



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	August 14, 2018
SUBJECT/REPORT NO:	Application for a Zoning By-law Amendment for Lands Located at 1221 Limeridge Road East, Hamilton (PED18170) (Ward 6)
WARD(S) AFFECTED:	Ward 6
PREPARED BY:	Jennifer Roth (905) 546-2424 Ext. 2058
SUBMITTED BY:	Steve Robichaud Director of Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Amended Zoning By-law Amendment Application ZAC-17-057, by 1221 Limeridge Inc., Owner**, for further modification to the “DE-3/S-1427” (Multiple Dwellings) District, Modified, in City of Hamilton Zoning By-law No. 6593 to permit an expansion of the existing Residential Care Facility / Retirement Home for services and additional ancillary uses on the lands located at 1221 Limeridge Road East, Hamilton, as shown on Appendix “A” to Report PED18170, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED18170, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and complies with the Urban Hamilton Official Plan.

EXECUTIVE SUMMARY

The proposed Zoning By-law Amendment to the City of Hamilton Zoning By-law No. 6593 is for further modification to the “DE-3/S-1427” (Multiple Dwellings) District, Modified in order to permit the development of a one storey, 325.5 sq m expansion to

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the existing Retirement Home component, previously termed a Residential Care Facility, of an existing mixed use building to permit a maximum of 42 residents, and to permit additional uses, an increase in the combined gross floor area for office and commercial uses, an increase in the maximum gross floor area for a commercial retail store, a reduced southerly (front) yard setback, to permit a reduction in parking and a reduction in parking stall size. As the Residential Care Facility provides accommodation for residents generally who are 65 years of age or older, it has been determined that the use is more accurately categorized as a Retirement Home to be consistent with the Zoning By-law changes in 2001 that occurred after the 1999 adoption of the site specific by-law applicable to these lands.

The proposed Zoning By-law Amendment 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 (Places to Grow) and complies with the Urban Hamilton Official Plan. The proposed development is considered to be compatible with, and complementary to, the existing and planned development in the immediate area.

Alternatives for Consideration – See Page 18

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 lands, totalling approximately 5,570 sq m in area, are located at the northeast intersection of Limeridge Road East and Lennox Avenue, with a frontage of 48.79 m along Lennox Avenue and a depth of 81.53 m along Limeridge Road East. The subject lands are currently occupied by the existing 32 resident Community and Residential Care Access Centre, Kingsbury Place, being 1673.12 sq m in area, and other commercial and office uses being 776.78 sq m in area, including Mac's Convenience, a massage therapist, a family health clinic, a dentist and a hair salon located in a "strip plaza", which will all remain on site, as shown as Appendix "A" to Report PED18170.

The current zoning on the property was passed on August 11, 1999 under By-law No.99-114 which implements the site specific zone, being "DE-3/S-1427" (Multiple

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Dwellings) District, Modified. This zone permits the development of the Community and Residential Care Access Centre having a maximum of 40 residents in addition to commercial retail and medical office and related service uses. As the current facility houses 32 residents, the site was never built out to full capacity.

The proposed 325.5 sq m expansion is a rectangular addition to the existing Residential Care Facility. This expansion will permit a maximum of 42 residents. The initial submission provided for a 343.5 sq m expansion, with a 0 m setback from Limeridge Road East. In consultation with staff, the applicant has proposed a 1 m setback from Limeridge Road East (see Site Plan and Elevations attached as Appendix “C” to Report PED18170). To accommodate the setback, a minor decrease in the proposed building expansion was required from 343.5 sq m to 325.5 sq m. The proposed building expansion will result in the loss of 13 on-site parking spaces with a total of 29 parking spaces now being proposed instead of the required 60 parking spaces.

The applicant originally applied to rezone the site to the Major Institutional (I3) Zone in Hamilton Zoning By-law No. 05-200 with site specific modifications. In consultation with the applicant, staff have recommended that further modifying the existing site specific zoning is appropriate for the site given the unique character of the uses and the built form. The zoning of the subject lands will be reviewed as part of the comprehensive residential zoning work program.

