



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	June 19, 2018
SUBJECT:	Application for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 100 Cumberland Avenue (Ward 3) (PED18129)
WARD(S) AFFECTED:	Ward 3
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-13-007 by MacNaughton Hermesen Britton Clarkson Planning Limited (c/o Eldon Theodore) on behalf of Archer Developments Corporation, Owner**, for a change in zoning from the “JJ” (Restricted Light Industrial) District to the “DE-2/S-1763-‘H’” (Multiple Dwellings) District, Holding, Modified to permit the construction of a five storey, 65 unit multiple dwelling on lands located at 100 Cumberland Avenue, Hamilton, as shown on Appendix “A” to Report PED18129, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED18129, 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 PED18129, be added to District Map No. E23 of Zoning By-law No. 6593;
 - (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (PPS), conforms to the Growth Plan for the Greater Golden Horseshoe (2017), and complies with the Urban Hamilton Official Plan;
 - (iv) That the amending By-law apply the Holding Provision of section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding symbol ‘H’ as a suffix to the proposed zoning.

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The Holding Provision “DE-2/S-1763-‘H” (Multiple Dwellings) District, Holding, Modified, be removed conditional upon:

- (a) The Owner submit a signed Record of Site Condition (RSC) to the City of Hamilton and the Ministry of the Environment and Climate Change (MOECC). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECC, and submission of the City of Hamilton’s current RSC administration fee.
- (b) That the St. Clair Neighbourhood Plan be amended by changing the designation of the subject lands currently designated as “Industrial” to “High Density Apartments” to accommodate the proposed residential development.

EXECUTIVE SUMMARY

The applicant is proposing to redevelop the existing industrial building, formerly the Lifesaver Candy Factory, into a five storey, 65 unit multiple dwelling with a total height of 20.4 m. The proposal includes a three storey addition onto the existing two storey building with step backs along the front façade and portions of the side façades. The proposal includes 85 parking spaces, a parking space for a car share vehicle and 70 indoor bicycle parking spaces and six outdoor bicycle parking spaces.

The proposed Zoning By-law Amendment is to change the zoning on the subject lands from the “JJ” (Restricted Light Industrial) District to “DE-2/S-1763-‘H” (Multiple Dwellings) District, Holding, along with modifications to implement the proposal. A Holding Provision will also be applied to the subject lands to secure a Record of Site Condition.

The application can be supported as it is consistent with Provincial Policy Statement (PPS), conforms to the Growth Plan for the Greater Golden Horseshoe (2017) and implements the key policies of the UHOP with respect to the Neighbourhoods designation and Residential Intensification. It is an appropriately scaled use representing a compatible form of intensification that will diversify the range of dwelling types, tenures and densities in the St. Clair neighbourhood while respecting its existing built character.

Alternatives for Consideration – See Page 32

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

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Staffing: N/A

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

HISTORICAL BACKGROUND

Proposal:

The applicant is proposing to redevelop the former industrial building, formerly the Lifesaver Candy Factory, into a five storey, 65 unit multiple dwelling with a total height of 20.4 m and 85 parking spaces plus one car share parking space. The proposal includes a three storey addition onto the existing two storey building, which will be stepped back 6.0 m from the front façade and 3.0 m from the side façades for a portion of the addition. Three units will also be located partially below grade with direct access and amenity areas fronting Cumberland Avenue. The existing paved storage area on the west side of the building will be converted into surface parking for 39 vehicles. An additional 30 parking spaces will be accommodated in a new one storey above ground separate parking structure that will be constructed along the rear lot line, with the remaining 18 parking spaces being accommodated in an underground parking area located underneath the existing building. One additional parking space for a car share vehicle will be provided and the applicant will be required to enter into an agreement with a car share provider. The one storey parking structure at the rear lot line will also be integrated with a crash barrier to buffer the development from the rail line. A total of 76 bicycle parking spaces are proposed consisting of six short-term spaces outside of the building and 70 secure spaces located in the underground parking garage. The site will continue to have vehicular access from both Cumberland Avenue and Burris Street.

The proposed Zoning By-law Amendment is to change the zoning on the subject lands from the “JJ” (Restricted Light Industrial) District to a site specific “DE-2” (Multiple Dwellings) District. The proposed modifications are for building height, front, side and rear yard setbacks, balcony projections, parking area location, loading and parking space dimensions, minimum bicycle parking requirements and the location of the parking garage. A Holding Provision will also be applied to the subject lands to secure a Record of Site Condition. Staff have provided additional amendments to the Zoning By-law application to accommodate the required road widening and daylight triangle.

Chronology:

April 12, 2013: Zoning By-law Amendment Application ZAC-13-007 and Official Plan Amendment Application OPA-13-001 received.

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May 8, 2013: Zoning By-law Amendment Application ZAC-13-007 and Official Plan Amendment Application OPA-13-001 are deemed complete.

May 14, 2013: Notice of Complete Application and Preliminary Circulation was sent to 199 property owners within 120 m of the subject lands, and the Public Notice sign posted on the property.

April 20, 2018: Official Plan Amendment Application withdrawn at the recommendation of staff.

May 23, 2018: Public Notice sign updated with Public Meeting date.

June 1, 2018: Circulation of Public Meeting Notice for Zoning By-law Amendment Application ZAC-13-007 to 199 property owners within 120 m of the subject lands.

Details of Submitted Application:

Location: 100 Cumberland Avenue, Hamilton

Owner: Archer Developments Corporation

Applicant / Agent: MacNaughton Hermsen Britton Clarkson (MHBC) Planning Limited (c/o Eldon Theodore)

Property Description:

<u>Lot Area:</u>	5,951 sq m
<u>Lot Frontage:</u>	97.99 m
<u>Lot Depth:</u>	60.58 m

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Vacant Industrial Building	“JJ” (Restricted Light Industrial) District
<u>Surrounding Lands:</u>		
North	Single Detached Dwellings	“C” (Urban Protected Residential, Etc.) District

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South	Canada Pacific Railway Right-of -Way and Niagara Escarpment	“J” (Light and Limited Heavy Industry, Etc.) District
East	Single Detached Dwellings and Commercial Retail	“C” (Urban Protected Residential, Etc.) District
West	Public Park	“JJ” (Restricted Light Industrial) District

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). 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 provided below.

