



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	September 4, 2018
SUBJECT/REPORT NO:	Application to Amend the Town of Flamborough Zoning By-law No. 90-145-Z for Lands Located at 5 Hamilton Street North, Flamborough (PED18179) (Ward 15)
WARD AFFECTED:	Ward 15
PREPARED BY:	Elyse Meneray 905-546-2424 Ext. 6360
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Amended Zoning By-law Amendment Application ZAR-18-015 by Hawk Ridge Homes Inc. c/o Dinesh Mahabir (Owner)**, for a modification to the Urban Commercial "UC" Zone to permit a six storey, 74 unit mixed use building for lands located at 5 Hamilton Street North (Flamborough), as shown on Appendix "A" to Report PED18179, be **APPROVED** on the following basis:
- (i) That the Draft By-law, attached as Appendix "B" to Report PED18179, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed modification 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 and West Waterdown Secondary Plan.
- (b) That approval be given for a modification to the Mixed Use – Medium Density (C5, 582) Zone to permit a six storey, 74 unit mixed use building for lands located at 5 Hamilton Street, as shown on Appendix "A" to Report PED18179 be **APPROVED** on the following basis:

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- (i) That the Draft By-law, attached as Appendix “C” to Report PED18179, be held in abeyance until such time as By-law 17-240 (Commercial and Mixed Use Zones) is in force and effect;
- (ii) That staff be directed to bring forward the draft By-law, attached as Appendix “C” to Report PED18179, for enactment by City Council, once By-law No. 17-240 is in force and effect;
- (iii) That the proposed modification in zoning is consistent with the Provincial Policy Statement (PPS), conforms to the Growth Plan for the Greater Golden Horseshow (2017), and complies with the Urban Hamilton Official Plan and West Waterdown Secondary Plan.

EXECUTIVE SUMMARY

The owner has applied for a Zoning By-law Amendment for a modification to the Urban Commercial “UC” Zone, to permit a six storey mixed use building with 74 residential units and commercial space on the ground floor for lands located at 5 Hamilton Street North as shown on Appendix “A” to Report PED18179. The proposed development will proceed by way of a Draft Plan of Condominium in the future. The proposal will have a total of 119 parking spaces comprised of 49 surface parking spaces and 70 parking spaces below grade. Modifications to the “UC” Zone are required to permit an increase in maximum height, a reduction in the minimum parking space requirement, no minimum parking space for a retail establishment, service shop, personal service establishment, convenience retail store and custom workshop, no minimum parking space requirement for an office, a reduced drive aisle width and a reduced setback from an enclosed parking structure.

A Holding Provision will also be implemented for the subject lands until such time as the applicant has submitted a revised Traffic Impact Study and Transportation Planning comments have been addressed.

The subject lands are included in the City Initiated Commercial and Mixed Use Zoning and are proposed to be zoned in By-law 17-240 as Mixed Use – Medium Density (C5, 582) Zone. A reduction in the minimum required parking, relief from the finished floor elevation and location of the principal commercial entrance has been requested by the applicant. Staff are recommending that the (C5, 582) Zone be amended to implement the proposal because the applicant initiated the Planning process in April, 2017, by way of an Formal Consultation request (FC-17-039) which predates the Council adoption of the new commercial and mixed use zoned into By-law No. 05-200.

The application has merit and can be supported because it is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden

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Horseshoe (2017), complies with the Urban Hamilton Official Plan and complies with the Waterdown North Secondary Plan. The proposal is considered to be compatible with and complementary to the existing and planned development in the immediate area.

Alternatives for Consideration – See Page 19

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 a Zoning By-law Amendment.

HISTORICAL BACKGROUND

The subject property is located north of the intersection of Dundas Street East and Hamilton Street North, on the west side of Hamilton Street North, and municipally known as 5 Hamilton Street North (see Location Map attached as Appendix “A” to Report PED18179). The subject lands are 0.42 hectares in size and contain an existing one storey commercial and office building with an associated parking area accessed from Hamilton Street North.