The Zoning By-law Amendment Application is to further modify the “DE-3/S-1427” (Multiple Dwellings) District, Modified in City of Hamilton Zoning By-law No. 6593 to permit a one storey, 325.5 sq m expansion to the Retirement Home, previously considered a Residential Care Facility, to permit a maximum of 42 residents. Through the review, it has been determined that the function of the facility is more reflective of a Retirement Home due to the age of residents being generally over 65 years old. The proposed additional modifications to the zoning regulations include permitting additional uses being, a barber shop, hairdressing establishment, beauty parlour, a business or professional person’s office, a laundry or dry cleaning establishment using non-flammable solvents only, and offices for Social Service Practitioners, to permit a combined gross floor area expansion for the commercial and office uses of 950 sq m from the current 776.78 sq m. The proposal is also for an increase in the gross floor area for the Retirement Home from 1673.12 sq m to 2048 sq m, an increase in the maximum gross floor area for an individual commercial retail store from 207 sq m to 345 sq m, to permit a reduced southerly (front) yard setback, a reduction in parking and a reduction in parking stall size.

Chronology

July 7, 2017: Application ZAC-17-057 received.

July 17, 2017: Application ZAC-17-057 deemed incomplete.

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October 24, 2017: Application ZAC-17-057 deemed complete.

November 16, 2017: Circulation of Notice of Complete Application and Preliminary Circulation for Application ZAC-17-057 to 235 property owners within 120 m of the subject lands.

December 1, 2017: Public Notice Sign installed on subject lands.

February 7, 2018: Neighbourhood Information Meeting.

July 18, 2018: Public Notice Sign updated with Public Meeting Information.

July 27, 2018: Circulation of the Notice of Public Meeting to 235 property owners within 120 m of the subject lands.

Details of Submitted Applications:

Location: 1221 Limeridge Road East, Hamilton

Owner / Applicant: Domenic Rosati

Agent: IBI Group (c/o Mike Crough)

Property Description:

Lot Frontage: 48.79 m (Lennox Street)

Lot Depth: 81.53 m (Limeridge Road East)

Lot Area: 5,570.7 sq m (0.557 ha)

Servicing: Existing Municipal Services

Existing Land Use and Zoning

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Retirement Home	“DE-3/S-1427” (Multiple Dwelling) District, Modified
<u>Surrounding Land Uses</u>		
North	Single Detached Dwellings	“D/S-464” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District, Modified, “C/S-346” (Urban Protected

		Residential, Ect.), District, Modified and “C/S-346a” (Urban Protected Residential, Ect.), District, Modified
East	Single Detached Dwellings	“D/S-464” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District and “C” (Urban Protected Residential, Etc.) District
South	Townhouses	“RT-10/S-367” (Townhouse) District, Modified
West	Single Detached Dwelling	“C” (Urban Protected Residential, Etc.) District

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2014)

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

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Municipal Board, now known as LPAT, 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 and balanced growth) are reviewed and discussed in the Official Plan analysis that follows.

“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.”

The proposal is consistent with the Land Use Compatibility policies of the Provincial Policy Statement. The PPS requires sensitive land uses to be appropriately separated from adverse effects of noise. An Environmental Noise Impact Study was prepared by dBA Acoustical Consultants Inc., and submitted by the applicant. The study reviewed the acoustic requirements for this development with respect to traffic on Limeridge Road

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East. The Noise Report found that the noise control measures can be incorporated into building plans and must be certified by Qualified Acoustical Consultants. Staff concur with the findings of the Report and as a result, municipal interest regarding noise has been addressed.

Staff note that the Cultural Heritage policies have not been updated within the UHOP in accordance with the PPS (2014). The following policy of the PPS (2014) also applies:

“2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.”

There are no cultural heritage resources on the property and therefore the proposal is consistent with the Cultural Heritage policies in the PPS.

As the application for change in zoning complies with the 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.

Growth Plan for the Greater Golden Horseshoe (2017)

The proposal conforms to the Guiding Principles, Section 1.2.1 of the Growth Plan, as it is designed to support healthy and active living and meet people's needs for daily living. It also provides for a range and mix of housing options to serve varying sizes, incomes, and ages of households. Finally, it improves the integration of land use planning with planning and investment in *infrastructure* and *public service facilities*.

