

CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	February 6, 2018
SUBJECT/REPORT NO:	Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 347 Charlton Avenue West, Hamilton (Ward 1) (PED18035)
WARD(S) AFFECTED:	Ward 1
PREPARED BY:	Daniel Barnett 905-546-2424, Ext. 4445
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Amended Zoning By-law Amendment Application ZAC-17-018, by 1719755 Ontario Ltd. (c/o Will Edwards), Owner**, for a change in zoning from the “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District to the “DE/S-1753” (Low Density Multiple Dwelling) District, Modified, to permit a six (6) unit multiple dwelling for lands located at 347 Charlton Avenue West, as shown on Appendix “A” to Report PED18035, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED18035, 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 PED18035, be added to District Map No. W14 of Zoning By-law No. 6593; and,
 - (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017), and complies with the Urban Hamilton Official Plan.
- (b) That upon finalization of the amending By-law, the subject lands be re-designated from “Single & Double” to “Low Density Apartment” in the Kirkendall North Neighbourhood Plan.

EXECUTIVE SUMMARY

The applicant is proposing to demolish an existing one storey single detached dwelling and to construct a three (3) storey, six (6) unit multiple dwelling with six (6) surface parking spaces at the rear accessed by a publically assumed alleyway. An amendment to the City of Hamilton Zoning By-law No. 6593 is required to change the zoning from the “D” (Urban Protected Residential – One and Two Family Dwelling, etc.) District to “DE/S-1753” (Low Density Multiple Dwelling) District, Modified to permit a multiple dwelling.

The application has merit and can be supported as it is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017) and complies with the policies of the Urban Hamilton Official Plan. The proposal is considered to be compatible with the existing development pattern in the area and represents good planning by establishing compatible infill development.

Alternatives for Consideration – See Page 35

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 amendment to the Zoning By-law.

HISTORICAL BACKGROUND

Proposal:

The subject property is located on the south side of Charlton Avenue West between Locke Street South and Dundurn Street South, and municipally known as 347 Charlton Avenue West (see Appendix “A” to Report PED18035).

The applicant proposes to demolish an existing one storey single detached dwelling and construct a three (3) storey, six (6) unit multiple dwelling. The rear yard will contain a parking lot with six (6) parking spaces that will be accessed via a publicly assumed alleyway at the rear of the property.

To implement the proposal, an amendment to Zoning By-law No. 6593 is required to change the zoning from the “D” (Urban Protected Residential – One and Two Family

Dwellings, etc.) District to a site specific “DE” (Low Density Multiple Dwelling) District, Modified in order to permit the proposed use of a multiple dwelling. Site specific modifications to the “DE” (Low Density Multiple Dwelling) District are required to permit:

- Reduced front and side yards;
- Reduced lot frontage and area (to recognize existing conditions);
- Reduced visitor parking requirements;
- No loading space;
- Reduced parking space size dimensions;
- Reduced parking lot setback;
- Reduced width of a planting strip;
- Reduced setback for the driveway access for a multiple dwelling to be located up to 1.5 metres from the lot line of a residential property that does not permit a multiple dwelling; and,
- Increase in the maximum encroachment of the front porch into the front yard.

The original proposal for the six (6) unit multiple dwelling included rear balconies for each dwelling unit on the second and third floors, a rooftop patio, a projecting element above the roof at the front of the building, a 1.5 metre side yard setback and a front yard setback of 3 metres (see Appendix “C” to Report PED18035).

To address concerns of overlook and privacy, the applicant revised the proposal to remove the balconies for the units on the second and third floors, as well as the rooftop patio. The applicant also removed the projecting element above the roof at the front of the building and reduced the minimum front yard setback of the building from 3.0 metres to 0 metres in order to accommodate a 3.05 metre road widening requirement (see Appendices “D” and “E” to Report PED18035).

Also the proposed development originally proposed to classify the development as Medium Density Residential however, the development did not comply with the maximum density requirements as it had a density of 107.5 units per hectare and therefore an amendment to the Urban Hamilton Official Plan was required. Subsequently when the 3.0 metre road widening was taken along Charlton Avenue West, the residential density for the proposed development was increased to 120 units

per hectare. Therefore, the proposed development was considered to be High Density Residential, which permits a residential density of greater than 100 unit per hectare but not greater than 500 per hectare within Central Hamilton, to which the proposed residential density of 120 unit per hectare therefore complies. As such, the Official Plan Amendment is no longer required for the proposed development and was withdrawn.

The applicant further revised the proposal to address concerns with respect to compatibility and to increase the minimum side yard setback requirement from 1.5 metres to 2.0 metres in order to establish greater buffering and separation between the proposed building and the adjacent properties (see Appendix “F” to Report PED18035).

The applicant also proposed to establish the proposed use as a site specific “D” (Urban Protected Residential – One and Two Family Dwelling, etc.) District by adding a multiple dwelling as a permitted use. It is the opinion of staff that it is more appropriate to establish a site specific “DE” (Low Density Multiple Dwelling) District, which already permits a multiple dwelling, and as such, staff amended the application accordingly.

Chronology:

<u>January 16, 2017:</u>	Applications for Official Plan Amendment and Zoning By-law Amendment received.
<u>January 31, 2017:</u>	Official Plan Amendment Application UHOPA-17-07 and Zoning By-law Amendment application ZAC-17-018 deemed complete.
<u>February 17, 2017:</u>	Notice of Complete Application and Preliminary Circulation sent to 247 property owners within 120 metres of the subject lands.
<u>March 3, 2017:</u>	Public Notice sign posted on the property.
<u>March 7, 8 and 15, 2017:</u>	Applicant meeting with five (5) of the nine (9) adjacent residents.
<u>March 13, 2017:</u>	Revised Notice of Complete Application and Preliminary Circulation sent to 247 property owners within 120 metres of the subject lands noting that the proposed net residential density is 107.5 unit per hectare instead of 105 units per hectare as initially stated in the February 17, 2017 notice.

**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 6593 for
Lands Located at 347 Charlton Avenue West, Hamilton (Ward 1)
(PED18035) - Page 5 of 36**

May 10, 2017: Applicant presentation to Kirkendall Neighbourhood Association Development Committee.

June 21, 2017: Applicant Public Meeting with Kirkendall Neighbourhood Association Development Committee and area residents.

November 3, 2017: Revised concept plan submitted by the applicant.

January 10, 2018: Public Notice sign updated with Public Meeting date.

January 19, 2018: Notice of Public Meeting given to 247 property owners within 120 metres of the subject property.