Noise and Vibration

“1.2.6.1 *Major facilities and sensitive land uses* should be planned to ensure they are appropriately designed, buffered and / or separated from each other to prevent or mitigate *adverse effects* from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of *major facilities*.”

As part of the application for a Zoning By-law Amendment, the applicant submitted an Environmental Noise Assessment prepared by Valcoustics Canada Ltd. and a Railway Vibration Analysis by Valcoustics Canada Ltd. both dated January 8, 2013. The noise and vibration studies reviewed the potential noise and vibration sources that might impact the subject property, and specifically identified an existing railway line located to the south of the subject property as the primary source of noise and vibration impacting the subject property.

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The noise and vibration studies identified mitigation measures to address noise and vibration impacts that exceed the guideline limit of the Canadian Pacific Railway (CPR) and noise level requirements of the Ministry of Environment and Climate Change (MOECC). Vibration mitigation measures recommended that below grade foundation be isolated from the surrounding soil with insulation material. Noise mitigation measures were identified including noise warning clauses, a 1.3 m high parapet sound barrier to protect the outdoor living area, exterior walls with a Sound Transmission Class (STC) rating of 54 and windows with a STC rating of 38, mandatory air conditioning, and a 2.5 m crash barrier.

CPR rail comments advised that they are not in favour of residential development in proximity to the CPR rail line but support the mitigation measures identified in the noise and vibration studies. The applicant, in consultation with CPR, will also be constructing a crash wall which will be integrated with the one storey parking garage located along the rear lot line. More detailed comments from CPR are addressed in the Relevant Consultation Section of this Report.

The necessary mitigation measures will be further reviewed and implemented as part of the Site Plan Control Application.

Cultural Heritage

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:

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

- 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.”

Although the subject property is not protected under the *Ontario Heritage Act* through registration or designation, the property is included in the City’s Inventory of Buildings of Architectural and/or Historical Interest. The building has been part of the built fabric of the neighbourhood since the 1930s.

The retention of the existing building will contribute to maintaining the historical character of the neighbourhood. Additionally, staff note that the stone veneer and brick cladding proposed for the three storey addition are sympathetic to the existing built fabric and historical context of the property. The setback of the addition on the front façade provides an appropriate transition between old and new architecture. Detailed

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review and approval of the building elevation drawings and proposed materials will be done as part of the Site Plan Control Application.

Also the subject property meets four of the ten criteria used by the City of Hamilton and the Ministry of Tourism, Culture and Sport for determining archaeological potential. A written caution will be required to be included as part of the Site Plan Control Application requiring the Owner to acknowledge the archaeological potential of the subject property and that the Owner is required to contact the Ministry of Tourism, Culture and Sport should archaeological material or human remains be encountered during construction.

Environmental Remediation

“3.2.2 Sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no *adverse effects*.”

The subject property is recognized as a potentially contaminated site due to its use as a former industrial (Lifesaver Candy Factory) building. As such, the property is subject to environmental review to allow for the proposed multiple dwelling. The applicant has undergone a Phase I and II Environmental Site Assessment, but has not yet submitted their findings to the MOECC. As such, a Holding Provision is proposed as the provision of a Notice of Acknowledgement letter from the MOECC for the RSC is a requirement.

Based on the foregoing, the proposed development is consistent with the policies of the PPS.

Growth Plan for the Greater Golden Horseshoe (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 Growth Plan supports intensification within built-up urban areas, particularly in proximity to transit. As noted in Section 2.1 of the Plan:

“To support the achievement of *complete communities* that are healthier, safer, and more equitable, choices about where and how growth occurs in the *GGH* need to be made carefully. Better use of land and *infrastructure* can be made by directing growth to *settlement areas* and prioritizing *intensification*, with a focus on *strategic growth areas*, including *urban growth centres* and *major transit station areas*, as well as *brownfield sites* and *greyfields*. Concentrating new development in these areas provides a focus for investments in transit as well as other types of *infrastructure* and *public service facilities* to support forecasted growth, while also supporting a more

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diverse range and mix of housing options. However, to protect public safety and prevent future flood risks, growth should generally be directed away from hazardous areas, including those that have been identified as Special Policy Areas in accordance with the PPS.”

Furthermore as noted in Section 2.2.1.2 (d):

“Development will be directed to settlement areas, except where the policies of this Plan permit otherwise.”

The subject property is located within a settlement area and is located in proximity to an existing transit route. The proposal represents a form of intensification that makes use of existing infrastructure and contributes to 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

There are several policies that specifically relate to this development proposal; namely, permitted uses, compatibility (scale, urban design, and residential intensification policies).

1.0 Neighbourhoods Designation and High Density Residential Policies

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:

Neighbourhoods Designation

- “E.3.2.1 Areas designated Neighbourhoods shall function as complete communities, including the full range of residential dwelling types and densities as well as supporting uses intended to serve the local residents.

- E.3.2.4 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.3.2.15 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.”

High Density Residential

- “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 roads.
- 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.3.6.5 Proximity to the Downtown Urban Growth Centre, Sub-Regional Nodes or Community Nodes, and designated Employment Areas shall be considered desirable for high density residential uses.
- E.3.6.6 In high density residential areas, the permitted net residential densities, identified on Appendix G – Boundaries Map shall be:
- b) greater than 100 units per hectare and not greater than 200 units per hectare in all other Neighbourhoods designation areas.”