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.

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- 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*;
 - b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes; and,
 - 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.”

The subject lands are located within the Urban Boundary, in a settlement area where full municipal services are available, and will provide for a complete community through a compact design that expands a form of residential development with growing importance within an established neighbourhood. In addition, the proposed development contributes to the established long term health care services within the Hamilton East Mountain community and contributes to the achievement of a complete community by providing a range of services.

Based on the foregoing, the proposal conforms to the policies of the Growth Plan for the Greater Golden Horseshoe (2017).

Urban Hamilton Official Plan (UHOP)

The UHOP recognizes that there are some previously existing land uses that do not comply with the goals and objectives set out in the Plan. It is recognized that these uses may have been established for a number of years and the following policies provide guidance on expanding Existing, Non-Complying and Non-Conforming Uses:

“F.1.12.7 Legally existing land uses which do not comply with the land use designations shown on Schedule E-1 - Urban land Use Designations or their related policies should cease to exist over time. Accordingly, such uses shall be deemed as legal non complying.

F.1.12.8 Where appropriate, the City may amend the Zoning By-law to recognize the legal non-complying use as an existing use provided that all the following criteria shall be met:

- a) the Zoning By-law shall permit only the existing use and the associated performance standards;

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- b) the use does not constitute a danger to surrounding uses and persons by virtue of their hazardous nature or by the traffic generated; and,
- c) the use is in compliance with appropriate provincial and municipal regulations.

F.1.12.9 The expansion or enlargement or change in legal non-complying uses shall be permitted provided they maintain the intent and purpose of this Plan and the Zoning By-law.”

The existing uses of the site have been determined to be Legal Non-Complying since they were established prior to the UHOP coming into effect. The proposal is for an expansion of the existing use that has been deemed Legal Non-Complying. The expansion maintains the intent and purpose of the UHOP by contributing to compact and healthy urban communities through the intensification of the site that does not have negative impacts on the surrounding neighbourhood. The expansion supports the intent and purpose of the UHOP in that it contributes to providing housing for an aging and diverse population and continues to provide local commercial needs for the surrounding neighbourhood. The proposed expansion balances the community's social needs and directs growth and development on an already developed parcel of land with access to services and infrastructure.

The use of the site for a Residential Care Facility, which functions as a Retirement Home, and associated commercial uses is currently permitted within the “DE-3/S-1427” (Multiple Dwellings) District, Modified. The proposed expansion is triggering several additional technical modifications, however it maintains the general intent of the site specific zoning by-law in that the predominate use of the site, being the Retirement Home, will continue and the expansion is to increase the maximum capacity permitted to 42 residents instead of 40. Through the modification, the distinction between short and long term beds and the age requirement of being over 65 years is being eliminated to provide for flexibility in occupancy. The increase in gross floor area of the Retirement Home permits the development of 10 additional units and will meet the Provincial requirements for room and hallway sizes. The proposed gross floor area increase within the commercial component of the building does not alter any of the site conditions and is accommodated within the existing building footprint. As well, the proposed expansion maintains adequate setbacks and landscaping along the street and provides a separation distance and a landscaped buffer to Limeridge Road East and the existing townhouse dwellings on the south side of the road. Overall, the proposed expansion meets the general intent and purpose of the Zoning By-law by permitting a minor increase to the number of residents permitted in the Retirement Home, continues to support commercial development on site and provides for compatible integration of the uses and built form with adjacent lands.

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Transportation Planning staff reviewed the site and did not express concern that the expansion of the Legal Non-Complying use would generate traffic and as a result, there is no concern that the use would constitute a danger to surrounding uses and persons.

Urban Design

“B.3.3.2.5 Places that are safe, accessible, connected and easy to navigate shall be created by using the following design applications, where appropriate:

- a) connecting buildings and spaces through an efficient, intuitive, and safe network of streets, roads, alleys, lanes, sidewalks, and pathways; and,
- b) providing connections and access to all buildings and places for all users, regardless of age and physical ability.”

