



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	September 4, 2018
<b>SUBJECT/REPORT NO:</b>	Application for a Zoning By-law Amendment for Lands Located at 256 Parkdale Avenue North and 205 Melvin Avenue, Hamilton (PED18190) (Ward 4)
<b>WARD(S) AFFECTED:</b>	Ward 4
<b>PREPARED BY:</b>	Mark Kehler (905) 546-2424 Ext. 4148
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That the **Amended Zoning By-law Amendment Application ZAR-18-027, by Indwell Community Homes, Owner**, for a modification to the “H” (Community Shopping and Commercial, Etc.) District to permit a four storey, 50 unit multiple dwelling on the same lot as a three storey 57 unit mixed use building, on lands located at 256 Parkdale Avenue North and 205 Melvin Avenue, Hamilton as shown on Appendix “A” to Report PED18190 be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED18190 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 PED18190 be added to District Map E75 of Zoning By-law No. 6593 as “H/S-1764”;
  - (iii) That the amending By-law apply the Holding Provisions 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 four storey multiple dwelling.

The Holding Provision “H/S-1764-‘H’” (Community Shopping and Commercial, etc.) District, Holding, Modified, be removed to allow the

multiple dwelling on the same lot as a three storey mixed use building, conditional upon:

- (1) The Owner entering into a conditional building permit agreement with respect to completing a Record of Site Condition; or,
  - (2) A signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment , Conservation and Parks (MOECP). The RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECP, and submission of the City of Hamilton's current RSC administration fee.
- (iv) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017) and complies with the Urban Hamilton Official Plan.
- (b) That approval be given for a modification to the Mixed Use – Medium Density (C5) Zone to the Mixed Use – Medium Density (C5, 698, H71), to permit a four storey, 50 unit multiple dwelling on the same lot as a 57 unit mixed use building, on lands located at 256 Parkdale Avenue North and 205 Melvin Avenue, as shown on Appendix “A” to Report PED18190, subject to the following.
- (i) That the draft By-law, attached as Appendix “C” to Report PED18190, be held in abeyance until such time as By-law No. 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 PED18190, for enactment by City Council, once By-law No. 17-240 (Commercial and Mixed Use Zones) is in force and effect;
  - (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017) and complies with the Urban Hamilton Official Plan.

## **EXECUTIVE SUMMARY**

The Owner, Indwell Community Homes, has applied for a Zoning By-law Amendment to permit a four storey, 50 unit multiple dwelling on the same lot as a three storey, 57 unit mixed use building that is currently under construction. A total of 35 at-grade vehicle

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parking spaces are proposed for all uses on site, including 23 vehicle parking spaces designated for residential use.

The purpose of the Zoning By-law Amendment is to modify the “H” (Community Shopping and Commercial, Etc.) District Zoning to permit the proposal. Also, modifications to the By-law have been requested to permit a revised parking space size, reduced vehicle parking rate, the elimination of visitor parking requirements, reduced loading space requirements, reduced minimum side yard setback and reduced landscaping requirements.

On November 8, 2017, Hamilton City Council approved new Commercial and Mixed Use Zoning for inclusion in City of Hamilton Zoning By-law No. 05-200. Under this approval, the subject lands would be rezoned to a Mixed Use – Medium Density (C5) Zone. Council’s approval of the Commercial and Mixed Use Zoning was appealed to the Local Planning Appeal Tribunal (LPAT) by a number of appellants and a decision on the appeals has not occurred as of the writing of this Report. The proposed multiple dwelling conforms to the Council approved (C5) Zone, however the Owner has requested site specific modifications to permit a modified front lot line, eliminating the requirement for a primary entrance accessible from the street, reduced planting strip requirements, a reduced finished floor elevation and a reduced residential vehicle parking rate. The current proposal represents the second phase of the comprehensive redevelopment of the subject lands.

The application has merit and can be supported as the proposal is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017), and complies with the Urban Hamilton Official Plan (UHOP). The proposed multiple dwelling will provide affordable housing at a location that is well served by transit, services and municipal infrastructure. Also, the proposal represents an appropriate level of intensification at this location and respects and enhances the character of the neighbourhood.