The proposed five storey, 65 unit multiple dwelling conforms to the above noted policies, as follows:

- The adaptive reuse and the addition to the former Lifesaver Candy Factory for a multiple dwelling will add to the mix of housing types in the St. Clair neighbourhood which predominantly consists of single detached dwellings;
- It is located on the southern periphery of the neighbourhood, adjacent to the Escarpment and located on a collector road (Cumberland Avenue) and within 60 m of minor arterial road (Sanford Avenue South);
- It abuts a public park and is in close proximity to community facilities and services including a number of schools, municipal parks, the Escarpment Rail Trail as well as a number of bus routes;
- It is located 2.6 km from Downtown (Urban Growth Centre), which is a 8 minute car ride, 10 minute bike ride or a 30 minute walk; and,

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- The density of development is 109 units per hectare before the road widening and approximately 117 units per hectare after the road widening.

2.0 Design Policies

Compatibility and design are addressed in the following sections on the UHOP.

High Density Residential

“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.
- 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.
- c) High profile development may be considered appropriate, subject to the other policies of this Plan, where it would result in the preservation of natural heritage system features or public view corridors which may otherwise be compromised by more dispersed, lower profile development.
- 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; and,
 - iii) provide adequate access to the property, designed to minimize conflicts between traffic and pedestrians both on-site and on surrounding streets.

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- 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 streets (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 a building or structure shall not unduly overshadow, block light, or result in the loss of privacy of adjacent residential uses.
- g) The orientation, design, and massing of a building or structure higher than six storeys shall take into account the impact on public view corridors and general public views of the area of the Niagara Escarpment, waterfront, and other parts of the City as identified through secondary plans or other studies.”

Urban Design Policies

“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;
- c) recognizing and protecting the cultural history of the City and its communities;
- d) conserving and respecting the existing built heritage features of the City and its communities;
- e) conserving, maintaining, and enhancing the natural heritage and topographic features of the City and its communities;

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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;
- g) contributing to the character and ambiance of the community through appropriate design of streetscapes and amenity areas;
- h) respecting prominent sites, views, and vistas in the City; and,

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.

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.

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- 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.”

There are several design requirements, as noted above, that have been addressed in this development. More specifically:

- Transition of higher profile / higher density multiple dwelling adjacent to low density residential uses – A five-storey building is not considered to be a high profile building. To address the transition and massing of the building, the three storey addition on top of the existing two storey building will be stepped back 6 m from the front façade and 3 m for the front portions of the side facades.
- Amenity Areas – the amenity areas of the four units proposed to be located below grade will have direct access to Cumberland Avenue which will address the street. Windows on all facades and balconies for units above the second storey will animate the street by reduce large expanses of blank walls, provide eyes on the street, and promote safety both on and off of the property. The proposed balconies, along with an indoor multi-purpose room and existing municipal parks, will meet the amenity needs of the residents of the proposed development.
- Access, Parking, Loading - Four dwelling units will have direct access at the front of the building and three entrances will be provided for the remaining units of which two entrances will be provided parallel to the street. Separate pedestrian and vehicular access will be provided to the existing street and sidewalks and adequate visibility will be provided for points of access to ensure that conflicts between traffic and pedestrians are minimized. The existing paved area on the western portion of the property will be converted into a surface parking lot while a one-storey garage will be constructed along the rear lot line. The remainder of the parking will be accommodated underground. The building and parking area will be landscaped to screen views from the street. The loading and garbage pick-up area will also be

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located at the rear of the building. These matters will be further reviewed at the Site Plan Control Application stage.

- Sun/Shadow Impacts – the applicant conducted a Sun Shadow Study to determine the shadow impacts of the proposed building. The test points were 9:00 a.m., 12:00 p.m. and 3:00 p.m. on March 21st (which also represents conditions for September 21st), June 21st and December 21st.

Results for March 21st and June 21st showed that shadowing would be minimal and contained largely on the subject lands and portions of the sidewalks and municipal road. The shadow impacts on the public realm are limited the south side of Cumberland Avenue and the west side of Burriss Street at 3 p.m. between March 21st and September 21st.

The shadow study also identified a small amount of shadowing on the existing municipal park only at 9 a.m. on March 21st and September 21st. Therefore, as the sun shadow impacts are limited to the south side of the street later in the day, and limited in respect to the existing municipal park, the proposed sun shadow impacts are appropriate.

Larger impacts were observed on December 21st at 9:00 a.m. and 3:00 p.m. when the public park and properties to the north, respectively, would experience some shadowing. The purpose of determining shadow impacts is to minimize the shadowing on public and private outdoor amenity spaces. Given that outdoor amenity areas are used less during the winter, these impacts are considered tolerable.

- Public views corridors and the Niagara Escarpment – Buildings greater than six storeys take into account the impact on public views corridors and general public views of the Niagara Escarpment. The applicant worked with the Niagara Escarpment Commission (NEC) to investigate potential view impacts on the Niagara Escarpment from the public realm. Based on the investigation the NEC concluded that the proposed five storey multiple dwelling will not have a net negative impact on the public views of the Niagara Escarpment.

3.0 Residential Intensification/Compatibility

“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.

Residential Intensification in the 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;
- 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.

Residential Intensification and Cultural Heritage Resources

- B.2.4.3.1 Residential intensification involving cultural heritage resources shall be in accordance with Section B.3.4 – Cultural Heritage Resources Policies.
- B.2.4.3.2 Residential intensification in established historical neighbourhoods shall be in accordance with Policy B.3.4.3.6 and Policy B.3.4.3.7.
- B.3.4.3.6 The City shall protect *established historical neighbourhoods*, as identified in the cultural heritage landscape inventory, secondary plans and other City initiatives, by ensuring that new construction and *development* are sympathetic and complementary to existing cultural *heritage attributes* of the neighbourhood, including lotting and street patterns, building setbacks and building mass, height, and materials.
- B.3.4.3.7 *Intensification* through conversion of existing *built heritage resources* shall be encouraged only where original building fabric and architectural features are retained and where any new additions, including garages or car ports, are no higher than the existing building and are placed to the rear of the lot or set back substantially from the principal façade. Alterations to principal façades and the paving of front yards shall be avoided.”