Details of Submitted Application:

Location: 347 Charlton Avenue West, Hamilton

Owner / Applicant: 1719755 Ontario Ltd. (c/o Will Edwards)

Agent: GSP Group Inc. (c/o Sarah Knoll)

Property Description:

<u>Frontage:</u>	14.86 metres
<u>Depth:</u>	37.80 metres
<u>Area:</u>	561.9 square metres
<u>Servicing:</u>	Full Municipal Services

EXISTING LAND USES AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
Subject Lands:	Single Detached Dwelling	"D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District
Surrounding Lands: West	Single Detached Dwellings	"D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District

North	Single Detached Dwellings	“D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District
East	Single Detached Dwellings	“D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District
South	Single Detached Dwellings	“D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement

The Provincial Planning Policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (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 Urban Hamilton Official Plan, 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.

With respect to Cultural Heritage, the PPS provides the following:

“2.6.1 *Significant built heritage resources and significant cultural heritage landscapes shall be conserved.*”

The existing building is included in the City’s inventory of buildings of architectural and / or historical interest. A Cultural Heritage Documentation and Salvage Report was prepared and submitted, and was reviewed by the Policy and Design Working Group of the Hamilton Municipal Heritage Committee who were satisfied with the report but encouraged that some of the remaining original elements be salvaged. This is further discussed in the UHOP Policy section of this Report.

As the application for a change in zoning complies with the Urban Hamilton Official Plan, it is staff’s opinion that the application is:

- consistent with Section 3 of the *Planning Act*; and,
- consistent with the Provincial Policy Statement (PPS).

Growth Plan for the Greater Golden Horseshoe (2017):

As of July 1, 2017, the policies of the Growth Plan for the Greater Golden Horseshoe (2017) apply to any Planning decision. The following policies, amongst others, apply to the proposal.

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 property is located within a settlement area and is located on an existing transit route. The proposal is a form of intensification that makes appropriate use of existing infrastructure and provides a diverse range and mix of housing options.

Therefore the proposal conforms to the policies of the Growth Plan for the Greater Golden Horseshoe.

Urban Hamilton Official Plan

The proposal has been evaluated against the policies of the 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.

Urban Structures

Function

- “E.2.6.2 Neighbourhoods shall primarily consist of residential uses and complementary facilities and services intended to serve the residents. These facilities and services may include parks, schools, trails, recreation centres, places of worship, small retail stores, offices, restaurants, and personal and government services.
- E.2.6.4 The Neighbourhoods element of the urban structure shall permit and provide the opportunity for a full range of housing forms, types and tenure, including *affordable* housing and *housing with supports*.”

The proposed development represents a modest form of infill residential development that contributes to the establishment of a range of housing forms, types and tenure by proposing rental units.

Scale

“E.2.6.7 Neighbourhoods shall generally be regarded as physically stable areas with each neighbourhood having a unique scale and character. Changes *compatible* with the existing character or function of the neighbourhood shall be permitted. Applications for *development* and *residential intensification* within Neighbourhoods shall be reviewed in consideration of the local context and shall be permitted in accordance with Sections B.2.4 – Residential Intensification, E.3.0 – Neighbourhoods Designation, E.4.0 – Commercial and Mixed Use Designations, and E.6.0 – Institutional Designation.

Designation

Function

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*.”

The proposed multiple dwelling is a use permitted in the Neighbourhoods designation. The policies of the Neighbourhoods designation seek to establish complete communities with a full range of residential types and densities. The proposed development implements this policy direction by establishing a compatible residential development that broadens the range of dwelling types and densities in the area.

Scale and Design

“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.3.2.7 The City shall require quality urban and architectural design. *Development* of lands within the Neighbourhoods designation shall be designed to be safe, efficient, pedestrian oriented, and attractive, and shall comply with the following criteria:
- b) Garages, parking areas, and driveways along the public street shall not be dominant. Surface parking between a building and a public street (excluding a public alley) shall be minimized.
 - d) *Development* shall improve existing landscape features and overall landscape character of the surrounding area.
 - e) *Development* shall comply with Section B.3.3 – Urban Design Policies and all other applicable policies.
- E.3.2.13 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.3.3.1 Lower density residential uses and building forms shall generally be located in the interiors of neighbourhood areas with higher density dwelling forms and supporting uses located on the periphery of neighbourhoods on or in close proximity to major or minor arterial roads.
- E.3.3.2 *Development* or *redevelopment* adjacent to areas of lower density shall ensure the height, massing, and arrangement of buildings and structures are *compatible* with existing and future uses in the surrounding area.”

Definition of Compatibility / Compatible

Compatibility / Compatible is defined in the Urban Hamilton Official Plan as “means land uses and building forms that are mutually tolerant and capable of existing together in harmony within an area. *Compatibility* or *compatible* should not be narrowly interpreted to mean “the same as” or even as “being similar to”.

On the basis of this definition, compatibility of the proposed development is not reviewed on whether the proposed development is the same as or similar to existing development in the area, but whether the proposed density and massing of the building are mutually tolerant and capable of existing together in harmony within the area.

The proposed six (6) unit multiple dwelling is located in the interior of the neighbourhood but is located on a collector road and is small in scale. Therefore the proposed location

of the multiple dwelling is consistent with Policy E.3.3.1. The proposed three (3) storey height is similar in height to existing development which ranges in height from one to four storeys but is primarily comprised of two and two-and-a half storey buildings. The massing is also similar to existing residential development in the area. Except for visitor parking, sufficient parking is provided at the rear of the subject property to meet the parking needs of the residents. The proposed development will provide landscaping and visual barriers that will buffer neighbouring properties that will be consistent with the amount of landscaping on other properties in the neighbourhood. Changes to the proposed development to remove rear balconies and the roof top patio eliminates potential privacy concerns for adjoining residents. As the proposed use of the lands is a multiple dwelling, which is already permitted by the UHOP, the proposal is not expected to create any adverse impacts on the surrounding area. Therefore the proposed development is compatible with the surrounding land uses.

High Density Residential

Function

- “E.3.6.1 High density residential areas are characterized by multiple dwelling forms on the periphery of neighbourhoods in proximity to major or minor arterial road.
- E.3.6.2 Uses permitted in high density residential areas include multiple dwellings, except street townhouses.
- E.3.6.4 High Density residential uses shall be located within safe and convenient walking distance of existing or planned community facilities / services, including public transit, schools, and active or passive recreational facilities,
- E.3.6.6 In high density residential areas, the permitted net residential densities identified on Appendix G – Boundary Map shall be:
- a) greater than 100 units per hectare and not greater than 500 units per hectare in Central Hamilton.”