***Alternatives for Consideration – See Page 21***

**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**

### **Proposal:**

The subject property is located at the northeast corner of Parkdale Avenue North and Melvin Avenue, one block south of the intersection of Parkdale Avenue North and Barton Street East. Indwell Community Homes purchased the lands known as 256 Parkdale Avenue North and 205 Melvin Avenue in 2016 with the intention of developing 107 units of affordable housing in two phases. The lands were previously occupied by George and Mary's Tavern, which included a rooming house, bar and banquet hall that ceased operations in 2012.

As of the writing of this Report, Phase 1 (205 Melvin Avenue) is under construction and involves the renovation of the former rooming house / tavern into a mixed use building with 57 residential dwelling units and approximately 450 sq m of retail and restaurant space at grade. Phase 1 is intended to house individuals requiring a high level of support, including addiction services, social supports and nutritional programming. Minor Variance Applications HM/A-16:359 and HM/A-17:138 were approved by the Committee of Adjustment to facilitate the renovation of Phase 1 and provided relief from the provisions of City of Hamilton Zoning By-law No. 6593 for the number of units within a residential conversion, average floor area of all dwelling units, radial separation distance for a residential conversion and number of parking spaces. In order to maintain the zoning permissions for the mixed use building currently under construction, the proposed Zoning By-law Amendment Application includes Phase 1 along with the proposed Phase 2 multiple dwelling at 256 Parkdale Avenue North located on the same lot. As the Phase 1 mixed use building will be recognized in the proposed site specific exception, the previously approved variances to the residential conversion requirements of By-law No. 6593 will no longer be required.

Phase 2 (256 Parkdale Avenue North) consists of a new four storey, 50 unit multiple dwelling on the north portion of the subject lands, formerly occupied by a banquet hall which has been demolished. The proposed multiple dwelling is intended to house individuals living on low incomes, including Ontario Disability Support Program, Ontario Works or Canada Pension Plan.

On November 8, 2017, Council approved a zone change for the subject lands through the proposed Commercial Mixed Use Zoning in City of Hamilton Zoning By-law 05-200, which is currently under appeal. Under the Council approved Mixed Use – Medium Density (C5) Zone, the proposed Phase 2 multiple dwelling would be a permitted use. Due to the outstanding appeals however, the existing “H” (Community Shopping and Commercial, Etc.) District zoning under City of Hamilton Zoning By-law No. 6593 remains in force. The proposed stand-alone four storey, 50 unit multiple dwelling is not permitted in an “H” District, nor is it permitted on the same lot as the previously

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approved mixed use building. Due to funding timelines, the applicant submitted an application on April 24, 2018 to modify the zoning from the “H” (Community Shopping and Commercial, Etc.) District rather than wait for resolution of outstanding appeals to the Commercial and Mixed Use Zoning.

On June 29, 2018, the applicant submitted a revised concept plan in response to deficiencies that were identified by Zoning staff but not previously identified in the draft Zoning By-law Amendment. In order to avoid a modification to the Council approved Commercial Mixed Use zoning for rear yard setback for an accessory structure, the applicant revised the bicycle storage and recycling storage areas at the northeast corner of the site so that they were no longer roofed-over. Modifications to the planting strip requirements and the definition of front lot line under Zoning By-law 05-200 were also requested. Under By-law No. 6593, the applicant requested modifications to the rear planting strip, landscaped area abutting a street and parking space size requirements that were not included in the original draft Zoning By-law.

**Chronology:**

- April 24, 2018: Zoning By-law Amendment Application ZAR-18-027 received.
- May 24, 2018: Application ZAR-18-027 deemed complete.
- May 24, 2018: Applicant Public Open House.
- June 1, 2018 Notice of Complete Application and Preliminary Circulation was sent to 438 property owners within 120 m of the subject lands.
- June 7, 2018: Public Notice Sign installed on the subject property.
- June 29, 2018 Revised concept site plan and draft zoning by-law submitted in response to staff comments.
- August 8, 2018: Public Notice Sign updated with Public Meeting date.
- August 17, 2018: Circulation of Notice of Public Meeting to 438 property owners within 120 m of the subject lands.