The issues of compatibility and residential intensification have been addressed in the previous two sections as well as the PPS review; more specifically, the design of the building to reduce massing, establish a transition to lower density uses, creation of apartment units, addressing noise, overlook/privacy, retention of the public view and amenity spaces for the residents.

In terms of cultural heritage and residential intensification, Cultural Heritage staff have determined that the proposal is consistent with the historical context of the property and that the heritage attributes of the property will be conserved. The building is not protected under the *Ontario Heritage Act* through the registry or designation; however, the property is included in the City’s Inventory of Buildings of Architectural and/or Historical Interest. The shell of the existing Lifesavers Candy Factory will be retained for its historic association with the surrounding neighbourhood since the 1930s. The upper floors are setback from the principle facades. Sympathetic materials will be utilized for the proposed addition to reflect the existing building fabric and historical context of the area. Windows and balconies will provide eyes on both the street and on the site. Surface parking area will be located primarily to the side and rear of the building and will be buffered and screened from the street.

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In terms of servicing, there is adequate infrastructure and transportation capacity to support the proposed multiple dwelling. A Functional Servicing and Stormwater Management Report, and Water Servicing Analysis dated January 2013, and subsequently updated on December 2015, June 2016 and March 2018 have been reviewed by Development Engineering staff. Low water pressure was identified as an issue in the neighbourhood. A hydraulic analysis was conducted by Cole Engineering which showed that the water supply distribution system is capable of providing adequate flows and pressure to support the proposed multiple dwelling. Development Engineering staff have determined that the proposal can be adequately serviced however the detailed review in respect to servicing and storm water management will be undertaken as part of the Site Plan Control Application.

Based on the foregoing, staff are of the opinion that the proposal complies with the UHOP.

4.0 Neighbourhood Plan – St. Clair Neighbourhood Plan

The subject lands are designated “Industrial” in the St. Clair Neighbourhood Plan. Although the St. Clair Neighbourhood Plan does not have policies associated with land use designations, a Neighbourhood Plan Amendment is required to change the designation on the subject lands from “Industrial” to “High Density Apartments” to more accurately reflect the proposed use and the current Neighbourhoods designation in the UHOP.

“High Density Apartments” is an appropriate designation of the subject lands as it allows for the development which complies with all other policies of the UHOP while maximizing the use of a currently underutilized piece of land. The proposal represents a form of residential intensification that is appropriately scaled and will strengthen the range of dwelling types, tenures and densities in the area while allowing for the adaptive reuse of an existing industrial building.

City of Hamilton Zoning By-law No. 6593

The subject property is zoned “JJ” (Restricted Light Industrial) District, which permits a range of industrial uses but does not permit a multiple dwelling. An amendment to the City of Hamilton Zoning By-law No. 6593 is required to change the zoning to a site specific “DE-2” (Multiple Dwellings) District. Site specific modifications are also required to implement the proposal and are discussed in greater detail in the Analysis and Rationale for Recommendation Section of this Report. Staff have included additional amendments to the Zoning By-law Application in order to accommodate the required road widening and daylight triangle requirement.

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RELEVANT CONSULTATION

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

- Horizon Utilities; and,
- Recreation Division (Community and Emergency Services Department).
- Hamilton Conservation Authority

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

Canada Pacific Railway (CPR) is not in favour of new residential developments near its right-of-ways. However, CPR has reviewed the submitted documents, including among other things, the Environmental Noise Study, Railway Vibration Assessment, Functional Servicing and Stormwater Management Report. They support the implementation of the mitigative measures proposed in the Railway Vibration Assessment and confirmed that their drainage will not be negatively impacted. Additionally, further consultation will be required during the detailed design stage of the crash wall to determine appropriate setbacks and designs standards which will be undertaken as part of the Site Plan Control Application.

Corridor Management Section, Public Works Department has requested that the existing driveway on Cumberland Avenue be aligned with Gladstone Avenue in order to reduce pedestrian and vehicle conflicts. This has been addressed by the applicant and is now complying. Additionally, they have requested that a Construction Management Plan be prepared at the Site Plan Control stage and that the applicant will be required to provide 5 m by 5 m visibility triangles at all driveway entrances, close any unused driveways and restore all curbing and sidewalks abutting the subject lands.

Transportation Planning, Public Works Department supports the provision of a car share space and recommends that it be located in the surface parking lot. This will be secured through a future Site Plan Control Application. Transportation Planning staff also recommend that the developer provide subsidized car share and/or bike share passes to future owners / tenants. This recommendation has been agreed to by the applicant and is addressed in the site specific By-law.

Forestry and Horticulture Section, Public Works Department has advised that municipal tree assets may be affected by this proposal; therefore a Tree Protection Plan (TPP) is required. Additionally, boulevard trees have been requested requiring a Landscape Plan. The applicant has provided both plans for comment which have been approved with revisions that will take place during the Site Plan Control stage when a detailed design and review of the site landscaping will occur.

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Urban Renewal Section has advised the applicant that the development may be eligible for the ERASE incentive program.

Bell Canada has advised that an easement may be required to service the proposed development. They will provide a more detailed review of the proposal through a future application for Plan of Condominium or Site Plan Control Application.

Budgets and Finance Section, Corporate Services Department staff have indicated that the property has an outstanding balance of \$3,522.70, which has since paid.

Niagara Escarpment Commission staff have indicated that there is no net visual impact of the proposal as submitted on the views of the Niagara Escarpment and that the proposal meets the Urban Area policies of the Niagara Escarpment Plan. The Commission will further comment on any barriers erected along the rail corridor during the Site Plan Control Application.

Public Health Services, Health Protection Division have indicated that there is potential for the presence of lead and mercury containing substances and asbestos-containing material within the building. Therefore, a proper abatement plan should be put into effect. Additionally, waste paints and other waste products being stored onsite in large plastic and steel containers should be removed from the property. As per the recommendations of the Phase 2 Environmental Site Assessment, the top layer of contaminated soil on the property should be removed and properly disposed of off-site. New uncontaminated soil should be brought in to fill the site.

