



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	August 13, 2019
<b>SUBJECT/REPORT NO:</b>	Application for a Zoning By-law Amendment for lands located at 336 and 338 King Street West, Dundas (PED19157) (Ward 13)
<b>WARD(S) AFFECTED:</b>	Ward 13
<b>PREPARED BY:</b>	Andrea Dear (905) 546-2424 Ext. 7856
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION(S)**

- (a) That **Zoning By-law Amendment application ZAR-19-020, by King@Dundas Inc., Owner**, for a change in zoning from the Holding – Medium to High Density Multiple Dwelling Zone (H-RM3/S-127), Modified, to the Holding – Low to Medium Density Multiple Dwelling Zone (H-RM1/S-127a), Modified, in order to permit six townhouse (block townhouse) dwellings accessed by a rear lane, for lands located at 336 and 338 King Street West (Dundas), as shown on Appendix “A” to Report PED19157, be **APPROVED**, on the following basis:
- (i) That the draft By-law attached as Appendix “B” to Report PED19157, 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 PED19157, be added to Schedule “L” (Spencer Creek) of Zoning By-law No. 3581-86 as “H-RM1/S-127a”;
  - (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 zoning;

The Holding Provision “H-RM1/S-127” (Holding – Low to Medium Density Multiple Dwelling Zone (H-RM1/S-127a), Modified, applicable as shown on Schedule “A” of Appendix “B” to Report PED19157, be removed conditional upon:

- (1) The owner / applicant shall investigate noise levels on the site and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of the Environment, Conservation and Parks recommended sound level limits. An acoustical report, prepared by a Professional Engineer containing recommended control measures shall be submitted to the satisfaction of the Director of Planning and Chief Planner. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner/applicant and shall be submitted to the satisfaction of the Director of Planning and Chief Planner.
- (2) The owner / applicant shall investigate anticipated residential water usage and fire flow through the submission of a Watermain Hydraulic Analysis Report to the satisfaction of the Senior Director of Growth Management.
- (iv) That the item respecting 336-338 King Street West, Dundas is considered as completed and is to be removed from the Planning Committee’s Outstanding Business List.

## **EXECUTIVE SUMMARY**

The applicant, King@Dundas Inc., has applied for a Zoning By-law Amendment to permit the development of a standard condominium comprised of six townhouse (block townhouse) dwelling units accessed by a common rear laneway for lands located at 336 and 338 King Street West (Dundas).

The Zoning By-law Amendment will rezone the lands from the Holding – Medium to High Density Multiple Dwelling Zone (H-RM3/S-127) Modified, to the Holding – Low to Medium Density Multiple Dwelling Zone (H-RM1/S-127a) Modified. The Holding provision is being maintained in order to ensure that the City receives a satisfactory Water Hydraulic Analysis Report and Noise Study.

This application has merit and can be supported as the proposal is consistent with the Provincial Policy Statement (2014), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019), and complies with the Urban Hamilton Official Plan (UHOP). The proposal is considered to be compatible with the existing and planned

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development in the area and represents good planning by providing a compact and efficient urban form that contributes to the provision of a range of housing types, while respecting the existing neighbourhood in terms of massing and scale.

**Alternatives for Consideration – See Page 17**

**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 southwest corner of King Street West and Brock Street South, Dundas. The property is comprised of two existing lots of record, municipally known as 336 and 338 King Street West, Dundas. The overall site is approximately 0.74 ha in area. The site is currently vacant with one access from Brock Street South.

The applicant is proposing to develop the lands with a standard condominium comprised of six townhouse (block townhouse) dwelling units accessed by a common rear laneway with access from King Street West. Each unit is proposed to have one dedicated parking space contained within a garage and a private amenity space above each garage on the westerly side of the building. Each unit is proposed to have one parking space (refer to Appendix “D” to Report PED19157).

