Parking Lots) District, Modified.

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Surrounding Land Uses:

North	Neighbourhood Park – Mountain Drive Park	Neighbourhood Park (P1) Zone
South	Residential	“C” (Urban Protected Residential, Etc.) District
East	Residential	“C” (Urban Protected Residential, Etc.) District
West	Residential	“C” (Urban Protected Residential, Etc.) District and “D” (Urban Protected Residential – One and Two Family Dwellings, Etc.), District, Modified

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Policy Framework

The Provincial Planning Policy Framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS 2014). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS.

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, environmental protection and sensitive land uses) are reviewed and discussed in the Official Plan analysis that follows.

Staff note the 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.”

The subject property meets two (2) of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential:

- 1) Local knowledge associates areas with historic events / activities / occupations; and,
- 2) Along historic transportation routes.

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. At the Site Plan Control stage of development, a warning clause will be required in the Site Plan Undertaking to advise of the archaeological potential.

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

- Consistent with Section 3 of the *Planning Act*; and,
- Consistent with the Provincial Policy Statement.

Growth Plan for the Greater Golden Horseshoe (2017)

The subject lands are located within the built-up area, as defined by the Growth Plan. Section 1.2.1 of the Growth Plan outlines a number of Guiding Principles regarding how land is developed, resources are managed and protected, and public dollars are invested. The subject proposal conforms to these Guiding Principles in that:

- It supports the achievement of *complete communities* that are designed to support healthy and active living and meeting people's needs for daily living throughout an entire lifetime; and,
- It supports a range and mix of housing options to serve all sizes, incomes, and ages of households.

The Growth Plan is focused on accommodating forecasted growth in complete communities and provides policies on managing growth. The following policies, amongst others, apply:

"2.2.1.2 Forecasted growth to the horizon of this Plan will be allocated based on the following:

- a) The vast majority of growth will be directed to *settlement areas* that:
 - i. have a *delineated built boundary*;
 - ii. have existing or planned *municipal water and wastewater systems*; and,
 - iii. can support the achievement of complete communities.

2.2.1.4 Applying the policies of this Plan will support the achievement of *complete communities* that:

- a) feature a diverse mix of land uses, including residential and employment uses, convenient access to local stores, services, and *public service facilities*;
- c) provide a diverse range and mix of housing options, including second units and *affordable* housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes; and,
- d) expand convenient access to:
 - i. a range of transportation options, including options for the safe, comfortable and convenient use of *active transportation*;

The subject application proposes a mixed use development comprising both residential and commercial uses. The proposed residential units will enhance the housing options and complement the existing residential character of the neighbourhood. The proposed development supports the achievement of complete communities by proposing a mixed use development that utilizes existing infrastructure, including transit. Therefore, the proposal complies with the Growth Plan.

Urban Hamilton Official Plan (UHOP)

The subject lands are identified as “Neighbourhoods” on Schedule E – Urban Structure and designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations.

The following policies, amongst others, apply to the proposal:

- “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*;
 - b) open space and parks;
 - c) local *community facilities / services*; and,
 - d) local commercial uses.”

As the subject development is for residential dwelling units above local commercial in accordance with the uses permitted under Policy E.3.2.3, the subject application complies with the intent and purpose of the Neighbourhoods general policies.

- “E.3.2.4 The existing character of established Neighbourhoods designated areas shall be maintained. Residential intensification within these areas shall enhance and be compatible with the scale and character of the existing residential neighbourhood in accordance with Section B.2.4 – Residential Intensification and other applicable policies of this Plan.
- E.3.2.13 The City supports residential intensification on lands within the Neighbourhoods designation in accordance with Section B.2.4 – Residential Intensification Policies, F.1.14 – Division of Land, and other applicable policies.
- E.3.2.15 The City shall encourage the adaptive reuse of the existing building stock for appropriate land uses. Rezoning applications for new uses shall be evaluated to ensure compatibility with surrounding land uses.”

Analysis of the development proposal with respect to the residential intensification and compatibility policies of the UHOP can be found in the review of the applicable policies that follows.

Local Commercial

With respect to local commercial, the following policies apply:

“E.3.8 Local Commercial

E.3.8.1 Local commercial uses that primarily cater to the weekly and daily needs of residents within the surrounding neighbourhood may be permitted within the Neighbourhoods designation.

E.3.8.2 The following uses shall be permitted:

- a) retail and service uses such as a craftsperson shop, day nursery, commercial school, financial establishment, medical office, business office, professional office, motor vehicle service station, personal service, place of worship, repair service, restaurant, studio, art gallery, tradesperson shop, and veterinary service;
- b) medical offices or clinic, provided it has direct access to an arterial road and is adjacent to other local commercial uses; and,
- c) residential uses, in accordance with Policy E.3.8.10

E.3.8.4 Local commercial uses may be permitted in the following built forms:

- a) small single-use buildings such as those occupied by a convenience store or a medical office;
- b) a plaza form at varying scales containing multiple commercial uses;
- c) a main street configuration with multiple commercial uses; or,
- d) multiple storey buildings with the local commercial uses on the ground floor and residential units above.

E.3.8.5 The City shall encourage numbers and sizes of local commercial uses to adequately serve local residents.