The proposed six (6) units results in a net residential density of 120 units per hectare which complies with the maximum net residential density for High Density Residential uses of greater than 100 units per hectare and not greater than 500 units per hectare. The proposed use of the lands is a multiple dwelling that is three (3) storeys in building height, which complies with the policies of High Density Residential areas. The subject property is located on a collector road that runs through the neighbourhood and which connects to Dundurn Street South, a minor arterial road, and therefore the subject lands are in proximity to a minor arterial road. Furthermore and given that the development is

for a high density residential development that is small in size and scale, the proposed development is appropriate along a collector road and complies with the intent of policy E.3.6.1.

The subject property is located on Charlton Avenue West which is a collector road and is within walking distance of schools, public parks, and commercial uses along Locke Street South and Dundurn Street South. There is existing public transit along Charlton Avenue West and bicycle lanes along Dundurn Street South, which will provide alternative transportation options for residents along with on-street parking that can be utilized by visitors.

“E.3.6.7 Development within the high density residential category shall be evaluated on the basis of the following criteria:

- a) Development should have direct access to a collector or major or minor arterial road. If direct access to such a road is not possible, the development may be permitted direct access to a collector or major or minor arterial roads via a local road upon which abut only a small number of low density residential category dwellings.
- b) High profile multiple dwellings shall not generally be permitted immediately adjacent to low profile residential uses. A separation distance shall generally be required and may be in the form of a suitable intervening land use, such as a medium density residential use. Where such separations cannot be achieved, transitional features such as effective screening and/or design features shall be incorporated into the design of the high density development to mitigate adverse impact on adjacent low profile residential uses.
- d) Development shall:
 - i) Provide adequate landscaping, amenity features, on-site parking, and buffering where required;
 - ii) Be compatible with existing and future uses in the surrounding area in terms of heights, massing, and an arrangement of buildings and structures;
 - iii) Provide adequate access to the property, designed to minimize conflicts between traffic and pedestrians both on-site and on surrounding streets.

- e) In accordance with the policies of Section B.3.3 – Urban Design Policies, development shall contribute to an attractive public realm by minimizing the view of the following elements from the abutting public street (excluding public alleys):
 - i) Surface parking areas;
 - ii) Parking structures;
 - iii) Utility and service structures such as garbage enclosures; and,
 - iv) Expanses of blank walls.
- f) The City may require studies, in accordance with Chapter F – implementation Policies, completed to the satisfaction of the City, to demonstrate that the height, orientation, design and massing of the building or structure shall not unduly overshadow, block light, or result in the loss of privacy of adjacent residential uses.”

The subject property fronts onto a collector road and parking is accessed from an alleyway at the rear of the property that runs between Locke Street South (a collector road) and Dundurn Street South (a minor arterial road). Furthermore there are multiple low density residential dwellings that back onto the alleyway as not all properties have access to the alleyway. Given that only six (6) parking spaces are provided, the proposed access to the alleyway is not expected to generate significant levels of traffic. Therefore the intent of Policy E.3.6.7 a) is being maintained.

The dwelling to the west is two and a half storeys and the dwelling to the east is a one storey building. The policies of the High Density Residential areas do not establish a maximum building height. The proposed building height of three (3) storeys and 10.2 metres is consistent with the maximum building height permitted in Low Density Residential areas, which surrounds the subject property.

As the proposed development is small in size and scale (maximum of three (3) storeys) it is not considered to be a high profile multiple dwelling and therefore the proposed development can be located adjacent to existing low profile residential development without creating impacts on the existing residential development. Therefore the intent of Policy E.3.6.7 b) is being maintained.

The proposed development has landscaping within the boulevard along Charlton Avenue West due to the required road widening as well as surrounding the proposed parking area. The proposed development has adequate access to amenities, will

maintain adequate on-site parking to meet the needs of the residents and will utilize alternative parking and transportation options available for visitors, and sufficient buffering will be provided between both the building and parking and the adjacent uses. Therefore the intent of Policy E.3.6.7 d) i) is being maintained.

In respect to massing, the subject land is twice as large as other properties in the area and as such has a larger potential building envelope. A larger building in respect to the building width can be established on-site while maintaining a compatible building massing and side yard setbacks, to what currently exists in the neighbourhood. The existing character consists of buildings that have narrow side yards and therefore comprise the majority of the width of the lot. The proposed development will be integrated with existing buildings in the neighbourhood and will be compatible with existing uses in the surrounding area. Therefore the intent of policy E.3.6.7 d) ii) is being maintained.

Vehicle access is provided from an alleyway at the rear of the subject lands while pedestrian access is provided from the front of the subject property to the sidewalk along Charlton Avenue West. Also pedestrian access is provided from the proposed parking area at the rear to the front entrance of the building by a walkway along the westerly side of the proposed building. Therefore, adequate pedestrian and vehicular accesses are provided for the subject property and are located and designed to minimize traffic and pedestrian conflicts. Therefore the intent of policy E.3.6.7 d) iii) is being maintained.

Also, as the proposed parking area is located at the rear of the subject property and will be screened from view from Charlton Avenue West by the proposed building, the intent of Policy E.3.6.7 e) is being maintained.

Based on the proposed height of the building, which is consistent with the existing zoning permissions that are applicable to the subject lands, it is not expected that the building would create significant sun shadow impacts on adjacent residential properties. In addition, the applicant has removed the proposed rear yard balconies and rooftop patio to address concerns with respect to overlook and privacy. Therefore the intent of policy E.3.6.7 f) is being maintained.

General Residential Intensification Policies

“B.2.4.1.1 *Residential intensification* shall be encouraged throughout the entire *built-up area* in accordance with the policies of Chapter E – Urban Systems and Designations and Chapter F – Implementation.

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.”

The proposed building is of a size and scale that maintains the existing character of the area and builds upon the established pattern and built form in respect to height, massing, and setbacks. Also in respect to use, small scale multiple dwelling uses are compatible with the surrounding area as demonstrated by the existing multiple dwellings along Charlton Avenue West including an existing four (4) storey multiple dwelling at 322 Charlton Avenue West, located approximately 47 metres to the north-east and an existing three (3) storey multiple dwelling at 385 Charlton Avenue West, located approximately 122 metres to the west. The proposed development will contribute to achieving a range of dwelling types and tenures, through infill development to achieve intensification in the Urban Area. Lastly, there are adequate services and transportation capacity to meet the needs of the proposed development.