**Details of Submitted Application:**

**Applicant / Agent:** T. Johns Consulting Group Ltd. (c/o Cheryl Selig)

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**Location:** 256 Parkdale Avenue North and 205 Melvin Avenue, Hamilton (see Appendix “A” to Report PED18190)

**Owner:** Indwell Community Homes (c/o Sylvia Harris)

**Property Size:**

Lot Frontage: 68 m (Parkdale Avenue North)

Lot Depth: 66.7 m

Lot Area: 4,687 sq m (0.4687 ha)

Services: Existing Full Municipal Services

**Existing Land Use and Zoning:**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b><u>Subject Property:</u></b>	Three storey building under renovation (to be maintained)	"H" (Community Shopping and Commercial, Etc.) District and Mixed Use – Medium Density (C5) Zone (under appeal)
<b><u>Surrounding Land Uses:</u></b>		
<b>North</b>	One storey commercial buildings	"H" (Community Shopping and Commercial, Etc.) District and Mixed Use – Medium Density (C5) Zone (under appeal)
<b>East</b>	Two storey commercial building with second storey apartment	"H" (Community Shopping and Commercial, Etc.) District
<b>South</b>	One storey place of worship and surface parking lot	"H" (Community Shopping and Commercial, Etc.) District and Mixed Use – Medium Density (C5) Zone (under appeal)
<b>West</b>	One storey commercial building and four storey multiple dwelling	"H" (Community Shopping and Commercial, Etc.) District, “E-2/S-38” (Multiple Dwellings) District, Modified and Mixed Use – Medium Density (C5) Zone (under appeal)

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### **Provincial Policy Statement (2014):**

The Provincial Planning 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 of, adoption and subsequent Ontario Municipal Board approval of the Urban Hamilton Official Plan, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest (i.e. efficiency of land use, balanced growth and environmental protection) are reviewed and discussed in the Official Plan analysis below.

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 Horseshoe (2017).

### **Urban Hamilton Official Plan**

The subject property is identified as "Neighbourhoods" on Schedule "E" – Urban Structure and designated "Mixed Use – Medium Density" on Schedule "E-1" – Urban Land Use Designations of the UHOP. The following policies, amongst others, apply:

#### **Neighbourhoods (Urban Structure)**

- "E.2.6.4 The Neighbourhoods element of the urban structure shall permit and provide for a full range of housing forms, types and tenure, including affordable housing and housing with supports.
- E.2.6.7 Neighbourhoods shall generally be regarded as physically stable areas with each neighbourhood having a unique scale and character. Changes compatible with the existing character or function of the neighbourhood shall be permitted. Applications for development and residential intensification within Neighbourhoods shall be reviewed in consideration of the local context and shall be permitted in accordance with Section B.2.4 – Residential Intensification, E.3.0 – Neighbourhoods Designation, E.4.0 –

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Commercial and Mixed Use Designations, and E.6.0 – Institutional Designation.”

Policy E.2.6.4 reinforces the importance of providing a range of residential dwelling types and densities within a neighbourhood, including affordable housing and housing with supports. The neighbourhood context includes a four storey multiple dwelling directly to the west across Parkdale Avenue North and multiple dwellings ranging in height from four to 17 storeys to the east of the subject lands on the north side of Melvin Avenue. As required by Policy E.2.6.7, the proposed building will complement the scale and character of the area that includes multi-storey buildings along Melvin Avenue and Parkdale Avenue North surrounded by a low profile residential neighbourhood consisting primarily of single detached dwellings.

#### Mixed Use – Medium Density

“E.4.6.1 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.

E.4.6.4 It is also the function of areas designated Mixed Use – Medium Density to serve as vibrant people places with increased day and night activity through the introduction of residential *development*. Residential *development* enhances the function of these areas as *transit supportive* nodes and corridors.

E.4.6.5 The following uses shall be permitted on lands designated Mixed Use - Medium Density on Schedule E-1 – Urban Land Use Designations:

a) commercial uses such as retail stores, *auto and home centres*, *home improvement supply stores*, offices, medical clinics, personal services, financial establishments, live-work units, artist studios, restaurants, gas bars, and drive-through facilities; (OPA 64)

f) *multiple dwellings*;

E.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.

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E.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.

E.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.”