E.3.8.8 Local commercial uses shall comply with the following provisions:

- a) The gross floor area for any individual office shall not exceed 500 square metres; and,

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- b) The total maximum gross floor area and height for a development located on a particular site shall be determined through secondary plans or corridor studies where applicable, and Zoning By-laws.

E.3.8.9 Development and redevelopment of local commercial uses shall:

- c) be compatible with the surrounding area in terms of design, massing, height, setbacks, on-site parking, noise impact, landscaping, and lighting.

E.3.8.10 Residential units located in the same building as local commercial uses shall generally be located above the ground floor. Some components of the residential use may be located in ground floor areas in the rear of buildings. All commercial space shall be located on the ground floor with the primary entrances to the commercial space through the principal façade of the building.”

The applicant is proposing to modify the existing site specific zoning on the subject property to permit a veterinary clinic, which is a permitted use within the Local Commercial designation. In addition, the applicant is proposing to renovate the existing building on the subject property to add three (3) residential units within a new second storey. Residential uses are permitted in the Local Commercial designation of the UHOP, in accordance with Policy E.3.8.10. The proposed development meets the intent of this policy and built form Policy E.3.8.4 d), by proposing the residential units on the second storey of the building. The design of the renovated building is intended to enhance the streetscape through façade treatment and fenestration along the street frontage. The relationship to the street is also enhanced by the location of the primary public entrance to the veterinary clinic off of Concession Street (with a secondary public entrance from the parking lot). The proposed design promotes compatibility with the surrounding residential built form of predominantly one and a half storey dwellings by proposing a two storey building with a flat roof typology which provides a more compatible building height and scale in relation to the surrounding built form.

Intensification

With respect to residential intensification, the following policies apply:

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

- a) a balanced evaluation of the criteria in b) through g) as follows;

- b) the relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;
- c) the development's contribution to maintaining and achieving a range of dwelling types and tenures;
- d) the *compatible* integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;
- e) the development's contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;
- f) infrastructure and transportation capacity; and,
- g) the ability of the development to comply with all applicable policies.

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

- a) the matters listed in Policy B.2.4.1.4;
- b) *compatibility* with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
- c) the relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;
- d) the consideration of transitions in height and density to adjacent residential buildings;
- e) the relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;
- f) the provision of amenity space and the relationship to existing patterns of private and public amenity space;

- g) the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;
- h) the ability to complement the existing functions of the neighbourhood;
- i) the conservation of *cultural heritage resources*; and,
- j) infrastructure and transportation capacity and impacts.”

In reviewing Section B.2.4, it is noted that the subject development is a permitted form of residential intensification within the built-up area, whereby 40% of the residential and employment intensification target is anticipated to occur within Neighbourhoods.

Further, the proposed residential units contribute to achieving a range of dwelling types for the community, and the proposed two storey building design and scale are integrated in a way that has considered the local context. The proposed residential units are considered a complementary addition to the existing commercial use of the property, given the predominantly residential character of the surrounding area. The surrounding neighbourhood consists of mainly single detached dwellings of one and one and a half storeys in height, with a mix of single detached dwellings and mid-rise apartment buildings heading west from the subject property along Concession Street. The proposed two storey height of the building is considered of an appropriate scale vis-à-vis the existing adjacent residential development, with matters such as shadowing and overlook reduced given the separation that exists to the nearest residential dwellings because of the parking lot location and public alley adjacent to the south end of the subject property. Design matters are discussed further in the review of design policies that follows. Finally, infrastructure capacity has been deemed sufficient (as discussed in the Analysis and Rationale for Recommendation section of this Report).

Design

“B.3.3.2.3 Urban design should foster a sense of community pride and identity by:

- a) respecting existing character, development patterns, built form, and landscape;
- b) promoting quality design consistent with the locale and surrounding environment;

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- f) demonstrating sensitivity toward community identity through an understanding of the character of a place, context and setting in both the public and private realm;

B.3.3.2.6 Where it has been determined through the policies of this Plan that *compatibility* with the surrounding areas is desirable, new *development* and *redevelopment* should enhance the character of the existing environment by:

- a) complementing and animating existing surroundings through building design and placement as well as through placement of pedestrian amenities;
- d) complementing the existing massing patterns, rhythm, character, colour, and surrounding context; and,”

With respect to built form, the following policies are referenced:

“B.3.3.3.5 Built form shall create comfortable pedestrian environments by:

- b) including ample glazing on ground floors to create visibility to and from the public sidewalk;”

The proposed development maintains a relationship with the existing neighbourhood character and is an appropriate built form within the predominantly residential area. The proposed residential units are considered a complementary addition to the existing commercial use of the property, given the residential site context. The proposed building façade will be a significant improvement to that of the present building. The proposed elevations, illustrated in Appendix “F” to Report PED17193, include improvements to the façade treatment, wall articulation and architectural details, and fenestration along the street frontage to improve the building’s relationship to the street. Primary access to the veterinary clinic is proposed from both the parking lot and Concession Street which improves the interaction with the street frontage. Finally, the flat roof design proposed offers more compatibility with the surrounding context in terms of scale and height than the sloped roof typology which was originally proposed in the building design.