Residential Intensification in the Neighbourhoods Designation

“B.2.4.2.1 *Residential intensification* within lands designated Neighbourhoods identified on Schedule E-1 - Urban Land Use Designations shall comply with Section E.3.0 –Neighbourhoods Designation.

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;
- 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.”

As noted, the majority of the residential uses along Charlton Avenue West consist of one and two family dwellings, however there is an existing three (3) storey three family purpose built dwelling at 385 Charlton Avenue West and an existing four (4) storey twenty-nine (29) unit purpose built multiple dwelling at 322 Charlton Avenue West. The proposed development, while not identical to the majority of existing built form and uses in the area, is capable of mutually existing together without creating nuisance impacts in respect to sun shadow, overlook, noise, lighting, traffic, and dust impacts. The proposed three (3) storey building represents an appropriate transition in height from the neighbouring one to two and a half storey dwellings that are located adjacent to the site. The height, massing, and scale of the proposed building is consistent with height, massing, and scale of other residential buildings along Charlton Avenue West and is therefore compatible with nearby residential buildings.

The proposed six (6) dwelling units establishes a residential density that will be higher than what currently exists on the adjacent properties. However, based on the size and

scale of the proposed development, the proposal will maintain a compatible built form to what currently exists in the surrounding area, while providing dwelling units that are of an appropriate size with sufficient on-site parking to meet the parking needs of the residents. The amenity needs of the subject property will be met through private porches for the ground floor units and public parks in the area. The subject property will have access to adequate infrastructure and transportation capacity to meet the needs of the proposed development.

The existing dwelling is included on the City's Inventory of Buildings of Architectural or Historical Interest. As such, a Cultural Heritage Documentation and Salvage Report was prepared and submitted, and was reviewed by the Policy and Design Working Group of the Hamilton Municipal Heritage Committee who expressed no concerns but encouraged that some of the remaining original elements be salvaged.

Urban Design

"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;
- b) respecting the existing cultural and natural heritage features of the existing environment by re-using, adapting, and incorporating existing characteristics;
- c) allowing built form to evolve over time through additions and alterations that are in harmony with existing architectural massing and style;
- d) complementing the existing massing patterns, rhythm, character, colour, and surrounding context; and,
- e) encouraging a harmonious and *compatible* approach to infilling by minimizing the impacts of shadowing and maximizing light to adjacent properties and the public realm."

As previously noted the proposal respects the existing character of the area, is appropriately designed, and constitutes an evolving built form that is in harmony with the existing architectural massing and style of the area. Based on the size and scale of

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.

the proposed building, a sun shadow study is not required as no substantial impact is expected. The proposed dark colouring differs from the existing buildings in the area which primarily consist of red or lighter colour front façades, however this can be modified through the Site Plan Control process to better align with the existing neighbourhood. The subject property is not in or adjacent to a Core Area or Environmentally Significant Area and is within an existing developed area. As mentioned, the proposed development includes the removal of an existing building identified on the City's Inventory of Buildings of Architectural or Historical Interest. A Cultural Heritage Documentation and Salvage Report was reviewed by the Policy and Design Working Group of the Hamilton Municipal Heritage Committee who expressed no concerns but encouraged that some of the remaining original elements be salvaged.

Built Form

- "B.3.3.3.1 New *development* shall be located and organized to fit within the existing or planned context of an area as described in Chapter E – Urban Systems and Designations.
- B.3.3.3.2 New *development* shall be designed to minimize impact on neighbouring buildings and public spaces by:
- a) creating transitions in scale to neighbouring buildings;
 - b) ensuring adequate privacy and sunlight to neighbouring properties; and,
 - c) minimizing the impacts of shadows and wind conditions.
- B.3.3.3.3 New *development* shall be massed to respect existing and planned street proportions.
- B.3.3.3.4 New *development* shall define the street through consistent setbacks and building elevations. Design directions for setbacks and heights are found in Chapter E – Urban Systems and Designations and in the Zoning By-law.
- B.3.3.3.5 Built form shall create comfortable pedestrian environments by:
- a) locating principal façades and primary building entrances parallel to and as close to the street as possible;
 - b) including ample glazing on ground floors to create visibility to and from the public sidewalk;

- c) including a quality landscape edge along frontages where buildings are set back from the street;
- d) locating surface parking to the sides or rear of sites or buildings, where appropriate; and,
- e) using design techniques, such as building step-backs, to maximize sunlight to pedestrian areas.”

As previously noted, the proposed three (3) storey multiple dwelling falls within the range of building heights that currently exist along the street, which range from one (1) to four (4) storeys in height, and furthermore the proposed height provides an appropriate scale of development in respect to the adjacent one and two and one half storey dwellings. Therefore, the proposed development creates appropriate transition in scale to neighbouring buildings.

Furthermore, the proposed building will not create sun shadow impacts on the neighbouring properties. The applicant has modified the proposed building by removing rear yard balconies and the roof top patio in order to ensure the privacy of neighbouring properties. In addition, the windows along both the easterly and westerly sides of the building have been intentionally located so as to not align with existing windows on the adjacent properties, in order to protect the privacy of adjacent residents, which will be further reviewed at the Site Plan Control stage. The front façade of the building will be setback 0 metres from the front lot line as a result of the road widening, and the front façade of the building is in line with the other buildings along the south side of Charlton Avenue West and is massed to respect the existing street proportions. In addition the eaves and front porch of the proposed multiple dwelling will encroach into the City right of way but will be in line with the other buildings along the south side of Charlton Avenue West. The elevations will be reviewed further at the Site Plan Control stage. Adequate windows are provided along the front façade to create visibility of the public sidewalk. Adequate landscaping is provided along the street and surface parking is located to the rear of the property.

Neighbourhood Plans

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

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

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

F.1.2.7 *Neighbourhood plans* are policies adopted by council resolution and do not form part of the Official Plan. Any proposal for *development* or *redevelopment* must conform to the designations, and policies in the Neighbourhood Plan.

F.1.2.8 Any amendment to the *Neighbourhood Plan* must be evaluated using the provisions of Policies F.1.1.3 and F.1.1.4 and shall require a formal Council decision to enact the amendment.”

As outlined below, the proposed multiple dwelling development does not conform to the land use designation of the Kirkendall North Neighbourhood Plan and therefore the land use designation will need to be changed from “Single and Double” to “Low Density Apartment”. The proposed multiple dwelling complies with the policies of the Urban Hamilton Official Plan.