The proposed expansion includes new safe pedestrian access internal to the site that will connect with the existing surrounding public sidewalks, which will create full pedestrian connectivity on site. The design of the building expansion and the altered site accesses are intended to accommodate users of all ages and physical ability as the main use on the site is a Retirement Home with the associated commercial and medical office components. HSR service will continue to be available on Upper Ottawa Street and Upper Kenilworth Street.

“B.3.3.2.5 Places that are safe, accessible, connected and easy to navigate shall be created by using the following design applications, where appropriate:

- a) connecting buildings and spaces through an efficient, intuitive, and safe network of streets, roads, alleys, lanes, sidewalks, and pathways;
- b) providing connections and access to all buildings and places for all users, regardless of age and physical ability;
- c) ensuring building entrances are visible from the street and promoting shelter at entrance ways.

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:

- c) allowing built form to evolve over time through additions and alterations that are in harmony with existing architectural massing and style; and,

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- d) complementing the existing massing patterns, rhythm, character, colour, and surrounding context.”

The altered vehicular and pedestrian accesses provide connection to and from the proposed expansion and existing building on site that are accessible for the public, regardless of age and physical ability. As well, a new building entrance to the Retirement Home is proposed with additional landscaping. The commercial component of the building will not be altered from the exterior, but internally the additional space will be accommodated. Further evaluation will also be undertaken at the Site Plan Control stage to finalize the details of pedestrian access and landscaping.

The design of the proposed expansion is in harmony with the existing architectural massing and style of the existing building. The continuation of the single storey building mass, building character and style will ensure that the redevelopment of the site will be compatible with the surrounding area. Final details regarding the compatible integration of the building materials with the existing structure will be determined at the Site Plan Control stage.

Noise

“B.3.6.3.7 A noise feasibility study, or detailed noise study, or both, shall be submitted as determined by the City prior to or at the time of application submission, for development of residential or other noise sensitive land uses on lands in the following locations:

- a) 100 metres of a minor arterial road, as identified on Schedule C – Functional Road Classification;
- b) 400 metres of a major arterial road, as identified on Schedule C – Functional Road Classification.”

As previously discussed, the municipal interest in noise has been satisfactorily addressed.

Therefore, the proposal complies with the Urban Hamilton Official Plan.

Lisgar Neighbourhood Plan

The site is located within the Lisgar Neighbourhood Plan, which was Council approved on November 14, 1967 and designates the site “Commercial”. No amendments are required since the site contains a mix of commercial uses and Retirement Home and the use is not proposed to change. The proposal is to also expand the range of commercial uses on site which supports the ongoing Commercial designation within the

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Neighbourhood Plan. Therefore, the proposed expansion to the Retirement Home and the ongoing commercial uses conforms to the general intent of the Neighbourhood Plan.

Hamilton Zoning By-law No. 6593

The subject lands are currently zoned “DE-3/S-1427” (Multiple Dwellings) District, Modified in the former City of Hamilton Zoning By-law No. 6593 (By-law No. 99-114), as shown on Appendix “A” to Report PED18170. The site specific zone permits the development of a commercial plaza in conjunction with the Community and Residential Care Access Centre as:

“a building in which residential care and short-term care facilities are provided in conjunction with medical offices and related services, subject to the following provisions:

- i) a Residential Care Facility for the accommodation of a maximum of 24 residents of at least 65 years of age;
- ii) a Short-Term Care Facility for the accommodation of a maximum of 16 residents of at least 65 years of age;
- iii) an accessory dining room which shall only be used in conjunction with the Residential Care and Short-Term Care Facilities; and,
- iv) offices for medical or dental practitioners, osteopaths or drugless practitioners, physiotherapists, optometrists, and shall include medical related services such as reception areas, examination rooms, x-ray, ultra sound, a medical laboratory, and a drug store.”

A Zoning By-law Amendment is required to facilitate the proposed expansion, the increase in the maximum number of residents permitted and additional uses being a barber shop, hairdressing establishment, beauty parlour, a business or professional person’s office, a laundry or dry cleaning establishment using non-inflammable solvents only, and offices for Social Service Practitioners. The applicant has also requested an increase from 1673.12 sq m to 2048.45 sq m for the residential component, from 776.78 sq m to 950 sq m combined for the commercial and office uses and from 207 sq m to 345 sq m for an individual commercial retail store.