The subject lands were included in the new city initiated Commercial and Mixed Use zoning which was passed on November 8, 2017 by Council (By-law 17-240) and are zoned Mixed Use – Medium Density (C5, 582) Zone. The Commercial and Mixed Use Zones were appealed to the Local Planning Approval Tribunal (LPAT), and accordingly, are not final and binding.

The proposal is to modify the Urban Commercial “UC” Zone, to permit a six storey mixed use building with 74 residential units and 120 sq m of commercial space on the ground floor. The applicant has advised that the proposed development will proceed by way of a Draft Plan of Condominium in the future. The proposal will have a total of 119 parking spaces, with 49 surface parking spaces and 70 parking spaces below grade. The proposed concept plan and building elevations are shown in Appendix “D” to Report PED18179. The existing buildings on the subject lands will be demolished to facilitate the construction of the new building.

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The application was amended to reflect the following changes to the Town of Flamborough Zoning By-law 90-145-Z and the City of Hamilton Zoning By-law 05-200:

Town of Flamborough Zoning By-law 90-145-Z

- The application requested a maximum building height of 19 m. This has been changed to 19.5 m to reflect final engineering drawings and elevations for the proposal whereas 10 m is permitted;
- The application requested a minimum parking space requirement of 1.5 spaces per dwelling unit whereas the By-law permits 1.5 spaces per dwelling unit plus 0.25 visitor parking spaces per dwelling unit. This has been changed to a maximum parking space requirement of 1.61 parking spaces per dwelling unit to provide consistency between the old Town of Flamborough Zoning By-law 90-145-Z and the new City of Hamilton 05-200 parking regulations; and,
- A modification for no parking requirement for an office use has been added to the By-law based on gross floor area to allow for consistency between the old Urban Commercial “UC” Zone and new Mixed Use – Medium Density (C5, 582) Zone regulations.

City of Hamilton Zoning By-law 05-200

- The application requested a maximum parking space requirement of 1.7 spaces per dwelling unit whereas the By-law permits a maximum parking space requirement of 1.25 spaces per unit. This has been changed to a maximum parking space requirement of 1.61 parking spaces per dwelling unit to identify a balance between the high demand for parking in Flamborough, transit ridership rates and the intent of the new Commercial Mixed Use zoning, which is to reduce parking requirements and promote alternative modes of transportation such as cycling, public transit and walking;
- The application was amended to reflect a change in the finished floor elevations for the ground floor residential dwelling units from 0.9 m to 0.10 m; and,
- The application was amended to allow the relocation of the principal commercial entrance.

Chronology:

February 9, 2017: Formal Consultation Application (FC-17-039) received.

April 5, 2017: Development Review Team Meeting held for Formal Consultation application FC-17-039.

January 18, 2018: Zoning By-law Amendment Application (ZAR-18-015) received.

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February 5, 2018: Zoning By-law Amendment Application (ZAR-18-015) deemed complete.

March 16, 2018: Notice of Complete Application was sent to 284 property owners within 120 m of the subject lands.

February 14, 2018: Public Notice Sign posted on site.

August 8, 2018 Public Notice Sign updated with date of Public Meeting.

August 17, 2018: Circulation of the Notice of Public Meeting mailed to 284 property owners within 120 m of the subject property.

Details of Submitted Application:

Owner/Applicant: Hawk Ridge Homes Inc. (c/o Dinesh Mahabir)

Agent: IBI Group (c/o Jared Marcus)

Location: 5 Hamilton Street North, Flamborough (see Appendix “A” to Report PED18179)

Property Description:

<u>Lot Frontage:</u>	45.7 m (Hamilton Street North)
<u>Lot Depth:</u>	± 94 m (irregular)
<u>Lot Area:</u>	4,249 sq m
<u>Servicing:</u>	Full Municipal Services

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Property:</u>	Commercial (Old Shoppers Drug Mart, vacant)	Urban Commercial “UC” Zone, Mixed Use – Medium Density (C5, 582) Zone

Surrounding Land Uses:

North	Commercial (Village Plaza)	Urban Commercial “UC” Zone
South	Commercial	Urban Commercial “UC-9” Zone
East	Commercial (Husky Gas Station), Vacant Land	Automotive Commercial “AC-4” Zone, Urban Commercial “UC” Zone
West	Commercial (CIBC)	Urban Commercial “UC” Zone,

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

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

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Municipal Board approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest (e.g. efficiency of land use, balanced growth, environmental protection and sensitive land uses) are reviewed and discussed in the Official Plan analysis that follows.