Design matters related to façade treatment, wall articulation and architectural detail will be addressed in more detail and incorporated into the design at the Site Plan Control stage of development.

Noise

Policy Section B.3.6.3.1 of Volume 1 of the UHOP requires that:

“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.

B.3.6.3.2 Any required noise or vibration study shall be prepared by a qualified professional, preferably a professional engineer with experience in environmental acoustics, in accordance with recognized noise and vibration measurement and prediction techniques, to the satisfaction of the City, and in accordance with all applicable guidelines and standards.”

HGC Engineering prepared a noise feasibility study titled “*Noise Feasibility Study Proposed Mixed Use Development, 952 and 954 Concession Street, Hamilton, Ontario*” dated December 21, 2016, in support of the proposed development. The study reviewed the acoustic requirements for this development with respect to traffic on Concession Street and Upper Gage Avenue and rooftop air conditioning units. Based on the results of the study, warning clauses, air conditioning units and possibly specific building components will be required. At the Site Plan Control stage of development, an addendum to the noise feasibility study will be required to address the specific building materials and any other updates resulting from the final site plan. At the Site Plan Control stage, the required warning clauses and any specific building component highlighted in the study will be implemented.

Based on the foregoing, staff are of the opinion that the proposed development complies with the policies of the Urban Hamilton Official Plan noted above.

Road Widening

“E.3.2.11 To maintain existing neighbourhood character and to provide for pedestrian friendly environments, reduced right-of-way widths may be permitted in accordance with Section C.4.5 – Roads Network.

C.4.5.6.5 Notwithstanding Policies C.4.5.6, C.4.5.6.1, C.4.5.6.3, and C.4.5.7, and in addition to Policy C.4.5.3, the City may waive or accept less lands to be dedicated than the maximum road widening and/or daylighting triangle requirements where, in the opinion of the City:

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- a) It is determined through a development planning approval process that due to significant adverse impacts on:
- i. existing built form;
 - ii. natural heritage features;
 - iii. an existing streetscape; or,
 - iv. a known cultural heritage resource;

it is not feasible or desirable to widen an existing road allowance to the maximum road widening or provide the full daylight triangle as set in Section C.4.5.2, Schedule C-2 – Future Road Widening, or Section C.4.5.7, and that the City’s objectives for sustainable infrastructure, complete streets and mobility can be achieved; or,”

In accordance with UHOP Policy C.4.5.2 d), the basic maximum right-of-way widths for Minor arterial roads shall be 36.576 metres. Both Concession Street and Upper Gage Avenue are identified as Minor arterial roads. Furthermore, in accordance with UHOP Policy C.4.5.7 c), a daylight triangle at the intersection of an arterial to arterial road shall generally be 12.19 m x 12.19 m.

The subject site does not comply with the road widening and daylight triangle policies of the UHOP given the location of the existing building on the property. Currently, both Concession Street and Upper Gage Avenue have a right-of-way width of 20.1 m at the subject property, whereas the basic maximum right-of-way width for a Minor arterial road is 36.576 metres.

Should an application for development request to be exempted from the road widening requirements and daylight triangle requirements of the UHOP, a Right of Way Impact Assessment must be submitted, providing rationale as to why road widening cannot be taken by demonstrating significant adverse impacts to one or more of the four criteria contained in the Right of Way Impact Assessment Guidelines. On January 10, 2017, a Right of Way Impact Assessment completed by IBI Group, was submitted, identifying the existing building location as the factor preventing the dedication of land for road widening purposes. Given that the existing building occupies the area to be dedicated for road widening purposes, the impacts on existing built form criteria is satisfied and thus the road widening and daylight triangle requirements can be waived.

RELEVANT CONSULTATION

The following Departments had no comments or objections to the application:

- Recreation Division, Community and Emergency Services Department;
- Landscape Architectural Services, Strategic Planning Division, Public Works Department;
- Operations Division, Public Works Department;
- Asset Management, Strategic Planning Division, Public Works Department; and,
- Construction Services, Strategic Planning Division, Public Works Department.

Forestry and Horticulture Section, Public Works Department have advised there are no municipal tree assets on site. Therefore, a Tree Management Plan is not required. Furthermore, there is insufficient area for street tree plantings and therefore, a Landscape Plan is not required.

Corridor Management, Public Works Department have advised that the alley located in the rear is classified as public unassumed. Access cannot be guaranteed at all times. Further, an Access Permit from the Public Works Department is required for any new or changes to existing accesses. This matter will be addressed at the Site Plan Control stage of development.

Transportation Planning Section, Corporate Assets and Strategic Planning Division, Public Works Department made reference to the UHOP road network functional classification policies respecting road widening and daylight triangle requirements. As discussed previously, road widenings and a daylight triangle will not be required. Sidewalks internal to the site are required to be a minimum of 1.5 metres in width. The proposed Site Plan, shown as Appendix “D” to Report PED17193, has incorporated a 1.5 metre wide concrete sidewalk along the west side of the existing building, adjacent to the commercial entrances. This design criteria will be reviewed further through the Site Plan Control process.