It should be noted that while the applicant is proposing 10 additional units, for a total of 42 units with a maximum capacity of 42 residents and to no longer require a combination of long and short term care or age requirements, the current permissions allow for a maximum of 40 residents in a combination of long and short term care units provided they are over the age of 65. Further, it has been determined that the function

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of the residential component is more accurately categorized as a Retirement Home, instead of a Residential Care Facility and Short-Term Care Facility.

The site specific modifications are further discussed in the Analysis and Rationale for Recommendation section of Report PED18170.

RELEVANT CONSULTATION

The following internal departments and external agencies had no comments or objections to the applications:

- Landscape Architectural Services (Public Works Department).

The following Departments and Agencies submitted the following comments:

Transportation Planning (Planning and Economic Development Department) has advised that a Transportation Demand Management Memo is required which can be secured as a Special Condition as part of the Site Plan Control process. Transportation Planning require 2 m sidewalks along the right of way and 1.5 m sidewalks through the site. As well, provisions for bike lanes along Limeridge Road East are required. Transportation Planning had no concern in recommending the Zoning By-law Amendment for approval.

Forestry and Horticulture (Public Works Department) advised that there are municipal tree assets on site and will require a Tree Management Plan to confirm the impact on trees, including the applicable review fee. To confirm adequate compensation for any lost trees, a Landscape Plan is required along with the required tree planting fee for any proposed municipal trees, which can be secured as Standard and Special Conditions as part of the Site Plan Control process. Forestry had no concern in supporting the Zoning By-law Amendment for approval.

Public Health Services (Healthy Environments) requires a Pest Control Plan to be secured as part of the future Site Plan Control application. The Retirement Home will require a licence from the City of Hamilton. As well, to meet the requirements of Ontario Food Premises Regulation 562, Public Health Services will require the floor plans for the kitchen area. Public Health Services had no concern in recommending the Zoning By-law Amendment for approval.

Recycling and Waste Disposal (Environmental Services Division) commented that the site is ineligible for municipal waste collection and that all waste materials will be required to be collected by a private waste hauler. A note will be required on the future site plan as part of the Site Plan Control process and as a result Recycling and Waste Disposal had no concern in recommending the Zoning By-law Amendment for approval.

PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and Council's Public Participation Policy, Notice of Complete Application and Preliminary Circulation was circulated to 235 property owners within 120 m of the subject lands on November 16, 2017. A Public Notice sign was also posted on the property on December 1, 2017 and updated with the Notice of the Public Meeting on July 18, 2018 with the Public Meeting date.

To date, one public submission has been received in support of the proposal. In addition, one call was received where a neighbour expressed several concerns regarding the proposed development, including: the proposal would impede the view from across the street and any additions and increases in density to existing buildings should be restricted to buildings located downtown; concern regarding increased noise from ambulances/fire trucks; concern regarding inadequate parking and concerns with noise and parking during construction. The written submission is appended as Appendix "D" to Report PED18170. A review of the concerns raised, including those raised in the neighbourhood information meeting, are contained in the Analysis and Rationale for Recommendation section of this Report.

Public Consultation Strategy

In accordance with the provisions of the *Planning Act*, the applicant has submitted a Public Consultation Strategy, dated July 6, 2017. This strategy includes a neighbourhood meeting, attended by the local Ward Councillor and staff, held on February 7, 2018. Notification was sent to residents within 120 m of the subject lands and based on the sign-in sheets, three people attended the information meeting. In addition to this meeting, the strategy identified existing requirements under the *Planning Act*, including the installation of a public notice sign on the property and circulation of a notification letter to property owners within 120 m of the property boundary.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The amended proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe; and,
 - (ii) It is a Legal Non-Complying Use and the proposal implements the intent and purpose of the Urban Hamilton Official Plan and site specific Zoning By-law and is considered to be compatible with the existing and planned neighbourhood.
2. The proposed Zoning By-law Amendment is required in order to implement the proposed one storey, 325.5 sq m expansion to the Retirement Home and