Kirkendall North Neighbourhood Plan

The subject property is designated “Single and Double” in the Kirkendall North Neighbourhood Plan. The “Single and Double” designation does not permit a multiple dwelling. The proposed three (3) storey, six (6) unit multiple dwelling is a use that is in line with the “Low Density Apartment” designation of the Kirkendall North Neighbourhood Plan.

The policies of the Kirkendall North Neighbourhood Plan “permit a range of residential densities in Kirkendall North and South Neighbourhoods that will provide a variety of housing types while maintaining and enhancing the positive characteristics of the Neighbourhood “and that the variety of accommodations encourage a full range of the population cross section, young families through to senior citizens to provide a stable viable neighbourhood.” The proposed multiple dwelling contributes to the range of residential densities and housing types and is compatible with the character of the neighbourhood. Therefore the proposed amendment to the Kirkendall North Neighbourhood Plan is appropriate.

Based on the forgoing staff are of the opinion the proposed development complies with the policies of UHOP.

City of Hamilton Zoning By-law No. 6593

The subject property is zoned “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District which permits single detached dwellings, semi-detached dwellings, and duplexes. The proposal is to change the zoning to a site specific “DE” (Low Density Multiple Dwelling) District which permits a multiple dwelling. In addition the applicant is requesting the following modifications:

- to restrict a multiple dwelling to a maximum of six (6) dwelling units;
- a reduced front yard setback of 0 metres;
- a reduced side yard setback of 2.0 metres;
- a minimum lot width of 14.8 metres and a minimum lot area of 515 square metres to recognize the existing lot width and lot area;
- a reduced parking rate of one (1) parking space per unit;
- no on-site loading space;
- a parking space size of 2.6 metres by 5.5 metres;
- a reduced minimum separation of 1.3 metres between a parking area and an adjoining residential district, except for a 3.5 metres long portion which may have a setback of 0 metres;
- to permit no planting strip along a 3.5 metres portion of the the easterly lot line;
- to reduce the setback for the driveway access for a multiple dwelling, specifically to be located up to 1.5 metres from the lot line of a residential property that does not permit a multiple dwelling;
- to permit access to be provided by way of a public alleyway at the rear of the property; and,
- to permit a roofed over but unenclosed porch to be setback 0 metres from the front lot line.

An analysis of the site specific modifications is included in the Analysis and Rationale for Recommendation section below.

RELEVANT CONSULTATION

The following internal Departments and external Agencies had no concerns or objections with respect to the proposed applications:

- Strategic Planning, Public Works Department;
- Recreation Division, Community and Emergency Services Department; and,
- Alectra Utilities (formally Horizon Utilities).

The following Departments and external Agencies have provided comments with respect to the proposed application.

Corridor Management, Public Works Department advised that the applicant will be required to provide adequate visibility triangles, appropriate driveway widths, pedestrian connections along the east side and back of the building, and to remove the driveway access on Charlton Avenue West and restore the boulevard at their expense. Also an access permit will be required, and that all construction activities will be required to be undertake on-site. Furthermore, Corridor Management staff advised that the existing alleyway to the rear of the subject property is an assumed alleyway. The comments provided by Corridor Management staff will be addressed at the Site Plan Control Stage.

Transportation Division, Public Works Department advised that Charlton Avenue West is a collector road with a required road width of 26.213m. The current road width of Charlton Avenue West is 20.1m and therefore a road widening of 3.05m is required. The amending By-law is based upon the full road widening being provided. A minimum sidewalk width of 3.5m is required along the right-of-way and a 1.5m wide sidewalk width is required throughout the site.

Additionally the Transportation Demand Management (TDM) initiatives that were outlined in the TDM for Development document submitted by the applicant do not meet the objectives of the City. While ten (10) secure bicycle parking spaces are provided for residents, no short term bicycle parking is mentioned whereas two (2) spaces should be provided. Staff also advised that parking is undersupplied, in respect to visitor parking being provided onsite. However, an undersupply of parking can be supported on the condition that the recommendations in the TDM be undertaken including providing adequate bicycle parking and providing travel planning resources like bike maps and bus schedules to new residents. TDM initiatives will be reviewed further at the Site Plan Control Stage.

Operations Division, Public Works Department advised that the development is eligible for weekly waste collection. However due to the size and layout of the site and the minimal number of units, garbage will likely have to be collected curb side on Charlton Avenue West. Staff also outlined the criteria for waste collection in respect to indoor storage and outdoor collection areas, which will be addressed as part of a future Site Plan Control application.

Urban Forestry and Horticulture, Public Works Department advised that no Tree Management Plan is required. However, a Landscape Plan will be required and that a fee of \$601.80 plus HST per tree will be required for street tree planting. The Landscaping Plan and street tree fees will be undertaken as part of a future Site Plan Control application.

Public Health Services advised that a pest control plan, focusing on rats and mice, shall be developed and implemented. This will be addressed as part of a future Site Plan Control application.

Public Consultation

In accordance with the *Planning Act* and Council's Public Participation Policy, the proposal was circulated as part of the Notice of Complete Application to 247 property owners within 120 m of the subject lands on February 17, 2017. A public notice sign was also posted on the property on March 3, 2017 and updated on January 10, 2018, and Notice of Public Meeting was circulated to 247 property owners within 120 m of the subject lands on January 19, 2018. At the time of the writing of this report, a total of 19 letters of correspondence including a petition with 22 signatures was received.

The issues raised in the letters of correspondence identified a number of concerns with respect to the proposed development including:

- i) Privacy;
- ii) Noise;
- iii) Reduction in property values;
- iv) Over intensification;
- v) Building height, massing, materiality, and colour of façade;
- vi) Lighting;

- vii) Infrastructure capacity;
- viii) Precedent setting;
- ix) Views of the escarpment;
- x) Parking and traffic;
- xi) Tenure; and,
- xii) Amenity space.

The issues identified in the correspondence are discussed in the Analysis and Rationale for Recommendations section of the Report.

Public Consultation Strategy

The applicant engaged in a Public Consultation Strategy that consisted of meeting with adjacent neighbours at separate meetings on March 7th, 8th and 15th, 2017 as well as meeting with the Kirkendall Neighbourhood Association Development Committee on October 2, 2016 (prior to application), May 10, 2017 and June 21, 2017. The June 21, 2017 meeting with the Kirkendall Neighbourhood Association Development Committee was also an open house meeting for the applicant and included neighbouring residents.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - i) It is consistent with the PPS and conforms to the Growth Plan for the Greater Golden Horseshoe (2017);
 - ii) It complies with the policies of the Urban Hamilton Official Plan; and,
 - iii) The development is compatible with the type and form of development in the surrounding neighbourhood.