As the application for a change in zoning complies with the Official Plan, and based on staff’s review of the proposal, it is staff’s opinion that the application is:

- Consistent with Section 3 of the *Planning Act*;
- Consistent with the Provincial Policy Statement; and,
- Conforms to the Growth Plan for the Greater Golden Horseshow (2017).

Urban Hamilton Official Plan (UHOP)

The subject lands are identified as a “Community Node” on Schedule “E” – Urban Structure and designated “Mixed Use – Medium Density” on Schedule “E-1” – Urban Land Use Designations.

The following policies, amongst others, are applicable to the proposal.

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- "B.4.6.1 The range of commercial uses is intended to serve the surrounding community or series of neighbourhoods as well as provide day to day retail facilities and services to residents in the immediate area. These areas shall also serve as a focus for the community, creating a sense of place.
- B.4.6.2 The Mixed Use – Medium Density designation shall be applied to traditional 'main street' commercial areas outside of the area designated Downtown Mixed Use, and to promote the continuation of these areas as pedestrian oriented mixed use areas. Retail and service commercial uses are key elements in maintaining that function and ensuring the continued vibrancy of the pedestrian realm."

The proposal is for a six storey mixed use building with 74 residential units and 120 sq m of commercial space on the ground floor. Although the commercial space is small, it is intended to service the community and the day to day activities of the Hamilton Street North residents. As such the proposal complies with the intent and purpose of the above noted policies.

Scale

- "B.4.6.7 Lands designated Mixed Use – Medium Density shall contain a range of building heights and densities to a maximum height of six storeys, which shall be set out in the implementing zoning by-law. The specific permitted heights and densities shall depend on the area and be established through secondary plans where one exists in the zoning by-law.
- B.4.6.9 The predominant built form shall be mid rise and low rise buildings. The intent is to increase the proportion of multiple storey, mixed use buildings that have retail and service commercial stores at grade; however, single use commercial buildings and medium density ground related housing forms shall be permitted, except for *pedestrian focus streets* as listed by Policy E.4.3.1.
- B.4.6.10 Permitted uses shall be located in single or mixed use buildings.
- B.4.6.15 Although residential development is permitted and encouraged, it is not the intent of the Plan for the Mixed Use – Medium Density designated areas to lose the planned retail and service commercial function set out in this Plan."

The Mixed Use – Medium Density Designation allows for a range of building heights and densities to a maximum height of six storeys with the predominant built form being

low and mid-rise buildings. The intent of this designation is to increase the proportion of multiple storey, mixed use buildings that have retail and service commercial stores at grade. Therefore, the proposal complies with these policies in that it meets the intention of the Mixed Use – Medium Density Designation.

Design

- “B.4.6.16 New development shall be designed and oriented to create comfortable, vibrant and stimulating pedestrian oriented streets within each area designated Mixed Use – Medium Density.
- B.4.6.17 Areas designated Mixed Use – Medium Density are intended to develop in a compact urban form with a streetscape design and building arrangement that supports pedestrian use and circulation and create vibrant people places.
- B.4.6.21 On non-pedestrian focus streets, buildings shall be located close to the street with no parking, drive-throughs, or stacking lanes between the building and the street. Larger single use buildings over 5,000 square metres may be situated in the interior or at the rear of the site with smaller foot print buildings located close to the street. Alternatively, larger stores could be located up to the streetline provided they are lined with smaller stores, multiple entrances, or other similar means to animate the streetscape.
- B.4.6.22 Development applications shall be encouraged to provide a mix of uses on the site.
- B.4.6.26 Automobile access shall continue to be an important mode of transportation from the surrounding neighbourhoods, but it shall be balanced with the need to improve pedestrian access and opportunities for active transportation.
- B.4.6.27 Reduced parking requirements shall be considered to encourage a broader range of uses and take advantage of a higher level of transit service.”