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additional uses including a barber shop, hairdressing establishment, beauty parlour, a business or professional person's office, a laundry or dry cleaning establishment using non-inflammable solvents only, and offices for Social Service Practitioners. As part of this proposed site specific amendment, modifications to the zoning regulations are also proposed in order to permit the concept as revised and to repeal the components of By-law No. 99-114 that are now regulated through Sign By-law 10-197. The following modifications to the "DE-3/S-1427" (Multiple Dwellings) District, Modified are proposed:

Permitted Uses

The applicant has applied for an expansion to the existing Residential Care Facility, which functions as a Retirement Home, to permit an increase in the maximum number of residents who can be accommodated from 40 to 42 residents and originally requested that the following uses be permitted:

- Residential Care Facility,
- Retirement Home,
- Long Term Care Facility,
- Social Services Establishment,
- Retail,
- Personal Services, and
- Office and Medical Office.

The current zoning permits a Community and Residential Care Access Centre with a maximum of 40 residents, Medical Offices and commercial retail stores and the amending by-law will include the following additional uses: a barber shop, hairdressing establishment, beauty parlour, a business or professional person's office, a laundry or dry cleaning establishment using non-inflammable solvents only, and offices for Social Service Practitioners. The requested uses are complimentary to the existing and ongoing use of the site in that they will provide services to the residents of the Retirement Home and the surrounding neighbourhood and can be accommodated within the existing built form without creating nuisance impacts on the adjacent properties. The increase in resident capacity from 40 to 42, is minor and will utilize the internal communal services and the municipal infrastructure in a more efficient way without negatively impacting the surrounding neighbourhood. The removal of the age requirement, combination of short and long term care and categorization as a Retirement Home is supported

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by staff because the maximum capacity is being regulated, and these restrictions are monitored through Provincial regulation, they reflect the current use of the site and is consistent with the current requirements of Zoning By-law No. 6593. This modification is deemed to be reasonable and is supported by staff.

Minimum Front Yard

Based on the proposed building design of the original submission, the applicant initially requested a 0 m southerly yard setback along Limeridge Road East, which is interpreted as the front yard in the applicable site specific zone. Through discussions with staff, an increased southerly (front) yard setback of 1 m has been established on the Concept Plan, as illustrated in Appendix "C" to Report PED18170. The 1 m setback maintains the streetwall along Limeridge Road East, providing a landscaped area and a buffer between the sidewalk and the building. The reduced southerly (front) yard setback has no impact on adjacent properties since it is a flankage yard along Limeridge Road East but maintains adequate visibility for vehicular and pedestrian safety. As well, it brings the building closer to the street, screens the parking, animates the streetscape and provides a pedestrian focus. This modification is deemed to be reasonable and is supported by staff.

Parking

The applicant's Parking Justification Report for a decrease in the required number of parking stalls from 39 to 29 parking spaces (including three barrier free spaces), as per City of Hamilton Zoning By-law No. 6593, has been evaluated and has resulted in the applicant providing an Addendum Parking Justification Report. The Addendum provides details of peak parking lot usage and incorporates the proposed expansion. During peak parking lot usage, 25 spaces were observed as being used during parking surveys. The proposed expansion to accommodate 10 additional residents requires four additional spaces to meet the zoning requirements. As a result, the provision of 29 spaces meets peak parking demand requirements. Therefore, staff support the parking reduction.

Parking Stall Size

A modification to the parking stall size for standard and barrier free spaces are required to recognize the existing site condition. The parking stall size of 2.6 m by 5.5 m currently exists and will be recognized by the further modified site specific by-law. It is recognizing an existing site condition and will allow for safe drive aisle widths for full site maneuverability. The reduced barrier free size is for length from 6 m to 5.5 m, however it still meets the requirements of the *Ontario Accessibility Act*. Further, the Formal Consultation and subject applications were submitted prior to the changes to Zoning By-law 05-200 with regards to parking stall size and

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being consistent with transition best practice changes, it has been deemed appropriate to use the proposed parking stall sizes. Staff support the modification to parking stall size.

Combined Gross Floor Area for Commercial and Retirement Home

The applicant is proposing that the maximum gross floor area of the commercial uses be increased to 950 sq m instead of the currently permitted 776.78 sq m. This additional gross floor area is a reflection of existing site conditions.