Zoning By-law Amendment

The application for Zoning By-law Amendment is to change the zoning from the “D” (Urban Protected Residential – One and Two Family Dwelling, etc.) District to the “DE/S-1753” (Low Density Multiple Dwelling) District, Modified.

The proposed change in zoning will permit the redevelopment of the subject lands for a multiple dwelling as shown on Appendix “F” to PED18035. The proposed multiple dwelling will be restricted to a maximum of six (6) dwelling units. The proposed six (6) unit multiple dwelling represents a more intense form of development than what currently exists on the subject property and the lands immediately adjacent to the subject property. Also the proposal represents a modest form of intensification, at six (6) units, along a collector road that is compatible in scale with the surrounding area and is a permitted use in the UHOP. Therefore the introduction of a multiple dwelling as a permitted use has merit and can be supported.

Modifications to the “DE” (Low Density Multiple Dwelling) District are required as follows:

- i) restrict a multiple dwelling to a maximum of six (6) dwelling units;
- ii) a reduced front yard setback of 0 metres;
- iii) a reduced side yard setback of 2.0 metres;
- iv) a minimum lot width of 14.8 metres and a minimum lot area of 515 square metres to recognize the existing lot width and lot area;
- v) a reduced parking rate of one (1) parking space per unit;
- vi) no on-site loading space;
- vii) a parking space size of 2.6 metres by 5.5 metres;
- viii) a reduced minimum separation of 1.3 metres between a parking area and an adjoining residential district, except for a 3.5 metres long portion which may have a setback of 0 metres;
- ix) to permit no planting strip along a 3.5 metres portion of the the easterly lot line;
- x) to reduce the setback for the driveway access for a multiple dwelling, specifically to be located up to 1.5 metres from the lot line of a residential property that does not permit a multiple dwelling;
- xi) to permit access to be provided by way of a public alleyway at the rear of the property; and,

- xii) to permit a roofed over but unenclosed porch to be setback 0 metres from the front lot line.

Restriction on the Number of Dwelling Units

Staff are including a modification to restrict the number of dwelling units to a maximum of six (6) dwelling units. This modification is to ensure that the proposed multiple dwelling remains small in size and scale and is compatible with the character of the area and restricts use of the lands to a multiple dwelling of up to six (6) dwelling units and any use permitted in a "D" (Urban Protected Residential - One and Two Family Dwelling, etc.) District.

Therefore the proposed modification regarding use has merit and can be supported.

Restriction on Emergency Shelter

Staff are including a modification to restrict the lands from being utilized as an emergency shelter. The current "D" (Urban Protected Residential – One and Two Family Dwelling, etc.) District does not permit an emergency shelter however the "DE" (Low Density Multiple Dwelling) District does permit the lands to be used as an emergency shelter of up to six (6) residents. The use of an emergency shelter is not being requested by the applicant, and the impacts of this use have not been evaluated by staff. Therefore, staff recommends that this use not be permitted.

The proposed modification has merit and can be supported.

Front Yard Depth

The modification is to reduce the front yard depth from 6.0 metres to 0 metres. The intent and purpose of requiring a minimum front yard depth of 6 metre is to maintain the streetscape character of the area and to provide adequate space for parking and landscaping.

The buildings along Charlton Avenue West are generally located 3 metres from the front lot line. However as previously discussed, a 3.05 metre road allowance widening is required from the subject property, the proposed 0 metre front yard setback will result in a reduced front yard however the front façade of the proposed building will remain in line with the buildings along the south side Charlton Avenue West. As the proposed building will be in line with the buildings along the south side of Charlton Avenue West, the proposed development is

consistent with the streetscape character of the area. Also, as parking is to be provided at the rear of the subject property and accessed from a rear alleyway, a 6 metre front yard setback is not required to provide adequate parking. This allows for boulevard sodding and a sidewalk within the municipal boulevard which will be consistent with other properties along Charlton Avenue West.

Therefore the proposed modification has merit and can be supported by staff.

Side Yard Width

The modification is to reduce the side yard width from 3.0 metres to 2.0 metres. The intent and purpose of requiring a minimum side yard width of 3.0 metres is to maintain the streetscape character of the area, and to provide adequate space for access, drainage, and privacy.

The majority of the dwellings along Charlton Avenue West maintain a building height that is less than three (3) storeys which requires a 1.2 metre side yard width, but do not conform to the required width for both sides of the dwelling. Generally a 1.2 metre side yard width is provided on only one side of the dwelling and a 0 metre side yard width on the other side. The proposed development is seeking to establish a 2.0 metre side yard width on each side of the proposed building. While the subject property is considered to be three (3) storeys in height, the physical height of the building is similar to the height of the existing two and one half storey buildings in the area, and therefore a 2.0 metre side yard width on both sides is appropriate. Also the proposed 2.0 metre wide side yard will provide adequate space for access to the rear yard and on-site drainage. The applicant has modified the proposed building to eliminate rear balconies on the second and third floors and eliminated the roof top patio, in order to reduce overlook on adjoining residential properties. Based on the revisions, the proposed 2.0 metre side yard setback is not expected to create privacy concerns for the adjacent properties.

Therefore the proposed modification has merit and can be supported by staff.

Lot Width and Lot Area

The modifications are to recognize the existing lot width of 14.8 metres and to permit a minimum lot area of at least 85.8 square metres for each dwelling unit (a total of 515 square metres). For a six (6) unit multiple dwelling in the "DE" (Low Density Multiple Dwelling) District a lot width of 24.0 metres is required and a minimum lot area of at least 160 square metres is required for each dwelling unit (a total of 960 square metres).

A 24.0 metre lot width is required in order to accommodate the proposed six (6) unit multiple dwelling and to accommodate adequate access and parking. As access for the parking area is to be from an alleyway at the rear, a 6.0 metre wide access driveway is not being provided at the front of the property, and furthermore a 1.5 metre wide planting strip between the access driveway and the adjacent property is also not required at the front of the property. The current lot is a lot of record and the proposed lot frontage reflects the existing lot frontage of the property. Therefore a reduced lot width is appropriate for the proposed development.

Therefore the proposed modification has merit and can be supported by staff.

Parking and Visitor Parking

The modifications are to permit a reduction in the number of parking spaces per unit from 1.25 parking spaces per dwelling unit to one (1) parking space per dwelling unit.