Public Health Services (Healthy Living Division), Public Works Department recommended the provision of secure, indoor bicycle parking storage spaces for tenants and employees, as well as visible, well-lit, short-term bicycle parking for visitors / customers. Further, it was recommended that end-of-trip amenities for employees – e.g., showers, change rooms, be considered, and travel planning resources be provided to residents and employees e.g. Hamilton Street Railway information. The recommendations were provided to the applicant for further consideration. Site design matters will be addressed at the Site Plan Control stage of development.

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Niagara Escarpment Commission (NEC) indicated the subject property is designated “Urban Area” under the Niagara Escarpment Plan (NEP) but outside the limits of Development Control under the *Niagara Escarpment Planning and Development Act* (NEPDA). A mixed use property housing a veterinary clinic and second storey residential dwellings is considered a permitted urban use subject to conformity with the Urban Hamilton Official Plan and City of Hamilton Zoning By-Law No. 6593.

NEC staff notes the following Development Criterion under Part 2.2 of the NEP:

“2.2.4 – Any development should be designed and located in such a manner as to preserve the natural, visual, and cultural characteristics of the area.”

For the subject application, the protection of the visual characteristics of the nearby Escarpment Natural Area to the north (escarpment brow) would be needed to be ensured as the height of the proposed structure will be taller than the existing use on site. NEC staff have reviewed the provided site plan and have concluded that a two storey structure would not negatively impact the visual characteristics of the escarpment given the relative distance from the brow as well as the existing character of the surrounding neighbourhood. Based on the above review, NEC staff have no objection to the Zoning By-law Amendment application.

Alectra Utilities (formerly Horizons Utilities) advised of the following:

- Minimum 4 metre horizontal clearance from existing O/H line(s) must be maintained at all times as per Horizon Utilities Standard 3-105;
- Relocation, modification, or removal of any existing hydro facilities shall be at the Owner’s expense; and,
- NOTE: This building addition may encroach on the Horizon Utilities 4 metre primary wire clearance.

Further discussions took place between the applicant and Alectra Utilities resulting in resolution on the matter of primary wire clearance. In correspondence dated September 14, 2017, Alectra Utilities confirmed that the affected wires and transformer will be relocated to a safe distance from the proposed second storey addition to the existing building on the subject property, in compliance with their 4 metre primary wire horizontal clearance requirement.

Alectra Utilities also noted that: excavation should not occur within 2.0 m of hydro poles and anchors; excavation within 1.0 m of an underground hydro plant is not permitted unless approval is granted by a Alectra Utilities representative and is present to provide direct supervision. Costs associated with this task shall be at the Owner's expense;

Alectra Utilities must be contacted if the removal, isolation or relocation of an existing plant is required, all costs associated with this work will be at the owners expense; the arrangement for underground hydro cable locate(s) should occur before the beginning of construction; and, clearances from overhead and underground existing electrical distribution system must be maintained.

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 83 property owners within 120 m of the subject property on January 20, 2017 for the proposed Zoning By-law Amendment application.

A Public Notice Sign was posted on the property on January 26, 2017, and updated on October 18, 2017, with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on October 27, 2017. One letter has been received from the public through this circulation to date, and is attached as Appendix “G” to Report PED17193 and summarized in the Analysis and Rationale for Recommendation Section of this Report (Item No. 8).

Public Consultation Strategy

As part of the complete application submission requirements, a Public Consultation Strategy was developed for the development proposal. The Strategy indicated that the need for a neighbourhood information meeting would be established in consultation with the Ward Councillor. The Strategy further outlined who would receive notice of the information meeting and what information would be presented. Upon consultation with the Councillor, a neighbourhood meeting was committed to and held on May 3, 2017. Approximately eight residents attended the meeting. A summary of the neighbourhood meeting can be found in the Analysis and Rationale for Recommendation Section of this Report (Item No. 6).

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - (i) It implements the intent and purpose of the Urban Hamilton Official Plan;
 - (ii) The proposed development is compatible with the existing predominantly residential land uses in the immediate area and represents good planning

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by, among other things, providing for the development of complete communities;

- (iii) The proposed modifications to the site specific zoning are considered to be compatible with the existing development in the surrounding area; and,
 - (iv) It is consistent with the Provincial Policy Statement, and conforms to the Growth Plan for the Greater Golden Horseshoe (Growth Plan) which encourages the development of complete communities within built-up areas.
2. The purpose and effect of this application is for a change in zoning from the existing “G-3/S-1214” (Public Parking Lots) District, Modified, and the existing “G-4/S-1214a” (Designed Neighbourhood Shopping Area) District, Modified, to the “G-4/S-1214b” (Designed Neighbourhood Shopping Area) District, Modified, for the entirety of the subject property, to permit an Animal Hospital on the ground floor of the existing commercial building, and to permit three (3) residential units within a second storey addition. The existing site specific zoning includes provisions for:
- An expanded set of Commercial uses permitted within the existing building;
 - Commercial uses that are prohibited; and,
 - Performance standards including front yard, landscaped planting strip, and visual barriers.

These existing site specific permissions will continue to apply to the subject lands.

The proposed modifications to the “G-4” (Designed Neighbourhood Shopping Area) District required to implement the proposed development are as follows:

- Permit Animal Hospital and Residential uses;
- Recognize existing conditions of non-compliance with the Zoning By-law, which include area requirements, encroachments into required yards, parking area requirements, and access driveway location;
- Reduce the landscape requirements (planting strip); and,

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- Reduce the parking space size requirement (length).