All recommendations and mitigation measures coming from the Environmental Noise Assessment and the Railway Vibration Analysis requirements are to be followed and implemented at the Site Plan Control Application. Pest Control and Dust Mitigation Plans are to be formulated and will be reviewed and addressed at the Site Plan Control Application.

Operation Support Section, Public Works Department has indicated that the subject lands are eligible for municipal waste collection subject to the City's design and performance specifications. It will be up to the applicant to accommodate these specifications to receive municipal waste collection or arrange for a private collection service as an alternative.

Public Consultation

In accordance with the provisions of the *Planning Act* and Council's Public Participation Policy, a Notice of Complete Application and Preliminary Circulation was circulated to 199 property owners within 120 m of the subject property on May 14, 2013, requesting public input on the application. A Public Notice sign was also posted on the property

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on May 14, 2013 and updated on May 23, 2018 with the date of the Public Meeting. Notice of the Public Meeting was given, in accordance with the requirements of the *Planning Act* on June 1, 2018. At the time of the writing of this Report staff received a total of nine submissions from the public including a joint letter with 31 signatures.

The issues raised in the letters of correspondence are summarized in the Analysis and Rationale for Recommendation Section of this Report.

Public Consultation Strategy

As the application for the Zoning By-law Amendment was submitted prior to July 1, 2016, the application pre-dated the requirement for a public consultation strategy to be undertaken. As such a Public Consultation Strategy was not required. However an information open house was held by the applicant on October 29th, 2013 and was attended by 25 interested parties. A number of questions were raised at the Public Information Meeting and the concerns raised are discussed in the Analysis and Rationale for Recommendation Section of this Report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

- 1) The proposed Zoning By-law Amendment has merit and can be supported for the following reasons:
 - i) It is consistent with the PPS and conforms to the Growth Plan;
 - ii) It complies with key policies of the UHOP with respect to the Neighbourhoods designation and Residential Intensification; and,
 - iii) It is an appropriately scaled use that will diversify the range of dwelling types, tenures and densities in the St. Clair neighbourhood while respecting its existing character.
- 2) The proposed Zoning By-law Amendment is to change the zoning on the subject lands from the “JJ” (Restricted Light Industrial) District to the a site specific “DE-2” (Multiple Dwellings) District with modifications to height, front, side and rear yard setbacks, balcony projections, parking area location, loading and parking space dimensions, minimum bicycle parking requirements and the location of the parking garage. A Holding Provision will also be applied to the subject lands to secure a Record of Site Condition.
- 3) The applicant has requested the following site specific amendments to Zoning By-law No. 6593 to implement the proposal:

Change in Zone

The change in zoning from the “JJ” (Restricted Light Industrial) District to the “DE-2” (Multiple Dwellings) District will permit the property to be used for a multiple dwelling. As discussed in the UHOP policy review section above, the proposed residential use implements the policies of the Neighbourhoods designation and maintains the residential function of the St. Clair neighbourhood while increasing the diversity of using types, tenures and densities available, and is compatible with the existing character of neighbourhood.

Therefore, staff support the proposed zoning change.

Restriction on Number of Dwelling Units

Staff are including a modification to restrict the number of dwelling units to a maximum of 65 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.

Therefore, staff support the proposed modification.

Restriction on Institutional Uses

The “DE-2” (Multiple Dwellings) District permits a long-term care facility and day nursery. Neither a long-term care facility or day nursery is being proposed as part of the proposed development nor have the impacts of day nursery or long-term care facility been reviewed as part of the proposed application. In order to ensure neither a long-term care facility or day nursery are not established on-site a modification is proposed to not permit the uses as part of the site specific By-law.

Therefore, staff support the proposed modification.

Reduction in Maximum Permitted Height

The current “JJ” (Restricted Light Industrial) District permits a maximum height of four storeys and 17.0 m. The proposed “DE-2” (Multiple Dwellings) District permits a maximum height of eight storeys and 26.0 m for multiple dwellings. The proposed modification is to reduce the maximum permitted height to five storeys and 22.0 m. This is the height of the multiple dwelling as proposed by the applicant. As discussed in the UHOP policy review section, this height complies with the relevant policies. It respects the character of the existing neighbourhood while not causing any undue nuisance impacts like excessive shadowing or overlook. The three

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storey addition is also stepped back from the front façade and portions of the side facades to further reduce its appearance with respect to its surroundings.

Therefore, staff support this modification.

Modifications to Required Yards

The “DE-2” (Multiple Dwellings) District requires a minimum required front yard depth of 7.5 m, minimum required side yard width of 9.0 m and a minimum required rear yard depth of 13.5 m. Modifications to the required yards provisions are proposed to recognize the location of the existing two storey building and to implement the step backs of the three storey addition.

It is noted that for the third to fifth storeys the required easterly and westerly side yard setback is greater for the front (north) portion of building while the rear portion (south) of the building aligns with the easterly and westerly setback of the existing two storey building. The transition between the front and rear portions of the third to fifth storeys occurs at 22.5 m from the front lot line.

Setback	Required Setback	1st and 2nd Storey (Existing)	3rd to 5th Storey (New Addition)
Front Yard	7.5 m	6.5 m	12.5 m
Easterly Side Yard (Less than 22.5 m from the front lot line)	9.0 m	2.4 m	5.4 m
Easterly Side Yard (Greater than 22.5 m from the front lot line)	9.0 m	2.4 m	2.4 m
Westerly Side Yard (Less than 22.5 m from the front lot line)	9.0 m	36.4 m	39.4 m
Westerly Side Yard (Greater than 22.5 m from the front lot line)	9.0 m	36.4 m	36.4 m
Rear Yard	13.5 m	14.9 m	14.9 m

For the first two storeys, a front yard depth of 6.5 m, easterly side yard width of 2.4 m and westerly side yard width of 36.4 m are proposed. The proposed setbacks are considered appropriate as they represent the original location of the former industrial building, which has been part of the built fabric of the community since the 1930s, and ensures that the building can be retained and adaptively reused.