The intent and purpose of requiring a minimum of 1.25 parking spaces per dwelling unit is to ensure that the parking needs of the proposed multiple dwelling are met on-site, and is intended to provide one parking space per dwelling unit along with one visitor parking space for every four (4) dwelling units. Therefore a total of eight (8) parking spaces would be required for the proposed six (6) multiple dwelling units.

A total of six (6) on-site parking spaces are proposed at the rear of the proposed multiple dwelling, which provides one parking space per dwelling unit. The only required parking that cannot be accommodated on-site is the two (2) visitor parking spaces. On-street parking is permitted on Charlton Avenue West. Therefore, short term visitor parking can be accommodated by way of on-street parking. As the existing driveway access to Charlton Avenue West will be removed as part of the development of the subject lands, the number of on-street parking spaces will be increased by one (1) space as a result. In addition, the subject property is within walking distance of on-street parking on both Locke Street South and Dundurn Street South and there are also alternative forms of transportation available in the area including bicycle lanes along Dundurn Street South, and an existing public transit route along Charlton Avenue West.

Therefore, staff is of the opinion that the parking needs of the proposed multiple dwelling can be met and the proposed modification can be supported.

Loading Space

The modification is to permit no loading space whereas one loading space is required.

The intent of requiring a minimum of one on-site loading space is to ensure that the loading and unloading needs of the property are met.

A six (6) unit multiple dwelling is not expected to generate significant levels of loading and unloading activities, as these activities will be limited primarily to when residents move into and out of the building. As loading and unloading activities would be limited, alternatives like on-street loading and unloading could meet the needs of the subject property without creating significant traffic conflicts on the street. As such, staff are supportive of this modification.

Parking Space Size

The modification is to permit a minimum parking space size of 2.6 metres by 5.5 metres whereas 2.7 metres by 6 metres is required. The intent and purpose of requiring a minimum parking space size of 2.7 metres by 6 metres is to ensure that a parking space is of adequate size to accommodate a wide variety of different types of vehicles.

It is noted that the application was submitted prior to the Council direction on parking stall size.

Parking spaces that are 2.6 metres by 5.5 metres are being proposed in order to accommodate six (6) on-site parking spaces along with planting areas that will buffer adjacent residential properties from the proposed parking area. The proposed 0.1 metre reduction in parking space width and 0.5 metre reduction in parking space length represent small reductions in the size of a parking space that would not reduce the overall functionality and accessibility of the on-site parking spaces. Also these reductions allow for a minimum 1.5 metre planting strip to be provided along the majority of the parking area.

Therefore the proposed modification has merit and can be supported by staff.

Parking Area Separation and Planting Strip Width

The modification is to reduce the minimum separation distance between a parking area and an adjoining residential district from 1.5 metre to 0 metre for a 3.5 metre long portion along the easterly lot line, and permit a separation

distance of 1.3 metre between the parking area and the rear lot line. A modification is also required in order to provide no planting strip for the 3.5 metre long portion along the easterly lot line.

The intent and purpose of requiring a minimum 1.5 metre wide separation that is landscaped with plantings is to provide sufficient space for plant material that will provide green space to ensure adequate buffering between the parking area the adjoining residential property.

The proposed reduction in the separation distance for the length of the rear lot line is to be maintained at 1.3 metres in width. The rear lot line abuts an alleyway with existing residential properties located on the other side of the alleyway. The 0.2 metre reduction in the separation distance between the parking area and the alleyway constitutes a minor reduction and adequate buffering will be maintained between the parking area and the residential properties located on the other side of the alleyway.

The proposed 0 metre separation distance without a planting strip is only for a small portion of the length of the easterly lot line to accommodate manoeuvring for the northerly parking space. Also a visual barrier will be provided along the entirety of the easterly lot line which will provide additional screening for the residential property to the east. For the balance of the easterly lot line, a 1.5 metre wide separation and planting area will be provided.

No modification for reduced separation or planting strip width is required between the parking area and the residential property to the west.

Therefore the proposed modifications have merit and can be supported by staff.

Separation of a Driveway Access

The modification reduces the required separation distance between the access driveway for a parking lot accessory to a multiple dwelling, and an adjacent residential property that does not permit a multiple dwelling, from 3 metres to 1.5 metres.

The intent and purpose of requiring a minimum 3 metre separation distance is to provide adequate buffering between the access driveway and abutting residential properties.

The proposed 1.5 metre separation is with respect to the residential property to the east and pertains to an access from a rear alleyway. The property to the east

of the subject property, 343 Charlton Avenue West, maintains a detached garage at the rear of the property and therefore amenity activities will not be carried out adjacent to the proposed access for the subject property. Also a 1.5 metre separation and planting area along with a visual barrier will provide separation and buffering between the access driveway and the abutting residential property. Therefore the access driveway for the proposed parking area will not create negative impacts on the rear yard of the adjacent residential property.

Therefore the proposed modification has merit and can be supported by staff.

Porch Encroachment

The modification is to permit a roofed-over or screened porch to encroach into the front yard, whereas a roofed-over or screened porch cannot encroach more than 3m into a required front yard and must maintain a minimum setback of 1.5m from the front lot line.

The intent and purpose of restricting the maximum encroachment of a roofed-over or screened porch to not more than 3 metres into a required front yard with a minimum setback of 1.5 metre is to maintain the streetscape character of the area.

The proposed front porch will be setback 0 metres from the front lot line instead of maintaining a 1.5 metre setback from the front lot line in order to accommodate a 3.05 metre road allowance widening. A portion of the proposed porch and awning is still located on the subject property with a setback of 0 metres from the front lot line while the majority of the porch, steps and awning would be located within the City road allowance.

It is further noted that the encroachment of the front porch and stairs into the municipal right-of-way is supported by Corridor Management staff but will be subject to an Encroachment Agreement. This will be a condition of site plan approval that will have to be satisfied prior to applications for a building permit.

The proposed covered stairs represents a small portion of the overall front façade and is generally in line with most other properties along Charlton Avenue West which are built close to the front lot line. As the proposed modification to encroach up to the front lot line is for the front porch and stairs and is generally in line with most other properties along Charlton Avenue West, the streetscape character of the area will be maintained.

Therefore the proposed modification has merit and can be supported by staff.

3. There are existing 150mm and 300mm watermain, a 300mm combined sewer and a 375mm storm sewer in front of the property along Charlton Avenue West. The applicant will be required to establish appropriate grading and drainage, storm water management, and servicing connections for the subject lands. This will be undertaken at the Site Plan Control application stage.
4. Following the Notice of Complete Application, staff received 19 letters of correspondence, including a petition with 22 signatures (see Appendix "G" of Report PED18035).