In addition, staff are proposing the following additional amendments to the Zoning By-law Amendment application as submitted:

- Prohibit cremation as part of the Animal Hospital use;
- Restrict commercial uses to the ground floor of the building;
- Restrict the use of the basement (cellar) to storage for the commercial uses only;
- Permit up to three (3) dwellings units in the same building with a commercial use;
- Require the residential use to be located above the ground floor and further require that the gross floor area of the building used for dwelling units does not exceed the gross floor area used for commercial purposes; and,
- Permit shared parking between the required visitor parking space and the commercial use.

Given the local commercial nature of the site and the surrounding residential character of the immediate neighbourhood, a further modified “G-4” (Designed Neighbourhood Shopping Area) District is considered appropriate and most closely aligns with the existing commercial uses permitted and the proposed Animal Hospital and Residential uses. As discussed in the Policy Implications and Legislated Requirements section of the Report, the proposed uses meet the policy intent of the Local Commercial designation.

The implementing by-law will continue to require the regulations of the parent “G-4” (Designed Neighbourhood Shopping Area) District and the applicable provisions of the existing “G-4/S-1214a” (Designed Neighbourhood Shopping Area) District, Modified, and will include new site specific provisions, which are discussed in detail below.

Commercial Use

The Zoning By-law Amendment proposes that an Animal Hospital be introduced as a permitted use in the modified site specific zoning. While Animal Hospital is not a defined term in City of Hamilton Zoning By-law No. 6593, it is a use permitted in certain districts within the Zoning By-law. While the use is to be permitted in the amending Zoning By-law, staff do not recommend that a definition be introduced to the site specific zoning to be consistent with how the use is treated within the area subject to Zoning By-law No. 6593.

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Given the site context within a predominantly residential neighbourhood and in consideration of the appropriate intensity of use, it is recommended that cremation as a component of the Animal Hospital be prohibited. The applicant is agreeable to this recommendation. Staff are thus recommending that an Animal Hospital, excluding cremation, be permitted in the modified site specific zoning.

The commercial uses that are permitted in the existing site specific zoning (G-4/S-1214a) and will continue to be permitted are:

- The commercial uses permitted in the parent “G-4” (Designed Neighbourhood Shopping Area) District;
- A business or professional person’s office;
- A judo/karate club;
- A florist;
- A drapery and blinds store;
- A pet store;
- A self-service laundry; and,
- A restaurant or refreshment room without dancing or other entertainment except music, with a maximum seating capacity of 25 seats.

Staff are recommending that the current commercial uses permitted and the proposed Animal Hospital use be restricted to the ground floor of the building, recognizing the intended functionality of mixed use buildings within the Local Commercial designation, with commercial uses on the ground floor and residential units above. Correspondingly, the Zoning By-law Amendment proposes to restrict residential uses to the upper storey of the building. Further, staff are recommending that the basement of the building (defined as a cellar in Zoning By-law No. 6593 and Zoning By-law No. 05-200 as it pertains to the existing building), be limited to storage for the commercial uses only, in consideration of the appropriate intensity of use for the subject property, given the site conditions and surrounding context.

Residential Use

The Zoning By-law Amendment proposes to introduce residential as a permitted use in the modified site specific zoning. As discussed previously, Residential uses are contemplated in the Local Commercial policy context with local commercial uses located on the ground floor and residential units above. The Zoning By-law Amendment application proposes three (3) residential units within the new second storey building addition. As previously discussed, while four (4) residential units were initially proposed, three (3) residential units is considered

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more appropriate given the site constraints in the provision of parking spaces and the overall appropriate intensity of use on the subject property. On this basis, the amending Zoning By-law will permit up to three (3) dwellings units in the same building with a commercial use permitted in the district. Furthermore, in keeping with the policy intent of the Local Commercial designation of the UHOP, the residential use will be required to be located above the ground floor of the building and shall not exceed the gross floor area used for commercial purposes.

Intensity of Use

The subject property is lot of record without sufficient area and width to meet the requirements of the Zoning By-law. However, it is recognized as a non-conforming existing lot of record so no further action is required.

Area Requirements

The existing building on the subject property does not meet the area requirements of the Zoning By-law for front yard depth, rear yard depth, and side yard depth (east). These non-complying provisions represent existing situations which are not changing as a result of the proposed development. The draft By-law will address these matters through site specific provisions.

Encroachment into Required Yards

The existing building does not meet the provisions of the Zoning By-law that regulate encroachments into required yards due to the proximity of the existing building vis-à-vis the front and side (east) property lines. In order to recognize existing and new features extending from the building that will encroach into the required yards, such as steps, second storey Juliette balconies, and other architectural features, the draft by-law will introduce site specific provisions to permit these encroachments into the required front yard and easterly side yard. Staff note that the building is located on the rear property line and thus, the encroachment provisions of the Zoning By-law are not applicable. Staff are supportive of these site specific modifications given the existing site conditions. As discussed under Item No. 7 to this section, at the Site Plan Control stage of development, the Owner will be required to enter into an encroachment agreement with the City for any features that project into the municipal right-of-way.