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For the remaining three storey addition, a front yard depth of 12.5 m, easterly side yard width of 5.4 m and westerly side yard width of 39.4 m are proposed. These modifications implement the step backs for the three storey building addition in the amount of 6.0 m for the front façade and 3.0 m for the front 10 m deep portion of the addition on the side façades. The step backs are important design features which reduce the appearance of the massing of the addition, allowing for a transition to the surrounding single detached dwellings. They also reduce the amount of shadowing and overlook onto surrounding properties.

A 14.9 m rear yard depth is proposed for all floors of the proposed multiple dwelling. This depth is more than is required by the Zoning By-law but is necessary in order to recognize the existing distance to the CP rail corridor, which ensures that no potential future additions are permitted closer than the location of the existing building.

Staff support the modifications in yard requirements as they recognize the location of the existing building and implement the step backs of the three storey addition above, which ensures that an appropriate transition in building height is achieved, reduces the overall massing of the building, and reduces sun shadow impacts on adjacent properties and the public realm.

Therefore, staff support these modifications.

Setback from Hypotenuse of Daylight Triangle

A 3.9 m road widening and 9.14 m by 9.14 m daylight triangle is required in order to meet the requirements of the UHOP.

The required road widening and daylight triangle requirements will result in the daylight triangle being located in close proximity to the existing building. As a result, a modification to permit a 0 m setback from the hypotenuse of the daylight triangle is required. As the proposed modification is to facilitate the road widening and daylight triangle dedications and the existing building location, the proposed modification can be supported.

Reduced Landscaping

A modification is required in order to reduce the landscaped area from 25% to 20%. A total of 26.67% landscaping would be provided on-site based on the size of the lot before the required road widening and daylight triangle dedications are taken and therefore would have conformed to the minimum 25% landscape area requirement. However, due to the fact that approximately 475 sq m of land is to be dedicated for the required road widening and daylight triangle, the landscaped area is to be

reduced as the majority of the area to be dedicated would have been intended for landscaped area. It is noted that the 445 sq m that is to be included within the municipal boulevard is intended to be sodded and landscaped and therefore will contribute to the streetscape character of the area. As the streetscape character of the area will be maintained and the proposed modification is to facilitate the required road widening and daylight triangle dedications, the proposed modification can be supported.

Encroachments into Required Yards

Modifications are required to permit certain encroachments into required yards.

Below Grade Patio and Associated Open Stairs

A below grade patio providing access and amenity space for the four units located below the first storey is permitted to encroach 4.0 m into the front yard with an additional encroachment for an open stairway which is permitted to encroach up to the front lot line, instead of a maximum encroachment of 3.0 m with a minimum setback of 1.5 m. The existing front yard depth before the required road widening is greater than what is required by the "DE-2" (Multiple Dwellings) District. After the road widening is taken, 6.5 m will be maintained providing ample room to accommodate this feature. Additionally, since the patio is located below grade, it will not add to the massing of the building and therefore will not create negative visual impacts.

The proposed modification can be supported.

Balconies

Section 18(3)(vi)(cc) of Zoning By-law No. 6593 permits balconies to encroach 1.0 m into the required front yard but not closer than 1.5 m to the street line; and 1.0 m into the required rear yard and 1.0 m or one third of its width (whichever is lesser) into the required side yard. As such, a modification is required to permit the encroachment of balconies 1.8 m into the required rear and westerly side yard. These yards abut the CP railway corridor and a public park, respectively. This increase is appropriate as these yards do not abut any sensitive lands uses which could potentially be impacted by effects like overlook and loss of privacy.

An encroachment of 1.8 m into the front and easterly side yard is also requested but only for balconies located above the second storey. These yards abut Cumberland Avenue and Burris Street (respectively) and therefore have the potential to impact the appearance of the massing and height of the building. In response the current design only proposes balconies above the second storey on the front and easterly

façade. The proposed encroachments will be contained fully within the step backs that are proposed for these storeys. Staff are of the opinion that the proposed encroachments will not have a negative visual impact on the street and will not detract from the function of the step backs to reduce visual impact of the height and massing of the building.

Staff are of the opinion that the proposed encroachments will not cause a negative visual impact on the surrounding properties and support the modifications.

Removal of Floor Area Ratio Limit

The “DE-2” (Multiple Dwellings) District permits a maximum floor area ratio of 0.90. Based on a lot area of 5,951.7 sq m, a maximum of 5,356.5 sq m of gross floor area would be permitted. Upon the dedication of the road widening and daylight triangle, the lot area is further reduced to approximately 5,476 sq m and therefore the maximum gross floor area would be further reduced to approximately 4,928 sq m. The proposed multiple dwelling will have a gross floor area of 8,004.4 sq m. The intent of the floor area ratio (FAR) provision is to control massing and density. The proposed modification is to remove the FAR requirement. The proposed multiple dwelling has been reviewed in detail through the Zoning By-law Amendment application. The massing and density of the proposed multiple dwelling is specifically regulated by the proposed by-law requirements for maximum height, encroachments, and, number of units, as well as by-law requirements for minimum setbacks and parking.

Therefore the intent of the FAR is still being achieved and the proposed modification can be supported.

Minimum Parking Space Requirements

The applicant is providing a number of measures to assist in mitigating the on-street parking availability issues in the surrounding neighbourhood. Zoning By-law No. 6593 requires that parking be provided at a rate of 1.25 spaces per dwelling unit, resulting in 82 required spaces for a 65 unit multiple dwelling. The applicant is proposing 85 parking spaces which represents a rate of 1.3 spaces per unit, of which 68 parking spaces will be provided for residents and 17 parking spaces will be provided for visitor parking. In addition to this, one space will be maintained for the sole use of a car share vehicle and a minimum of 70 secure bicycle parking spaces and six outdoor bicycle parking spaces, a ratio of 1.16 bicycle parking spaces per unit, are required to be provided on site. Since Zoning By-law No. 6593 does not contain any provisions requiring car share or bicycle parking, all of the modifications to minimum parking requirements discussed above represent the implementation of measures that are over and above the minimum requirements of

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Zoning By-law No. 6593. Staff support these modifications as they increase the minimum number of parking spaces required in an area with on-street parking capacity issues while giving future residents the option of switching to cycling as an alternative to the automobile.