The letters of correspondence identified a number of concerns with respect to the proposed development:

Privacy

A concern was raised with respect to the potential impact of the proposed development on the privacy of nearby residential properties. As mentioned previously, the balconies at the rear of the proposed building for the second and third storey units, as well as a roof top patio area, were removed at staff's request. Staff is of the opinion these revisions address this concern.

Noise Impacts

A concern was raised with respect to potential noise impacts caused by the proposed development on nearby residential properties. Staff are of the opinion that the type of activity that is normally associated with a small scale multiple dwelling does not typically create significant noise levels. Furthermore, as the applicant has revised the proposed development by removing the roof-top patio and rear balconies, the majority of the activities associated with the proposed use will be contained within the building and would, therefore, not impact nearby residential properties.

Reduction in Property Value

A number of interested parties were concerned that the proposed development would negatively impact the property values of existing properties in the area. Staff is not aware of any supporting information or any empirical data with respect to property devaluation that would substantiate this concern.

Over-Intensification and Location of Intensification

A concern was raised that the proposed development represents an over-intensification of the subject lands and that the subject lands are too small in size and the proposed density is too high. As discussed in the Policy Analysis Section of this Report, staff is of the opinion that this modest form of intensification is appropriate for this lot given the existing context of the area and the proposed design of the building.

Building Height, Massing and Architecture

A concern was raised that the building height, massing, materiality and colour of the proposed multiple dwelling is not compatible with the area. As noted previously, the proposed building is similar in height to the existing buildings in the neighbourhood which range in height from one to four storeys. Furthermore, as mentioned, the current Zoning By-law provisions of the “D” District for the subject property permits a maximum height of three (3) storeys or 14 metres. The proposal is for a three (3) storey building with a height of 10.2 metres and the new Zoning By-law provisions of the “DE” District, will restrict the maximum building height to three (3) storeys or 11 metres. In addition, the existing two and one half storey dwellings in the neighbourhood generally maintain side yard widths of 1.2 metres on one side of the dwelling and 0 metres on the other side of the dwelling. As the existing two and one half storey dwellings are similar in height to the proposed three (3) storey multiple dwelling, the proposed 2.0 metre side yard setback on both sides for the proposed building will be compatible with the character of the neighbourhood, and as a result the massing is appropriate for the existing lot size. While many of the other buildings along Charlton Avenue West have gable roofs, the proposed mansard roof is an appropriate architectural style. Additionally, the materiality and colour of the building will be further reviewed at the Site Plan Control stage and can be modified to better integrate the building with the area.

Lighting

A concern was expressed with respect to lighting and the potential negative impact of lighting on neighbouring properties. Through the Site Plan Control process the applicant will be required to demonstrate that any lighting will be directed on-site and will not spill over onto any of the surrounding properties.

Impact on Infrastructure

A concern was raised that the proposed development would impact the demand on the City's infrastructure. As part of the Site Plan Control process, the applicant will be required to demonstrate that there is adequate servicing capacity to meet the needs of the proposed use and to provide adequate services to the proposed multiple dwelling, without negatively impacting the City's infrastructure.

Precedent Setting and Comprehensive Development

A concern was raised that the proposed development would set a precedent for the area and that development of the area should be undertaken on a comprehensive basis rather than by way of piecemeal development. It should be noted that each development is evaluated on its own merits. In addition there are existing multiple dwellings along this section of Charlton Avenue West. Furthermore most of the lots along Charlton Avenue West are much smaller than that of the proposed multiple dwelling and therefore similar conditions to that of the subject property are not common in the area given that the area is largely built out.

View of Escarpment

A concern was received with respect to a loss of view of the escarpment. The current Zoning By-law provisions allows for a building height of three (3) storeys or 14 metres and the proposed zoning will lower the maximum permitted building height to 11 metres. As such, staff is of the opinion that the proposed development will not result in a loss of view of the escarpment.

Insufficient Parking and Limited On-Street Parking

A concern was raised that insufficient parking is being provided for the subject property, and that the proposed development would result in increased traffic and put pedestrian safety at risk. As discussed earlier in this Report, with the exception of required visitor parking, the required parking for each unit is being provided on-site. Visitors can be accommodated through the use of alternative transportation options including bicycle and public transit, as well as making use of on-street parking. The proposed development will result in the removal of the existing driveway on Charlton Avenue West, therefore the number of on-street parking spaces will be increased by one additional space thereby adding to the total on-street parking available along Charlton Avenue West. The six (6) additional parking spaces accessed from the alleyway are not expected to

generate significant levels of traffic and pedestrian activity would be from the sidewalk at the front entrance of the building.

Status of the Alleyway

The concern is the alleyway is not maintained by the City, nor does the City remove the snow that falls within the alleyway, and that the alleyway is in a state of disrepair. The existing alleyway is assumed by the City which means that the alleyway is maintained and plowed by the City of Hamilton. In respect to snow removal, alleyways are classified as being the lowest priority to be plowed and during significant snow events it may be some time before a publically assumed alleyway is plowed. However, this is the existing situation for the multiple properties along both Charlton Avenue West and Herkimer Street that access parking from the alleyway.

Tenure

A concern was raised regarding the tenure of the property and the preference toward owner-occupied housing and away from absentee land owners. As mentioned earlier in the Report, the proposed development is a rental building and contributes to the range of housing options available. The City cannot regulate the tenure through the Zoning By-law.

Amenity Space

A concern was raised with respect to a lack of amenity space. The original proposal for the subject property included additional amenity space in the form of balconies and a roof-top patio which were removed from the proposal in order to address concerns with respect to privacy and overlook. The ground floor units will maintain small amenity areas at the rear of each unit. However, the amenity needs of the multiple dwelling units can be further addressed by utilizing nearby parks which are publically accessible.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Zoning By-law Amendment application be denied, the subject property could be utilized in accordance with the range of uses and provisions of the “D” (Urban Protected Residential – One and Two Family Dwelling etc.) District.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

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.

APPENDICES AND SCHEDULES ATTACHED

- Appendix "A": Location Map
- Appendix "B": Draft Amendment to Zoning By-law No. 6593
- Appendix "C": Original Concept Plan
- Appendix "D": First Revision Concept Plan
- Appendix "E": First Revision Concept Plan with Road Widening
- Appendix "F": Current Concept Plan
- Appendix "G": Public Comments

DB:jp