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Landscape Requirements

The applicant is proposing a planting strip of between 0.97 m and 1.06 m in width along the westerly lot line which abuts a residential district, whereas the Zoning By-law requires a planting strip of not less than 1.5 m in width be provided. It is noted the southerly lot line abuts a public alley and thus is not considered to abut a residential district. While deficient, the proposed planting strip is considered an improvement to the existing site conditions where no planting strip is provided between the fence along the western lot line, and the parking lot. The Zoning By-law further requires a landscaped area between any parking space and the street line with a minimum average width of 2 m but not less than 1 m in width. No landscaped area is proposed between the parking area and the abutting street line (Concession Street). This represents an existing situation that is being maintained through the development proposal, given the existing site constraints. If the proposed development was to comply with this provision of the Zoning By-law, it would necessitate the loss of parking spaces. The overall improvements to the site that are anticipated through this development proposal will improve site functionality and standards. For these reasons, and given the site size constraints, staff are supportive of these proposed modifications.

Parking

The applicant is proposing to provide a parking space size of 2.75 m in width by 5.8 m in length, whereas the Zoning By-law requires a parking space size of 2.7 m in width by 6.0 m in length. Working with the subject property size constraints, the applicant has attempted to provide a parking space size that is close to the minimum parking space size requirements of the Zoning By-law, such that the width of the parking spaces proposed now exceeds the Zoning By-law requirement. Staff are satisfied that the proposed parking space size will not have a negative impact on the functionality of the parking lot and thus consider the proposed modification to be minor in nature and supportable.

There are a number of further modifications to the Zoning By-law that represent existing situations. The parking area is located closer than 1.5 m to the adjoining residential district to the west, and is closer to the street line (Concession Street) than the required 6.0 m for that portion of the parking area within 3.0 m of the adjoining residential district. Further the parking lot access off of Concession Street is located less than the required 3.0 m from the adjacent residential district. As the location of the parking lot and access location are not being changed through this application, and given that a planting strip is being proposed between the parking area and the adjacent residential district to the

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west whereas no planting strip currently exists, staff are supportive of modifications that will reduce the required distance between the parking area and the residential district to the west to 0.97 metres, remove the minimum distance requirement between the parking area and the street line to the north, and remove the minimum distance requirement between the access driveway off of Concession Street and the boundary to the residential district to the west.

Finally, staff are proposing a modification to the Zoning By-law to permit shared parking between the one (1) required residential visitor parking space, and the commercial parking spaces. The Zoning By-law Amendment application proposes a total of 10 parking spaces, one of which is a barrier-free parking space. The proposal meets the Zoning By-law parking requirements by providing four (4) parking spaces for the residential use (one space per residential unit plus one visitor parking space), and five (5) parking spaces for the commercial use. The Zoning By-law requires one (1) parking space per 31.0 sq. m. in excess of 450 sq. m. As the proposed Animal Hospital is 395 sq. m. in size, this use does not require parking. Staff note that the basement of the existing building is defined as a cellar in Zoning By-law No. 6593. A cellar is excluded when determining total floor area for the purpose of calculating required parking spaces.

The initial application submission proposed the Animal Hospital on both the ground floor and within the basement (cellar) of the existing building, which would have resulted in an intensity of use and potential parking demand beyond what could be provided on site. With this in mind and with further consideration of the nature of the proposed use, staff requested a parking analysis be completed to provide justification for the proposed scale of the use and resulting parking deficiency. A Parking Review was completed by IBI Group (dated June 16, 2017). Parking matters are discussed in more detail under Item No. 4 below. The applicant submitted a revised proposal which reduced the proposed Animal Hospital to the ground floor, with the basement (cellar) utilized for storage for the Animal Hospital only, and reduced the number of residential units from four to three, thereby reducing the parking demands on site. However, given the potential parking utilization generated by the Animal Hospital and given the off-set hours of use between the commercial and residential uses, staff are proposing that the required residential visitor parking space be shared with the commercial parking spaces. Additional modifications will be introduced to the site specific zoning requiring that shared parking spaces be clearly marked and free and clear of any obstructions to be used by either use.

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For the reasons detailed above, staff are satisfied that the proposed modifications to City of Hamilton Zoning By-law No. 6593 are reasonable and can be supported.

3. The subject lands will be incorporated into Zoning By-law No. 05-200 once the Commercial and Mixed Use Zones of Zoning By-law No. 05-200 are in force and effect. A draft by-law has been prepared to add the subject lands to Zoning By-law No. 05-200 and establish a modified Neighbourhood Commercial (C2) Zone, and will be held in abeyance until the Commercial and Mixed Use Zones are in force and effect, at which time the draft by-law will be brought forward to City Council for enactment.