Consistent with Policies E.4.6.1, E.4.6.5a) and E.4.6.15, the overall development of the subject lands will maintain the intended commercial function of the Mixed Use – Medium Density designation. The Phase 1 mixed use building will provide retail and restaurant uses at grade that will animate the corner of Melvin Avenue and Parkdale Avenue North and contribute to a vibrant pedestrian realm as required in Policies E.4.6.16 and E.4.6.17. As provided for in Policies E.4.6.4 and E.4.6.5f), the proposed development of residential uses on site will contribute to the vibrancy of the area by increasing day and night activity and supporting local transit ridership.

“E.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 and the zoning by-law.

E.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 predominant streets as listed by Policy E.4.3.1. (OPA 65)

E.4.6.10 Permitted uses shall be located in single or mixed use buildings.

E.4.6.22 Development applications shall be encouraged to provide a mix of uses on the site.

E.4.6.24 New development shall respect the existing built form of adjacent neighbourhoods by providing a gradation in building height and densities, and by locating and designing new development to minimize the effects of shadowing and overview on properties in adjacent neighbourhoods.”

The overall development will provide both a mixed use building (Phase 1) and a single use building (Phase 2) as provided for in Policies E.4.6.10 and E.4.6.22. The low rise

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built form with a maximum height of four storeys is permitted in Policies E.4.6.7 and E.4.6.9 and will limit any effects of shadowing and overview on adjacent neighbourhoods as required in Policy E.4.6.24. Concerns related to shadow and overview are further mitigated by the location of the building within the neighbourhood, away from the low profile residential areas and surrounded by a one storey commercial building to the north and a two storey building with commercial uses on the ground floor and a residential dwelling above to the east.

“E.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.

E.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.”

Policies E.4.6.26 and E.4.6.27 recognize that automobiles continue to be an important mode of transportation within the Mixed Use – Medium Density designation but that accommodating vehicles should be balanced with the need to improve pedestrian access and encourage transit use. This includes considering reduced parking requirements to encourage a broad range of uses. The applicant has requested a reduced residential parking rate of 0.21 parking spaces per dwelling in recognition of the parking needs specific to this affordable housing development. Previous Committee of Adjustment Applications (HM/A-16:359 and HM/A-17:138) approved a total of 66 parking spaces for the Phase 1 development, including for residents, visitors and commercial uses, instead of the 90 parking spaces that were existing on the effective date of By-law 15-171.

The applicant submitted a Parking Justification Report, including an analysis of parking utilization rates at six similar affordable housing developments managed by Indwell. Based on a survey of these six properties, the report identified a minimum resident utilization rate of 0.0 parking spaces per dwelling unit, a maximum rate of 0.22 parking spaces per dwelling unit and an average rate of 0.10 parking spaces per dwelling unit. In addition, the report notes that 45 long-term bicycle storage spaces will be provided for tenants and that the area is well served by public transit. Staff have reviewed the Parking Justification Report and agree with the recommendation that the required parking rate be reduced to 0.21 parking spaces per dwelling unit to allow for additional affordable housing units to be developed and to encourage active transportation and transit use.

The applicant has also proposed to provide no visitor parking for the residential uses on site. This is consistent with the Council approved (C5) zoning applicable to the site,

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which does not require visitor parking, and recognizes the intended transit supportive development of the area. There is metered on-street parking available to visitors on Parkdale Avenue North and parking is being introduced on the north side of Melvin Avenue through a City initiative to introduce bicycle lanes. In addition, ten short-term bicycle parking spaces will be available for visitors.

#### Residential Intensification

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

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

The proposed multiple dwelling contributes to a range of dwelling types and tenures by providing affordable housing in a compact urban form, as per Policy B.2.4.1.4c). The proposal complies with policies B.2.4.1.4b) and d) as the four storey built form is consistent with the existing neighbourhood character that includes low to high rise multiple dwellings along Parkdale Avenue North and on the north side of Melvin Avenue. The overall development has been designed to integrate with the surrounding area by including retail and restaurant uses at the corner of Parkdale Avenue North and Melvin Avenue, and providing glazing along the Parkdale Avenue North and Melvin Avenue frontages to animate the street and contribute to a comfortable pedestrian realm.

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In compliance with Policy B.2.4.1.4f), the property is serviced by municipal infrastructure and is accessible by frequent public transit including HSR Route No. 2 on Melvin Avenue and Route No. 11 on Parkdale Avenue North. As described above, the proposal contributes to achieving the planned Urban Structure (Policy B.2.4.1.4e)) and, as per Policy B.2.4.1.4g), complies with the applicable policies of the UHOP.