The applicant is proposing that the Retirement Home area be increased from 1673.12 sq m to 2048 sq m to permit a maximum of 42 residents. The increase in gross floor area will accommodate 10 additional units and will allow the facility to meet current Provincial requirements for rooms and hallways. To provide flexibility, staff have rounded up to 2049 sq m in the implementing by-law. The modifications are appropriate given the overall reduction in required parking spaces and, as a result, staff support the modification.

Maximum Gross Floor Area for an Individual Commercial Retail Store

The applicant is proposing to increase the maximum gross floor area for an individual commercial retail store from 207 sq m to 345 sq m. The increase in gross floor area is considered to be minor given that it is regulated by the maximum gross floor area for commercial and office uses being 950 sq m. The proposed modification provides flexibility and it does not impact the built form of the development and therefore, staff support the modification.

3. Development Engineering Staff have requested the submission of a Wastewater Generation Assessment prior to the approval of the Zoning By-law Amendment Application to ensure adequate sanitary infrastructure is available to accommodate the proposal. As a result, a Water & Wastewater Brief was submitted. Upon reviewing the submission, Development Engineering has advised that the site has access to full municipal services, with public watermains, separate storm and sanitary sewers on Limeridge Road East and Lennox Avenue and a watermain on Locheed Drive. Development Engineering staff note that no right of way widenings are anticipated.

Further, Development Engineering has indicated that there is a minimal increase in the impervious cover of the site as a result of the proposal, and as such, the proposed expansion will not negatively impact the post development run off of the site. As such, Development Engineering agrees with the findings of the Report with regards to stormwater management.

Development Engineering has also commented that this site has been allocated a density of 250 person per hectare, as such staff are satisfied with sanitary sewer servicing permissions. Development Engineering staff has commented that further details were required to demonstrate sufficient infrastructure to accommodate water servicing and upon a subsequent submission, staff agree with the findings of the Report with regards to water servicing.

A Storm Drainage Area Plan, Site Servicing and Grading Plans will also be required as part of the future Site Plan Control Application. Also, any outstanding servicing, stormwater management, grading, and municipal road improvements will be reviewed at the detailed design stage of development through the Site Plan Control process.

4. One letter received in support of the proposal provides additional landscaping enhancement ideas (see Appendix "D" to Report PED18170). Concerns expressed at the Neighbourhood Meeting and through a telephone call are summarized below:

Site Lighting and Security

One resident has expressed concerns with the existing operation on site, including a lack of lighting and security cameras on the east side of the building. There is concern that children typically play in this location and are not monitored. While site lighting will be addressed at the Site Plan Control Stage, the provision of security cameras is beyond the scope of this application.

Noise

There is concern that the proposed expansion would increase the noise from emergency vehicles entering and exiting the site. Staff note that a noise study has been completed, however it focuses on the impacts of the road noise from Limeridge Road East on the proposed expansion and not the potential noise generated from the expansion. Staff note that since the use is already permitted, a slight increase in the density may generate additional emergency vehicles attending to the site but the increase is not anticipated to have a significant impact on the surrounding residential area.

Views

One resident expressed concerns that their view of the plaza would be blocked by the proposed expansion. Staff note there are no policies within the Urban Hamilton Official Plan to protect views of commercial buildings.

Parking

One resident was concerned with the loss of parking provided on site due to the proposed expansion. Based on staff's review of the applicant's Parking Justification Report, staff are satisfied that the maximum parking usage on site, including the parking required for the proposed expansion can be accommodated within the provided 29 parking spaces.

Construction

Resident concern with noise and parking during the construction process was expressed and can be addressed through a Construction Management Plan during the Site Plan Control stage.

ALTERNATIVES FOR CONSIDERATION

Should the applications be denied, the subject lands could be developed in accordance with the "DE-3/S-1427" (Multiple Dwellings) District, Modified which permits a Residential Care Facility and associated commercial and medical office uses.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

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APPENDICES AND SCHEDULES ATTACHED

Appendix "A" – Location Map

Appendix "B" – Draft Zoning By-law Amendment for Hamilton Zoning By-law No. 6593

Appendix "C" – Concept Site Plan and Elevations

Appendix "D" – Public Submissions

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