Modifications for Accessory Building (Parking Garage)

The applicant is proposing a one storey 549.36 sq m parking garage for 30 parking spaces each accessed at grade located along the rear lot line of the subject lands. Zoning By-law No. 6593 permits accessory structures only in the rear yard provided that they are a minimum of 0.45 m from any lot line and do not occupy an area greater than one third of the area of the required rear yard and side yards combined. These provisions of the By-law are proposed to be replaced with a 0.0 m set back from the rear lot line, a 5.7 m set back from the side lot and a maximum area of 600 sq m. The modifications are needed in order to locate the structure at the rear lot line and within the westerly side yard which already contains the surface parking area. The garage will also incorporate a crash wall associated with the CP rail corridor to the south which will separate the proposed multiple dwelling from the existing CP rail corridor.

Therefore, staff support these modifications.

Parking and Loading Space Size

Zoning By-law No. 6593 requires that one loading space be provided that is a minimum of 18.0 m (length) by 3.7 m (width) with a vertical clearance of 4.3 m. The applicant is providing a loading space with a reduced length of 10.5 m. It is noted that the width and vehicle clearance height requirements are being met. The proposed 10.5 m loading space length will be sufficient to accommodate small cube trucks that would typically be utilized in respect to the loading and unloading activities of residents moving in and out. Therefore, staff support this reduction as it allows for the appropriate location of the loading area at the rear of the building between the easterly façade and the garbage area.

Zoning By-law No. 6593 requires that parking spaces be provided that are a minimum of 6.0 m by 2.7 m. The applicant is providing two parking spaces with a reduced width of 2.6 m in the underground parking garage. Staff support this reduction as it only affects two spaces on a site that are already exceeding its minimum parking requirement count. This reduction is appropriate as it allows the full utilization of the underground parking garage to accommodate vehicles.

Therefore, staff support these modifications.

Parking within the Front Yard

The proposed surface parking area located within the westerly side yard extends approximately 4.0 m into the front yard and would be setback from the front lot line approximately 2.6 m, and as such four on-site parking space are proposed within the required front yard. Therefore a modification is required in order to permit parking within the required front yard.

As there is an excess of on-site parking and in order to permit the establishment of a large landscape buffer, staff are recommending that the two proposed parking spaces that are located entirely within the front yard be removed and replaced with landscaping. Based on the modification by staff the projection of parking to the front yard along Cumberland Avenue would be reduced from approximately 4.0 m to 1.3 m and would result in a landscape buffer area of approximately 5.6 m wide between the parking area and the front lot line. The amendment to the proposed modification results in a reduction in the number of parking space located within the front yard from four to two parking spaces.

Currently, the westerly side of the subject property is paved and being used for parking and storage, and is encroaching closer than 5.6 m to the front lot line. As part of the proposed redevelopment, the parking lot will be pulled away from the front lot line and landscaping will be added to screen it from street view. Staff support this modification as it allows for an appropriate amount of parking to be provided on site and will greatly improve the existing conditions with the addition of landscaping and moving the limits of the existing paved area further from the front lot line.

- 4) A Holding Provision will be applied to the subject lands which restricts any development until such time that a RSC is approved by the MOECC. This ensures that any site contamination is documented and remediated where necessary prior to development and occupancy by future residents.
- 5) There are public watermains and combined storm and sanitary sewers fronting and flanking the property on Cumberland Avenue and Burris Street. A storm relief sewer is located at the intersection of Cumberland Avenue and Burris Street.

Due to the reported water pressure issues in the neighbourhood, Development Engineering staff requested that the applicant conduct a hydraulic analysis to investigate the issue further and determine the potential impact of the proposed multiple dwelling. The analysis was conducted by Cole Engineering and showed that the water supply distribution system is capable of providing adequate flows and pressure to support the proposed multiple dwelling. Additionally, through the review of a Functional Servicing and Stormwater Management Report, Development

Engineering staff are satisfied that the stormwater management and wastewater generation can be accommodated. The details of design in respect to site servicing, storm water management, erosion and siltation control, and grading and drainage will be undertaken as part of the Site Plan Control Application.

Also Cumberland Avenue is classified as a collector road in the UHOP. Collector roads have a designated width of 26.213 m, whereas Cumberland Avenue currently has a width of 18.29 m. A 3.96 m road widening is required in order to achieve the designated width of 26.213 m and a daylight triangle of 9.14 m by 9.14 m is required from the widened limit of Cumberland Avenue and Burris Street. The required dedications will be taken as part of the Site Plan Control Application.

- 6) The Public Consultation Section of this Report noted that staff received a total of nine submissions from the public including a joint letter with 31 signatures in Appendix "E" to Report PED18129 and summary of resident comments from the Public Open House in Appendix "F" to Report PED18129. The concerns were mainly centred on the issues of traffic, parking, height, public views, servicing infrastructure capacity, road widenings, conversion of one way streets, traffic calming measures, cost of units, length of construction, continuity of design, design and materials, landscaping, provision of commercial, and barrier to railway. These concerns are summarized below:

Traffic and Parking

Area residents were concerned about the potential for an increase in traffic as a result of the development. Corridor Management staff have not identified a potential traffic issue for the proposed 65 unit multiple dwelling and a Traffic Impact Study was not requested. It was requested that the driveway access on Cumberland Avenue be shifted west in order to line up with the centreline of Gladstone Avenue to reduce vehicle and pedestrian conflicts. The applicant has provided this modification.