### Urban Design

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

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

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;
- d) locating surface parking to the sides or rear of sites or buildings, where appropriate;”

As per Policy B.3.3.2.3a), the proposed four storey multiple dwelling respects the existing character and development pattern of the area that includes the three storey mixed use building under construction on site, a four storey multiple dwelling to the west and additional multiple dwellings on the north side of Melvin Avenue, east of Parkdale Avenue North. In accordance with Policy B.3.3.2.3g), the overall development provides active retail and restaurant uses and glazing along the streetscape, and an outdoor amenity area at the northeast corner of the site. In addition to the positive design elements noted above, staff will continue to work with the applicant through the Site

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Plan Control process to ensure the final design of the development provides a quality design that is sensitive to the community identity (Policies B.3.3.2.3b) and B.3.3.2.3f)).

Consistent with Policies B.3.3.5a) and b), entrances to the under construction mixed use building (205 Melvin Avenue) and the proposed multiple dwelling (256 Parkdale Avenue North) are located close to the street and ample glazing has been provided along the Parkdale Avenue North and Melvin Avenue frontages. Consistent with Policy B.3.3.4d), parking is proposed at the rear of the site with landscaping to screen the portion of the parking area visible from Melvin Avenue.

### Housing Policies

“B.3.2.1.3 Increase Hamilton’s stock of affordable housing of all types, particularly in areas of the City with low levels of affordable housing.

B.3.2.1.4 Increase Hamilton’s stock of housing for those whose needs are inadequately met by existing housing forms or tenure, affordability or support options.

B.3.2.3.1 The City shall endeavour to provide a facilitative land use planning process for development applications for affordable housing and housing with supports.”

Consistent with policies B.3.2.1.3, B.3.2.1.4 and B.3.2.3.1 of the UHOP, the proposed multiple dwelling will increase Hamilton’s stock of affordable housing for low income residents. The development will contribute to the housing targets identified in Table B.3.2.2 of the UHOP that includes an annual goal of 252 new rental housing units affordable to low income households.

### Environmental Site Conditions

“B.3.6.1.2 Where there is potential for site contamination due to previous uses of a property and a more sensitive land use is proposed, a mandatory filing of a Record of Site Condition is triggered as outlined in provincial guidelines. The Record of Site Condition shall be submitted by the proponent to the City and the Province. The Record of Site Condition shall be to the satisfaction of the City.

B.3.6.1.4 Where there is potential for site contamination due to a previous use or uses on lands subject to development or redevelopment proposals, and a mandatory filing of a Record of Site Condition is triggered, the City shall:

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- a) withhold final approval of an application until acceptance of a Record of Site Condition. In the interim, conditional approval may be considered; or,
- b) defer or establish conditions of approval for applications involving official plan amendments, zoning by-law amendments, plans of subdivision, and site plan approvals where a Record of Site Condition is necessary.”

The subject lands are recognized as a potentially contaminated site due to their former commercial use and are subject to environmental review to allow the proposed multiple dwelling. The applicant commissioned Phase One and Phase Two Environmental Site Assessments (ESAs) which were completed by Peto MacCallum Ltd. Based on the results of the Phase Two ESA, no groundwater contamination was encountered but soil contamination was found to be located in three areas. The soil contamination is required to be removed from the site and a remediation report and Record of Site Condition (RSC) must be submitted to the Ministry of the Environment , Conservation and Parks (MOECP). A Holding Provision has been included in the amending Zoning By-law required pending a conditional building permit agreement with respect to completing an RSC or receipt of a Notice of Acknowledgement letter from the MOECP that the RSC has been filed.

#### Noise

- “B.3.6.3.1 Development of noise sensitive land uses, in the vicinity of provincial highways, parkways, minor or major arterial roads, collector roads, truck routes, railway lines, railway yards, airports, or other uses considered to be noise generators shall comply with all applicable provincial and municipal guidelines and standards.
  
- B.3.6.3.7 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;
  
  - c) 400 metres of a truck route;”

The proposed residential development is a noise sensitive use and will be located 0 m from Parkdale Avenue North and approximately 100 m from Barton Street East. Both

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Parkdale Avenue North and Barton Street East are minor arterial roads as identified on Schedule C of the UHOP, and both are also truck routes.