The implementing By-law for Zoning By-law No. 05-200 attached as Appendix “C” to Report PED17193, proposes a modified Neighbourhood Commercial (C2) Zone, in order to recognize the site specific permissions of the “G-4/S-1214a” (Designed Neighbourhood Shopping Area) District, Modified, and the “G-4/S-1214b” (Designed Neighbourhood Shopping Area) District, Modified, as well as existing site conditions. The proposed modifications are as follows:

- Permit a martial arts club (to recognize the judo / karate club use permitted in the existing site specific zoning);
- Permit a restaurant, with a maximum seating capacity of 25 seats (to recognize the existing site specific zoning);
- Permit a Veterinary Service, excluding cremation (to recognize the amended site specific zoning). Note: City of Hamilton Zoning By-law No. 05-200 defines the use as Veterinary Service while City of Hamilton Zoning By-law No. 6593 employs the term Animal Hospital;
- Prohibit an Outdoor Patio (to recognize the existing site specific zoning);
- Permit up to three (3) dwellings units in the same building as the commercial use;
- Reduce the planting strip requirements;
- Modify the regulations for encroachments into required yards;
- Modify the requirements for parking lot location;

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- Reduce the parking space size requirement (width);
- Establish a parking requirement of 10 spaces for all permitted uses (to recognize existing site conditions);
- Exempt the subject property from the requirement to provide bicycle parking spaces (to recognize existing site conditions);
- Restrict commercial uses to the ground floor of the building; and,
- Restrict the use of the basement (cellar) to storage for the commercial uses only.

The analysis and rationale for recommending a number of the modifications listed, has already been discussed under Item No. 2 to this section. Additional site specific provisions are discussed in more detail below.

Parking Requirement

A site specific parking requirement of 10 spaces (which shall include one barrier free parking space), is recommended by staff to recognize the number of parking spaces proposed through this application. Staff recommend this modification as the site size dictates a scale of development and provision of parking that is consistent with what is proposed through this development application. In order to carry forward the parking requirements of the existing site specific zoning, the implementing By-law will require that one parking space be provided for each residential unit on the property, and one visitor parking space shall be provided in total for all residential units. This visitor parking space is to be shared with the commercial parking spaces and shall be clearly marked and free and clear of any obstructions to be used by either use.

Bicycle Parking Spaces

In accordance with Section 5.7 of Zoning By-law No. 05-200, short-term bicycle parking is required at a quantity specified based on uses. The subject site layout challenges the ability to provide adequate bicycle spaces without blocking the internal sidewalk or encroaching into the parking lot spaces. In recognition of these constraints, staff are recommending that no short-term bicycle parking be required. This recommendation does not preclude further investigation of the feasibility of providing bicycle parking at the Site Plan Control stage of development.

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4. In accordance with the City of Hamilton Zoning By-law No. 6593, the parking requirement for the proposed development is one space per residential dwelling unit, one visitor parking space, and zero spaces for the commercial use, as the gross floor area of the proposed veterinary clinic is 395 sq. m. whereas the Zoning By-law requires one parking space per 31.0 sq. m. in excess of 450 sq. m. (the cellar is excluded from the calculation of required parking). Presently, the subject property contains fifteen (15) parking spaces, comprised of 10 standard parking spaces and 5 parallel parking spaces adjacent to the western property line. The application proposes 10 parking spaces (one of which is a barrier free parking space). The proposed number of parking spaces meets the Zoning By-law requirement.

The initial submission proposed the veterinary clinic on both the ground floor and within the basement (cellar) of the existing building. Further, four residential units were proposed within the second storey addition. Given the anticipated parking demands and with consideration of the nature of the proposed commercial use, staff requested a parking analysis be completed to provide justification for the development proposed. A Parking Review was completed by IBI Group (dated June 16, 2017). The analysis included a review of a similar site in Burlington containing a veterinary clinic. Occupancy of the proxy site was studied on one mid-week day and one weekend day. The parking analysis also considered the subject site context in terms of both nearby on-street and off-street parking opportunities, and the availability and frequency of Hamilton Street Railway (HSR) routes. The parking study assumed a non-auto modal share of 20% of trips made to the site (transit, walking, cycling, and other non-auto modes). The analysis concluded that peak parking demand will exceed the parking supply for short, isolated periods, but anticipated additional nearby parking availability and opportunities for transit use as the site is served by the Upper Gage bus route which runs along Concession Street and Upper Gage Avenue. The nearby parking availability assessed is within a 300 metre walking distance of the subject property and is comprised of 22 short-term off-street parking spaces in nearby lots, and 32 longer-term on-street parking spaces on nearby residential streets.

As discussed, the veterinary clinic is now proposed to be located within the ground floor of the existing building only, with the basement (cellar) utilized for storage purposes which will not generate additional parking demand. The proposed development meets the Zoning By-law requirement for parking since the total floor area of the proposed veterinary clinic is less than 450 sq. m. However, upon review of the submitted Parking Review, staff expressed concern about the ability of the site to meet parking demands at peak times, given the demand for off-site parking due to other nearby parking generators (namely

Juravinski Hospital), and the anticipated staff complement at the veterinary clinic. In consideration of the fact that the application meets the Zoning By-law but with a view to identify any further opportunities to improve parking on site, the applicant has reduced the number of residential units from four to three, thereby reducing the number of parking spaces required for the residential use by one which provides the commercial use with another parking space. Further, as discussed previously under Item No. 2, staff are recommending the required visitor parking space be shared with the commercial parking spaces given the off-set hours of use between visitors of the residential units, and the commercial customers.