The proposed development is situated at an important location in Waterdown at a prominent intersection of two arterial roads. It will be highly visible to both vehicular and pedestrian traffic on Dundas Street East and Hamilton Street North. Staff initially reviewed the proposal and identified several recommendations on how the proposal can better meet the intent of the Mixed Use – Medium Density policies and enhance the overall design of the site. Since the initial review, the applicant has modified the building

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design to improve the overall design of the development. The Urban Design Brief submitted with the application identifies the urban design standards that will be applied to the proposal including building massing and façade, materiality and colour, site design, circulation, parking and loading. The proposal is in compliance with the Mixed Use – Medium Density design policies based on the following:

1. Building Massing and Façade

- The proposal provides a commercial retail space on the main level that integrates the building into the existing context;
- The commercial ground floor component fronting Hamilton Street North proposes large windows that will allow for a direct connection to the public realm creating a vibrant, comfortable and safe environment;
- The building is visually softened by a defined podium base with a horizontal cornice, which is consistent with the appearance of other low rise commercial buildings in the area; and,
- The flat roofline is consistent with many of the commercial buildings in the area and is a common characteristic of multiple dwelling of this scale in the neighbourhood.

2. Materiality and Colour

- Variations in materiality on the exterior façade provide visual interest and soften the overall impression of the building; and,
- The material palette of the exterior façade includes a variety of high quality materials such as brick, stone and glazing which are all complimentary to the surrounding urban character.

3. Site Design and Circulation

- The proposal provides walkways throughout the site and has a safe / functional circulation plan;
- The site is barrier-free and is in conformance with the Accessibility for Ontarians with Disabilities Act (AODA);
- The main residential entrance and lobby area is located on the north side of the building. This will allow for a separate, private entrance for residents to access the site;
- The applicant has provided a second entrance off of Hamilton Street North, which facilitates a convenient entry to and from the building without vehicles having to enter the site;
- Access to the commercial component is located on the north side of the building, below the residential balconies. This location will take advantage of the

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protruding residential balconies above, creating a sheltered entry point and more comfortable condition; and,

- The layout of the site is compatible with neighbouring properties.

4. Parking and Loading

- Both surface and underground parking will be provided on site. Underground parking will occupy the majority of the site, while surface parking has been reduced to allow for more landscaping opportunities;
- Bicycle parking and lockers have been provided on site, which will contribute to residents using alternative modes of transportation to access the site and the surrounding area;
- The loading and waste disposal areas are located towards the rear of the site, and screened with planters to minimize the visibility and any impact of noise or odour;
- Having the parking located at the interior of the site will help screen the views of parking from Hamilton Street North. The site will also incorporate front landscaping strips with robust plantings to provide additional screening for the parking from Hamilton Street North; and,
- The applicant has worked with the City of Hamilton to decrease the amount of on-site parking in favour of increasing landscaping and promoting alternate forms of active transportation such as cycling and walking.

5. Streetscape and Pedestrian Realm

- The building has been located directly at the streetline with no parking spaces, drive-throughs or stacking lanes between the building and the road. This will create a more attractive streetscape for pedestrians allowing pedestrians to easily access the building; and,
- There is a wide public sidewalk allowing for a comfortable pedestrian environment and opportunity for street trees and furniture in the public boulevard.

6. Landscaping

- The proposal includes an outdoor amenity area which will allow residents to enjoy an outdoor manicured space;
- Landscaping has been provided at the northeast side of the building located near the main entrance. This will create a more attractive front entrance for residents, breakup the hardscape features and provide opportunities for storm water control; and,
- The reduction in parking and addition of landscaping on site will reduce the heat island effect mitigating the effects of climate change.

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Therefore, based on the following, the proposal complies with the applicable policies of Volume 1 of the UHOP.