A Noise Impact Study was prepared by HGC Engineering and submitted with the application. The report analysed noise levels in the area and recommended noise control measures including warning clauses, central air conditioning and upgraded glazing for the west façade facing Parkdale Avenue North. Staff are satisfied with the report for rezoning purposes, however an addendum study will be required at the Site Plan Control stage providing further detail on rooftop equipment models and locations and their compliance with MOECP noise criteria. Noise warning clauses will be included in all future lease agreements and noise control measures recommended in the addendum report will be implemented at the Site Plan Control stage.

Therefore, the proposal complies with the UHOP.

**City of Hamilton Zoning By-law No. 6593**

The subject property is currently zoned “H” (Community Shopping and Commercial, Etc.) District which permits primarily commercial uses with some residential in conjunction with a permitted commercial use. Previous Committee of Adjustment Applications HM/A-16:359 and HM/A-17:138 were approved by the Committee of Adjustment to facilitate the renovation of the existing three storey building (205 Melvin Avenue) into a mixed use residential / commercial building. Relief provided from the provisions of the By-law included number of units within a residential conversion, average floor area of all dwelling units, radial separation distance for a residential conversion and number of parking spaces. The continued use of the approved Phase 1 mixed use building in conjunction with the proposed Phase 2 building on the same lot is incorporated in the proposed Zoning By-law Amendment. Therefore, the variances approved to the residential conversion requirements of By-law No. 6593 will no longer be required.

On November 8, 2017, Council approved a change in zoning for the site to a Mixed Use – Medium Density (C5) Zone under By-law 05-200 through the adoption of new Commercial and Mixed Use Zones. The new zoning permits the proposed four storey multiple dwelling (Phase 2). This Council approved zone change is currently under appeal to the LPAT and a single use multiple dwelling is not a permitted use in an “H” District. In order to proceed with the proposed development prior to resolution of the appeals to the Commercial and Mixed Use zones, the applicant has requested a modification to the “H” (Community Shopping and Commercial, Etc.) District to permit a multiple dwelling with site specific modifications as well as two buildings on one lot and to recognize the Phase 1 mixed use building. An evaluation of the proposed modifications is included in the Analysis and Rationale for Recommendation section of this Report.

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## **RELEVANT CONSULTATION**

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

- Forestry and Horticulture Section, Public Works Department;
- Alectra Utilities;
- Recreation Division, Community & Emergency Services Department; and,
- Hamilton Street Railway (HSR).

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

**Public Health Services, Health Protection Division**, identified a requirement for a pest control plan focusing on rats and mice, to be addressed at the Site Plan Control stage.

**Waste Management Section, Public Works Department**, has advised that the site would be eligible for municipal waste pickup with respect to garbage, organics and recyclables. Staff note that the applicant intends to provide an “earth bin” waste storage system adjacent to the proposed loading space at the north edge of the proposed parking area. Waste management details will be reviewed at Site Plan Control stage.

**Transportation Planning Services, Planning and Economic Development Department**, has advised that the proposed access driveways are acceptable subject to implementation of required standards for visibility triangles, clearance from municipal infrastructure and fire route access. These matters will be reviewed during the Site Plan Control stage.

The applicant has submitted a Transportation Demand Management Report prepared by nexTrans Consulting Engineers. This report will be reviewed by staff and its recommendations will be implemented at the site plan control stage.

## **PUBLIC CONSULTATION**

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 438 property owners within 120 m of the subject property on June 1, 2018. A Public Notice sign was posted on the property on June 7, 2018 and updated with the Public Meeting Date on August 8, 2018. Finally, a Notice of Public Meeting was sent to all 438 property owners within 120 m of the subject property on August 17, 2018. To date, no correspondence has been received.

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Public Consultation Strategy

In accordance with their submitted Public Consultation Strategy, the applicant held a Public Open House on May 24, 2018. Four residents attended the meeting.

The applicant provided mail correspondence to all landowners within 120 m of the subject lands, distributed leaflets and signage in multi-residential buildings and advertised the event on the Indwell Facebook page. The applicant also attended the McQuesten Community Planning Team's May 2018 meeting to distribute invitations to community members.