Area residents also identified on-street parking availability as an issue in the neighbourhood. The multiple dwelling will be providing parking at a rate of 1.3 parking spaces per dwelling unit for a total of 85 parking spaces of which 68 spaces will be for residents along with 17 visitor parking spaces. This is above the minimum requirement in Zoning By-law No. 6593 which is a rate of 1.25 parking spaces per dwelling unit, resulting in 82 spaces. Additionally, 70 secure bicycle parking spaces, six outdoor bicycle parking and a car share space are proposed. The bicycle parking and car share parking space promote modal shift from the personal automobile to more sustainable alternatives and may further reduce the parking needs of the existing neighbourhood residents and future residents of the multiple dwelling.

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Height and Public Views

Some residents were concerned with the height of the building, particularly with respect to their view of the escarpment. The existing “JJ” (Restricted Light Industrial) District permits a maximum height of four storeys and 17.0 m while the proposed modified “DE-2” (Multiple Dwellings) District will permit a height of five storeys and 22.0 m. The applicant has included building step backs for the three storey addition of 6.0 m from the front façade and 3.0 m for portions of the side facades. The step backs reduce the visual impact of the massing from street view and reducing overlook and shadowing impacts. Additionally, the NEC has determined that there would not be a net negative impact on the views of the Niagara Escarpment and that the proposal complies with the Urban Area policies of the Niagara Escarpment Plan. Staff are of the opinion that the proposed increase of one storey and 5.0 m from what the current zoning allows is an appropriate modification as the proposed three storey addition includes step backs, which will improve the transition in building height and reduces the massing of the building.

Servicing Infrastructure Capacity

Area residents have identified that low water pressure is an issue in the neighbourhood. As discussed in the report Development Engineering staff have determined that there is existing capacity in the municipal servicing infrastructure to accommodate the proposed multiple dwelling while maintaining service levels within City standards. Also a detailed design review will be undertaken as part of the Site Plan Control Application.

Road Widening

A concern was raised about road widening dedication being required from the lands of neighbouring property owners. Required road widening dedications associated with the proposed development will only be taken from the subject property and will not be taken from any neighbouring properties.

Conversion of One Way Street to Two Way Streets, and Traffic Calming Measures

A request was made with respect to converting existing one way streets in the area to two way streets to improve traffic flow and to establish traffic calming measures (speed bumps) along the street to improve traffic safety. These measures cannot be undertaken as part of the scope of this development and would instead require a comprehensive review of the area by Public Works staff.

Cost of Units

A question was raised in respect to the cost of dwelling units. The applicant identified an approximate cost of \$250,000. The City cannot regulate the cost of market units but policies of the UHOP support a range of housing types and tenures, and encourage housing for a range of income levels.

Tenure

A question was raised in respect to whether the proposed dwelling units would be rental or condominium units. The City cannot regulate the tenure through the Zoning By-law.

Length of Construction

A concern was raised in respect to the length of the construction and the impacts associated with respect to construction. The applicant identified a construction period of 12 to 14 months. There is sufficient space on site at the rear and westerly side of the existing building in which to provide storage of equipment and material, and to load and unload equipment and material. Therefore, building construction should not require the road closure for material and equipment storage. In addition, the applicant will be required to prepare a Construction Management Plan as part of the Site Plan Control Application.

Impact on Lifesaver Park

A question was raised in respect to whether the proposed development of the subject property will include Lifesaver Park located to the west of the subject property. Lifesaver Park is owned by the City of Hamilton and is not included as part of the proposed development. Additionally the proposed multiple dwelling is setback 36 m from Lifesaver Park and the proposed garage along the rear lot line will be setback 6 m from the park. Therefore the proposed development neither includes Lifesaver Park nor will the development impact Lifesaver Park.

Continuity of Design

A question was raised about whether the design will change after the approval. The proposed site specific By-law is based on the proposal for a five storey 65 unit multiple dwelling, and includes provision for minimum setbacks for both the lower and upper levels. Significant changes in design would not conform to the site specific By-law and therefore would require further public consultation and review to further modify the proposed design. In addition the details of the design of the

building including the building materials for the proposed development will be evaluated as part of the Site Plan Control Application.

Design and Materials

A concern was raised that design and materials proposed are not in keeping with the character of the area. The proposed design utilizes setbacks in order to transition the design from the existing two storey building to the proposed five storey building. The proposed materials are intended to reflect the historical character of the existing 1930's building. The detailed design and specific materials will be determined as part of the Site Plan Control Application.

Landscaping

A concern was raised with respect to landscaping and greenspace. Landscaping is proposed along both Cumberland Avenue and Burris Street and additional landscaping will be provided through the site. Detailed landscape plans will be reviewed as part of the Site Plan Control Application.

Provision of Commercial

A question was raised with respect to providing commercial uses as part of the proposed development. The proposed development is seeking to maintain the existing two storey building. The design of the existing two storey building would not adequately support commercial street frontage that would facilitate a viable commercial use on site. Furthermore local commercial uses within the Neighbourhoods designation are required to be clustered with other local commercial use. As there are no existing local commercial uses adjacent to the subject lands the inclusion of local commercial uses would not comply with the policies of the UHOP.

Barrier to the Railway

A question was raised with respect to whether a barrier is to be provided between the proposed development and the railway line to the rear. An above ground parking structure along the rear lot line is proposed in conjunction with a crash barrier and noise barrier as part of the parking structure which will be reviewed as part of the Site Plan Control Application.

ALTERNATIVES FOR CONSIDERATION

Council may decide to deny the application as submitted by the applicant. The property may continue to be used for light industrial purposes as per the provisions of Zoning By-law No. 6593 and the “JJ” (Restricted Light Industrial) 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.

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.

Clean and Green

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

Built Environment and Infrastructure

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

Culture and Diversity

Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

- Appendix “A” – Location Map
- Appendix “B” – Draft Zoning By-law Amendment
- Appendix “C” – Concept Plan
- Appendix “D” – Concept Plan with Road Widening
- Appendix “E” – Public Correspondence

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

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

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

SUBJECT: Application for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 100 Cumberland Avenue (PED18129) (Ward 3) - Page 33 of 33

Appendix "F" – Summary of Resident Comments and Concerns from Public Open House

DB:mo