West Waterdown Secondary Plan

The lands are also designated “Mixed Use – Medium Density” on Map B.4.1-1 – West Waterdown Secondary Plan – Land Use Plan. The following policies, amongst others, are applicable to the proposal:

- “B.4.1.4 It is the intent of this Secondary Plan that the day-to-day shopping needs of the residents of this community shall be served by the existing and any proposed commercial facilities along Hamilton Street and Dundas Street.
- B.4.1.4.1 In addition to Section E.4.6 - Mixed Use – Medium Density designation of Volume 1, the following policies shall apply to the lands designated Mixed Use – Medium Density on Map B.4.1-1 – West Waterdown – Land Use Plan:
- a) Notwithstanding Policy E.4.6.5 of Volume 1, the permitted uses shall include large retail, office, live/work, and medium density residential uses, including townhouses, duplex, triplex, stacked townhouses, and low rise apartments. Detailed permitted uses, appropriate to each location, shall be established in the implementing Zoning By-law.
 - b) Commercial development may occur as individual, all of plaza building structures in single use or mixed use projects.
 - c) Special consideration shall be given for new development along Highway No. 5 (Dundas Street) and Hamilton Street in terms of providing a contiguous streetscape through consistent setback, signage and landscaping features.”

The proposal will provide 120 sq m of commercial space on the ground floor to serve the day-to-day shopping needs of the residents of the community and the site. The development will also have 74 two bedroom units above the commercial use. The mixed use building will be located close to the property line with landscaping features between the building and the right-of-way.

Accordingly, the proposal complies with the policies of the West Waterdown Secondary Plan.

Flamborough Zoning By-law 90-145-Z

The subject property is currently zoned Urban Commercial “UC” Zone which permits a range of commercial uses and dwelling unit(s) above the first storey. Permitted commercial uses on the first floor include a medical clinic, office, urban farm, community garden and urban farmers market.

The proposal includes site specific modifications to the “UC” Zone for the following:

- A maximum height of 19.5 m instead of the maximum height of 10 m;
- No parking space required for a Retail Establishment, Service Shop, Personal Service Establishment, Convenience Retail Store and Custom workshop whereas Zoning By-law 90-145-Z requires one parking space per 19 sq m of gross floor area;
- No parking space required for an Office whereas Zoning By-law 90-145-Z requires one parking space per 28 sq m of gross floor area;
- A minimum two-way driveway width of 6.0 m instead of the minimum required two-way driveway width of 6.4 m; and,
- A minimum setback of 0.1 m from each lot line for an enclosed parking structure instead of the required 1.0 m minimum setback from each lot line for an enclosed parking structure.

In addition, and consistent with the CMU Zones in By-law No. 05-200, staff are recommending the following addition special provisions:

- A maximum parking space requirement of 1.61 spaces per unit for a multiple dwelling instead of the minimum parking space requirement of 1.5 parking space per unit;
- A finished floor elevation for ground floor residential dwelling units of 0.10 m instead of the required 0.9 m finished floor elevation for ground floor residential dwelling units; and,
- Relocation of the principal commercial entrance of the building to the east side of the building whereas the By-law requires a minimum of one principal entrance to be provided within the ground floor façade, that is set back closest to a street.

New Commercial and Mixed Use (CMU) Zones

New Commercial and Mixed Use (CMU) Zones in the Zoning By-law 05-200 have been Council adopted but are appealed to the Local Planning Appeal Tribunal. The subject lands are zoned Mixed Use – Medium Density (C5, 582) Zone in the new Commercial and Mixed Use zones. The proposed use is permitted as-of-right in the Mixed Use - Medium Density (C5, 582) Zone. In anticipation of the resolution at the Local Planning Appeal Tribunal, a draft By-law has been prepared with this report (see Appendix “C” to

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Report PED18179) which will be held in abeyance until the CMU Zones are in force and effect, at which time the by-law will be brought forward to City Council for enactment. An analysis of the site specific modifications are included in the Analysis and Rationale for Recommendation section below.

RELEVANT CONSULTATION

The following Departments / Agencies have no comments or objections:

- Alectra Utilities (formerly Horizon Utilities); and,
- Conservation Halton.