To date, no submissions have been received by staff as a result of the applicant's Public Consultation Strategy.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposal has merit and can be supported for the following reasons:
  - i) It is consistent with the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe (2017);
  - ii) It complies with the policies of the UHOP, in particular the function, scale and design of the Mixed Use – Medium Density designation and the addition of new affordable housing units; and,
  - iii) It provides appropriately designed and scaled residential intensification at an appropriate location within the neighbourhood and will result in additional affordable housing units, including housing with supports, allowing for a more complete community.

**2. Zoning By-law Amendment**

City of Hamilton Zoning By-law No. 6593

A modification to the "H" (Community Shopping and Commercial, Etc.) District is required to permit the proposed four storey multiple dwelling (Phase 2), permit two buildings on one lot and to recognize the three storey mixed use building under construction (Phase 1). The modifications are required as the Council approved CMU Zones are under appeal. The following site specific amendments to the "H" (Community Shopping and Commercial, Etc.) District of Zoning By-law No. 6593 are required to implement the proposal:

- A modification to allow two buildings containing residential uses on one lot;

**SUBJECT: Applications to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 256 Parkdale Avenue North and 205 Melvin Avenue, Hamilton (PED18190) (Ward 4) - Page 18 of 22**

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- A modification to allow a multiple dwelling as a single use and as a use in combination with permitted commercial uses;
- A reduced southerly side yard from 2.7 m to 0.0 m;
- A modification to allow bicycle storage, recycling storage and waste storage within a required rear planting strip;
- A modification to allow a hydro transformer within a required landscaped area;
- Revised parking space dimensions from 2.7 m by 6.0 m to 3.0 m by 5.8 m;
- A reduction in required residential parking rate from 1.25 parking spaces per unit to 0.21 parking spaces per unit;
- Elimination of visitor parking requirements; and,
- A reduction in the size and number of loading spaces from two loading spaces with dimensions of 3.7 m by 18.0 m to one loading space with dimensions of 3.7 m by 12.0 m.

These modifications are included in the amended Zoning By-law attached as Appendix “B” to Report PED18190.

Commercial and Mixed Use Zoning (City of Hamilton Zoning By-law No. 05-200)

On November 8, 2018, the City of Hamilton approved new Commercial and Mixed Use Zoning for inclusion in City of Hamilton Zoning By-law No. 05-200. Under the Council approved Zoning, the subject lands would be rezoned to a Mixed Use Medium Density (C5) Zone. Council’s approval of the Commercial and Mixed Use Zones was appealed to the Local Planning Appeal Tribunal by a number of appellants. As of the writing of this Report, the appeals have not been resolved. In anticipation of future implementation of the CMU Zoning, amendments to Zoning By-law 05-200 have been requested and a draft amending By-law prepared (attached as Appendix “C” to Report PED18190). In order for the proposal to proceed under a future C5 Zone, the following site specific modifications are required to facilitate the proposal.

Definition of Front Lot Line

A modification is required to deem the lot line fronting Parkdale Avenue North as the front lot line, whereas the front lot line is defined as the shortest lot line abutting a street (in this case the Melvin Avenue lot line).

The overall development has been designed based on existing site conditions so that the Parkdale Avenue North frontage acts as the front facade for the existing mixed use building and proposed multiple dwelling. Uses generally associated with the rear of a property, including parking, loading and amenity, are located

towards the east of the site. In this case, staff support the proposed modification that the definition of front lot line be amended to the longer street lot line (Parkdale Avenue North) to reflect the existing and proposed building orientation.

#### Finished Floor Elevation for any Dwelling Unit

A modification is required to eliminate the requirement that all ground floor dwelling units have a minimum floor elevation of 0.9 m.

In this case, the three storey mixed use building under renovation (205 Melvin Avenue) will have six dwelling units at grade that do not meet the finished floor elevation requirement. The proposed four storey multiple dwelling (256 Parkdale Avenue North) has been designed to accommodate residents with physical disabilities and elevated ground floor units may create design constraints related to unit access. Furthermore, the grading for Phase 2 will match that of Phase 1, which is lower than 0.9 m at the ground floor. The intent of the finished floor elevation requirement is to reduce the impact of activity and vehicles on street facing dwelling units that would encourage the orientation of unit entrances and amenity areas to the rear of the lot. For this development, no ground floor dwelling units within the overall development will face a street. In the case of 205 Melvin Avenue, the ground floor commercial uses will be located between the street and the ground floor residential units, and in the case of 256 Parkdale Avenue North indoor amenity space for residents will be provided between the street and ground floor residential units. The ground floor amenity and commercial uses will animate the adjacent streetscape by providing entrances and ground floor glazing facing the street.