Regarding the reduction in parking spaces from the 15 presently provided to the 10 proposed, staff support this reduction as the current parking lot configuration does not provide adequate manoeuvring space for vehicles nor sufficient parking space size. The reduction in parking spaces will result in larger parking spaces that come closer to meeting the parking space requirements of the Zoning By-law. As well, the introduction of a planting strip along the western property boundary in place of the existing parallel parking spaces will result in a more appropriate interface with the residential property to the west.

5. The applicant submitted a Functional Servicing Report with the application. There is a 300 mm diameter watermain, 450 mm diameter sanitary sewer and a 1200 mm diameter storm sewer along Concession Street fronting the subject property. Further, there is a 300 mm diameter watermain, 300 mm diameter and a 1200 mm x 1500 mm combined sewers along Upper Gage Ave fronting the subject property. Staff have indicated no objection with approval of the Zoning By-law Amendment application.

At the Site Plan Control stage of development, the applicant will be required to submit a wastewater generation assessment, a storm drainage area plan to supplement the site servicing and grading plans, and provide revisions to the Required Fire Flow calculation and updated hydrant testing as it relates to this calculation. Further submission requirements may be required which will be identified through the Site Plan Control process.

6. At the Neighbourhood Information Meeting held on May 3, 2017, concern was expressed about the location of the building and its impact on sight lines for pedestrians and motorists, particularly those making a right turn from Concession Street to Upper Gage Avenue. There was discussion about the possibility of the northeast corner of the building be angled so as to improve visibility at this intersection. After subsequent consideration, the applicant has advised that they

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do not wish to pursue this building design. Upon further review of the site conditions and built form in the surrounding area along Concession Street, the applicant is of the opinion that the building interface with the street is not atypical of the general built form character along Concession Street and is replicated at a number of intersections along the street and thus, an expected component of the urban fabric.

The applicant further advised that in consideration of the safety concerns expressed, a review was undertaken of the collision history in proximity to the subject property over the past 5 years (2012 – 2017). The “Review of Collision History in Proximity to 952-954 Concession Street” dated September 14, 2017, was completed by IBI Group. The analysis indicated a low level of collisions at the intersection of Concession Street and Upper Gage Avenue, with a total of 3 collisions over the past 5 years, no collisions since August 2014, and no collisions involving pedestrians. However, at the Site Plan Control stage of development, intersection operation specifically related to turning movements may be assessed, should further consideration be warranted.

Also discussed at the neighbourhood meeting was the nature of the veterinary clinic operation in terms of hours of operation. The Owner has committed that the veterinary clinic will have daily hours of operation from 7 a.m. to 7 p.m. The Owner has also further indicated no plans for expansion in the future, given the site conditions and surrounding context.

Further discussion also took place regarding the existing building location and its proximity to property lines. While the existing building location is not in compliance with the yard setback requirements of the Zoning By-law, it is a recognized existing situation. Through this development proposal, the renovations to the building will make improvements to the building façade and the relationship to the street, an improvement to the predominantly blank building wall along Upper Gage Avenue and Concession Street that presently exists. Such matters will be addressed in detail at the Site Plan Control stage.

7. The existing building has rear access doors and steps along the Upper Gage Avenue frontage which encroach into the municipal right-of-way. The renovations to the existing building as currently proposed, will result in doors and steps along the Upper Gage Avenue and Concession Street frontage which will encroach into the municipal right-of-way. At the Site Plan Control stage of development, the Owner will be required to make application for an encroachment agreement with the City to address these encroachments and any other architectural features that may encroach into the municipal right-of-way.

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8. To date, one letter of correspondence has been received through the public circulation. Concern was expressed about the public alley located immediately to the south of the subject property and its use as a secondary access to the subject property for commercial customers and commercial delivery vehicles, resulting in noise and visual impacts. Further, the letter indicated that snow clearing of the parking lot on the subject lands has in the past resulted in snow being pushed into the public alley which has impacted neighbouring residential properties. It was recommended that a fence be constructed along the southern property boundary. However, staff note that secondary access to the subject property from the alley is permitted as the alley is classified as public. Further, the alley provides an alternative access to the subject property, thereby improving site circulation. Finally, as discussed at the neighbourhood meeting held to discuss the merits of the application, the Owner has committed to paving the portion of the alley that runs alongside the subject property, as it was noted that the surface condition of the alley has deteriorated. This matter, as well as the location of snow storage, will be addressed at the Site Plan Control stage of development.

ALTERNATIVES FOR CONSIDERATION

Should the application be denied, the subject property would remain zoned “G-4/S-1214a” (Designed Neighbourhood Shopping Area) District, Modified and “G-3/S-1214” (Public Parking Lots) District, Modified, in the City of Hamilton Zoning By-law No. 6593, and would be subject to the provisions of the site specific zoning.

As part of a future City initiated amendment to Zoning By-law No. 05-200, the subject property would be rezoned to a modified Neighbourhood Commercial (C2) Zone.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Healthy and Safe Communities

Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.

Built Environment and Infrastructure

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

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.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A":	Location Map
Appendix "B":	Draft Zoning By-law No. 6593 Amendment
Appendix "C":	Draft Zoning By-law No. 05-200 Amendment
Appendix "D":	Site Plan
Appendix "E":	Building Floor Plans
Appendix "F":	Elevations
Appendix "G":	Public Submission

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