The following Departments / Agencies have provided comments on the application:

Operations Support, Strategic Planning Section, Corporate Assets and Strategic Planning Division (Public Works Department) have noted that the subject lands are eligible for waste collection services and have provided their general standards, which will be reviewed at the Site Plan Control stage.

Forestry and Horticulture Section (Public Works Department) staff have advised that there are no municipal tree assets on site; therefore a Tree Management Plan is not required. However, a Landscape Plan with all applicable fees will be required at the Site Plan Control stage, depicting the street tree planting scheme for the proposed development.

Vector Borne Disease Section (Healthy and Safe Communities Department) staff have advised that a Pest Control Plan will be required at the Site Plan Control stage.

Transit Section (Public Works Department) staff have no formal comments on the proposal, but note that overall the proposal looks to be supportive of existing local service and potential future rapid transit.

Transportation Planning Section (Planning and Economic Development Department) have reviewed the Traffic Impact Study (TIS) prepared by Crozier Consulting Engineers, dated December 20 2017. Revisions to the TIS are required, including updating signal times and providing proper analysis of the signal times. These details must be included in a revised TIS, which will be required through the Holding Provision (see Appendix "B" and Appendix "C" to Report PED18179).

Additionally, staff have advised that Hamilton Street from Dundas Street East to Parkside Drive is subject to a future road widening to 36.576 m. A Transportation Demand Management Report will be required for the proposal at the Site Plan Stage. They also note that the applicant should follow the Council Approved Pedestrian

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Mobility Plan, the Waterdown / Aldershot Transportation Master Plan Requirements and the requirements of the West Waterdown Secondary Plan.

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 284 property owners within 120 m of the subject lands on March 16, 2018. A Public Notice sign was also posted on the property on February 14, 2018 and updated on August 8, 2018 with the date of the Public Meeting. Notice of the statutory public meeting was mailed out to 284 property owners on August 17, 2018.

To date, two written submissions and one phone call have been received. The public input is discussed in the Analysis and Rationale for Recommendation Section of this report.

Public Consultation Strategy

As per the statutory requirements of the *Planning Act*, the applicant submitted a Public Consultation Strategy which identified their intention to meet with the Ward Councillor to determine the need for a neighbourhood information meeting. Staff and the applicant met with the Ward Councillor to discuss the proposal, and it was determined that no additional public consultation was necessary.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposed Zoning By-law Amendment Application 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 Vancouver Horseshoe (2017);
 - (ii) It complies with the policies of the Urban Hamilton Official Plan and the West Waterdown Secondary Plan; and,
 - (iii) That the proposed change in zoning is compatible with the character of the surrounding.
2. The subject lands have been incorporated into Zoning By-law No. 05-200 under the Commercial and Mixed Use Zones, which were adopted by Council under By-law No. 17-240, but has been appealed to the Local Planning Appeal Tribunal. As part of the CMU Zones, the subject lands have been placed in the

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Mixed Use – Medium Density (C5, 582) Zone. The following modifications to the (C5, 582) Zone is required:

Required Parking for Dwellings Units greater than 50 sq m

The original proposed amendment would increase the maximum required parking for dwelling units greater than 50 sq m from 1.25 spaces per unit to 1.7 spaces per unit. Under the Commercial and Mixed Use regulations the proposal would require 93 parking spaces whereas the proposed amendment would allow 126 parking spaces for the 74 units. Staff were not supportive of the 1.7 parking spaces per unit as this would allow for an additional 28 parking spaces and the intent of the new Commercial Mixed Use zoning is to reduce parking requirements and promote alternative modes of transportation such as cycling, public transit and walking. Staff have worked with the applicant to modify the proposed amendment to be a maximum of 1.61 parking spaces per unit. The modification to the proposed amendment will decrease the amount of parking spaces and increase landscaping, planting strips and cycling infrastructure on site. Staff note that this building is entirely comprised of two bedroom units, which cause a higher demand for parking and is located in an area with infrequent transit. As such, staff feel that this is an appropriate balance of parking for the proposal and area. Therefore, staff support the modification.