Based on the forgoing, staff support the elimination of the finished floor elevation requirement for ground floor units.

#### Access to a Primary Entrance from a Public Street

A modification is required to provide a primary entrance within the ground floor façade closest to the street that is not fully accessible from the public sidewalk.

This modification is requested to accommodate a primary entrance within the front façade of Phase 2 that is not fully accessible from the Parkdale Avenue North sidewalk. Due to existing grading constraints from the Phase 1 building, the proposed entrance to Phase 2 facing the public sidewalk will be elevated 0.4 m. The entrance on the front façade will remain and will be oriented to the street, but will not be fully accessible as steps are required to accommodate the grade change. A fully accessible primary entrance will be provided on the south façade with direct access to the public sidewalk via a walkway. Staff are satisfied with

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this solution as an entrance will be provided facing Parkdale Avenue North as recommended in the Urban Design policies of the UHOP, and an additional accessible entrance on the south façade will provide convenient pedestrian access to the public sidewalk via a walkway.

Based on the forgoing, staff support this modification.

#### Hydro Transformer Within a Required Planting Strip

A modification is required to permit a hydro transformer within the required 3.0 m planting strip between the parking area and Melvin Avenue street line.

As discussed previously, there is an existing hydro transformer within the proposed minimum 3.0 m planting strip in front of the proposed parking area. The current location of this hydro transformer was determined in consultation with Alectra Utilities to meet Electrical Safety Authority regulations. Staff will work with the applicant at the Site Plan Control stage to ensure that adequate landscape screening is provided in front of the existing hydro transformer to maintain a consistent landscape treatment in front of the proposed parking area.

As such, this modification has merit and is supported by staff.

#### Residential Parking Rate

A modification is required to permit a residential parking rate of 0.21 parking spaces per dwelling unit (23 parking spaces), whereas a residential parking rate of 0.28 parking spaces per unit is required (29 parking spaces). There is no requirement for visitor parking. The proposed parking rate assumes all dwelling units have a floor area less than 50 sq m and that 45 long term bicycle parking spaces will be provided for residents. Any dwelling units over 50 sq m will be required to provide one parking space per unit.

As discussed previously, the applicant has submitted a Parking Justification report demonstrating that the 0.21 parking spaces per unit residential parking rate is sufficient based on parking utilization at similar affordable housing developments and the availability of long term bicycle parking and public transit options.

Staff support this modification.

4. An “H” Holding Provision is recommended to require the Owner to enter into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) be submitted to the City of

Hamilton and the Ministry of the Environment, Conservation and Parks (MOECP) for the subject property. 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 MOECP, and submission of the City of Hamilton's current RSC administration fee. This is required to evaluate the impacts of the former commercial uses on the property given the proposed change to include residential uses (a sensitive land use).

5. Development Engineering staff have reviewed the Functional Servicing Report (FSR) dated April 13, 2018 by WalterFedy provided by the applicant and have no concerns with the Rezoning proceeding from a servicing perspective. However, the applicant has to demonstrate during the Site Plan Control application process how the 100 year post development flows from the subject site should be returned to the lesser of the 25 year pre development level or free flow capacity of the existing storm lateral.

As such, during the Site Plan Control process, the applicant will be required to revise the FSR to demonstrate that appropriate sewer servicing, water servicing, stormwater management, grading, and erosion and sediment control requirements can be adequately addressed, to the satisfaction of the Manager of Development Approvals.

## **ALTERNATIVES FOR CONSIDERATION**

Should the proposed Zoning By-law Amendment Application be denied, the property could be utilized in accordance with the existing "H" (Community Shopping and Commercial, Etc.) District zoning and Minor Variance approvals HM/A-16:359 and HM/A-17:138, which would permit completion of the three storey mixed use building with 57 dwelling units and commercial units at grade currently under construction.

## **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.*

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**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 Amendment to Zoning By-law No. 6593

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

Appendix “D” – Concept Plan