Finished Floor Elevation

The proposed amendment would decrease the minimum finished floor elevation of any dwelling unit from 0.90 m to 0.10 m. The intent of this provision is to reduce the impact of activity and vehicles on street facing dwelling units that would encourage the orientation of unit entrances and amenity to the rear. The ground floor dwelling units are located behind the commercial use and amenity space, which will act as a buffer. The dwelling units located on the west side of the building are screened from the public view by landscaping and a fence. Additionally, the ground floor dwelling units located on the east side of the building are shielded by balconies and natural landscaping along the east of the building. Staff are of the opinion that this mitigation measures will increase privacy for the residents and not have an adverse impact. The intent of the City of Hamilton 05-200 finished floor elevation provision is to avoid “reverse frontage” designs along major streets and ensure that the streetscape is animated. Since the commercial units are fronting onto Hamilton Street North and the ground floor residential units are situated behind the intent of the by-law is met. Therefore, staff are supportive of the modification.

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Principal Entrance

The proposed amendment would relocate the principal commercial entrance of the building to the east side of the building whereas Zoning By-law 05-200 requires a minimum of one principal entrance to be provided within the ground floor façade, that is set back closest to a street. Staff consider this modification to be minor, as the principal commercial entrance is highly visible from the street and can be easily accessed as it is located directly around the corner. Therefore, staff support the proposed modification.

Existing Site Specific Provisions

The current zone has a site specific to add the following additional uses: duplex, stacked townhouse, townhouse and triplex. The applicant has asked to maintain the existing permissions in the proposed zone. The proposal requires three modifications to the Mixed Use – Medium Density (C5, 582) Zone. As such, staff have opted to remove 5 Hamilton Street North from the 582 site specific provision and create a new site specific provision (C5, 700), which will permit the additional uses, increase the maximum parking requirement for dwelling units greater than 50 sq m, reduce finished floor elevation and relocate the principal commercial entrance. Creating a new site specific for the subject lands will ensure consistency between the zones and make the By-law neater by not having to add to the current 482 site specific exemption.

3. The application for Zoning By-Law Amendment is for a modification to the Urban Commercial “UC” Zone to permit a six storey mixed use building with 74 residential units and commercial uses on the ground floor. The subject lands are located within the Mixed Use – Medium Density designation which supports a range of office, commercial, residential and institutional uses. As well, the proposed use is compatible with the surrounding uses which currently include a range of commercial and residential uses. In addition, the subject lands have been rezoned to Mixed Use – Medium Density (C5, 582) Zone, which would permit the proposal except for a reduction in the required parking, finished floor elevation and location of the principal commercial entrance. Therefore, Staff are supportive of the proposed Zoning By-law Amendment.

Several of the proposed modifications to the Urban Commercial “UC” Zone are consistent with the new regulations of the Commercial and Mixed Use zoning and will be permitted as-of-right. These include:

- Maximum Height;

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- Minimum Parking Space Requirement for a Retail Establishment, Service Shop, Personal Service Establishment, Convenience Retail Store and Custom Workshop;
- Minimum Parking Space Requirement for an Office;
- Minimum Driveway Aisle Width; and,
- Minimum enclosed parking setback.

However, the following site specific modification is required to implement the proposal:

Modification for Maximum Parking for an Apartment Dwelling

The proposed amendment will identify a maximum parking space requirement for an apartment dwelling of 1.61 parking spaces per unit whereas the by-law permits a minimum parking space requirement for an apartment dwelling of 1.5 parking spaces per dwelling unit plus 0.25 parking spaces per unit for visitor parking. This amendment will remove the visitor parking requirement and limit the total amount of parking allowed on site for the 74 units to 119 parking spaces. Under the Town of Flamborough Zoning By-law 90-145-Z regulations the proposal would require 130 parking spaces. Identifying a maximum parking requirement instead of a minimum parking requirement will ensure that the proposal is consistent with the new parking regulations under the Commercial and Mixed Use zoning. As the proposal will also require an amendment to the City of Hamilton 05-200 By-law for the maximum parking requirement it is appropriate to have the same parking measure per unit for each By-law as this will allow for consistency between the two regulations.

4. As part of the application submission, the applicant submitted a functional servicing report and geotechnical servicing report. Development Engineering staff have advised that the functional servicing report is satisfactory for the purposes of the Zoning By-law Amendment application, however, a revised functional servicing report will be required at the Site Plan Application stage. The City will require a road allowance widening of approximately 12 ft (3.658 m) on Hamilton Street North. The site has an irregular frontage along Hamilton Street North. Due to this irregularity, it was determined that the required road widening along Hamilton Street North would be 8.23 m at its widest point and 3.02 m at its narrowest points as shown on Appendix "D" to Report PED18179).

The applicant will need to submit the following, amongst other requirements, at Site Plan Application stage:

- Detailed Grading and Drainage Control Plan;
- Road Widening;

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- Stormwater Management Report and Drainage Area Plan;
 - Site Servicing Plan;
 - Water Service Assessment;
 - Wastewater Service Assessment; and,
 - A \$2,000.00 security for the existing municipal curb, boulevard and sidewalk on Hamilton Street North. Should damage be incurred during site redevelopment, the applicant will be responsible to replace the damaged portions at their sole expense.
5. The applicant submitted a Traffic Impact Study as part of the Zoning By-law Amendment Application. Transportation Planning staff have reviewed the Traffic Impact Study (TIS) and have advised that the TIS requires revisions. Therefore, a Holding Provision will be added to both amending Zoning By-laws. The UC-18(H) and H106 require that the TIS titled "Traffic Opinion Letter – 5 Hamilton Street North", prepared by Crozier Consulting Engineers, dated December 20 2017 is to be revised, and implemented, in order to address Transportation Planning comments.
6. The subject application is to permit 74 two bedroom units with 120 sq m of commercial space on the ground floor within a settlement area. The proposed residential units will enhance the housing options of the former Town of Flamborough by offering two bedroom units. The proposed development supports the achievement of complete communities by offering a mix of uses, convenient access to local stores and access to transit and cycling infrastructure. The development will have a compact built form and attractive public realm to enhance the pedestrian experience along Hamilton Street North. Also, the subject application contributes to intensification within the delineated built-up area. Therefore, the proposal conforms to the Growth Plan of the Greater Golden Horseshoe (2017).
7. Since the subject lands were originally developed for commercial purposes, a Record of Site Condition (RSC) with the Ministry of Environment, Conservation and Parks (MOECP) is required. The submission and acknowledgement of the Record of Site Condition can be completed as a future condition of Site Plan Control.
8. To date, two emails and one phone call have been received in response to the public circulation (see Appendix "E" to Report PED18179). The main issue identified from the public circulation was traffic. The proposal is for a mixed use building with 74 units and 120 sq m of ground floor commercial. The proposed development provides access to cycling, public transit, and active transportation modes such as walking and has an appropriate amount of parking for the development. The site is located in a predominately commercial area, which will

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encourage residents to use alternative modes of transportation, such as walking and cycling to access the various commercial uses and the surrounding neighbourhood. A Holding Provision has been added to the subject lands. This will prohibit any development on site until a revised Traffic Impact Study has been submitted demonstrating that the development will have no adverse effects on traffic and has been approved by Transportation Planning. Therefore, staff are of the opinion that the development will not have an adverse impact on traffic in the area.

ALTERNATIVES FOR CONSIDERATION

Should the application be denied, the subject property would remain Urban Commercial “UC” Zone in the Town of Flamborough Zoning By-law No. 90-145-Z. Depending on the decision of the Local Planning Appeal Tribunal, the property could be rezoned to Mixed Use – Medium Density (C5, 582) Zone which would permit the use.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

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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.

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” – Zoning By-law Amendment to By-law No. 90-145-Z

Appendix “C” – Zoning By-law Amendment to By-law No. 05-200

Appendix “D” – Concept Plan and Building Elevations

Appendix “E” – Public Comments

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