The lands were previously subject to Official Plan and Zoning By-law Amendment applications to permit a four storey mixed use building comprised of two commercial units at grade, 13 residential units, and 18 parking spaces located in an underground parking garage. The previous applications were approved by Council and subsequently appealed by a resident to the Ontario Municipal Board, now Local Planning Appeal Tribunal (LPAT). Prior to the scheduled LPAT hearing, the applicant and appellant were able to reach an agreement on changes to the by-law and the LPAT approved the by-law, as amended, on August 27, 2014.

Since that time, ownership of the lands has changed and the current owners wish to amend the by-law in order to develop the lands for townhouses.

In order to accommodate the proposed development, the applicant has applied for a change in zoning from the Holding – Medium to High Density Multiple Dwelling Zone (H-RM3/S-127) Modified, to a site specific Low to Medium Density Multiple Dwelling Zone (RM1)

The following modifications to the “RM1” Zone have been requested by the applicant:

- Increased encroachments into a side yard for canopies, uncovered porches and unenclosed balconies;
- Decreased landscape requirements in the front yards;
- Decreased off-street parking space requirements;
- Decreased lot frontage;
- Decreased front yard;
- Decreased side yard;
- Decreased rear yard;
- Increased maximum building height;
- Decreased maximum density;
- Decreased percentage of landscaped area; and,
- Decreased buffer strip.

In addition to the above, staff recommend the following modification:

- No vehicular access or parking space be permitted in the side yard abutting the Brock Street South street line.

**Chronology:**

March 15, 2019: Submission of Zoning By-law Amendment application ZAR-19-020.

March 25, 2019: Applicant held Public Open House.

March 27, 2019: Application ZAR-19-020 deemed complete.

April 18, 2019: Notice of Complete Application and Preliminary Circulation was sent to 138 property owners within 120 m of the subject property.

April 25, 2019: Public Notice Sign installed on subject lands.

July 17, 2019: Public Notice Sign updated with Public Meeting Date.

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July 26, 2019: Circulation of the Notice of Public Meeting to 138 property owners within 120 m of the subject property.

**Details of Submitted Application:**

**Applicant / Agent:** King@Dundas Inc. (c/o Sergio Manchia) / MHBC Planning (c/o Kelly Martel)

**Location:** 336 and 338 King Street W, Dundas

**Owner:** King@Dundas Inc. (c/o Sergio Manchia)

**Agent:** MHBC Planning (c/o Kelly Martel)

**Property Size:** Lot Frontage: 20.42 m (King Street West)

Lot Depth: 36.62 m (Brock Street South)

Lot Area: 748.88 m<sup>2</sup>

Services: Existing full municipal services

**Existing Land Use and Zoning:**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b>Subject Property:</b>	Commercial building (vacant) with paved parking area	Holding - Medium to High Density Multiple Dwelling Zone, (H-RM3/S-127), Modified

**Surrounding Land Uses:**

<b>North:</b>	Single detached dwellings	Single-Detached Residential Zone (R2)
<b>East:</b>	Semi detached dwellings	Low Density Residential Zone (R4/S-86), Modified and Medium Density Multiple Dwelling Zone (RM2)
<b>South:</b>	Single detached dwellings	Single-Detached Residential Zone (R2)

**West:**                      Single detached dwellings                      Single-Detached Residential Zone (R2)

## **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). 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 Local Appeal Tribunal approval of the UHOP, 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) are reviewed and discussed in the Official Plan Analysis that follows.

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 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.”

The subject property meets five of the ten criteria used by the City of Hamilton and the Ministry of Tourism, Culture and Sport for determining archaeological potential:

- 1) Within 250 m of known archaeological sites;
- 2) Within 300 m of a primary watercourse or permanent waterbody, 200 m of a secondary watercourse or seasonal waterbody, or 300 m of a prehistoric watercourse or permanent waterbody;
- 3) In an area of sandy soil in areas of clay or stone;
- 4) In areas of pioneer EuroCanadian settlement; and,
- 5) Along historic transportation routes.

A caution note will be required at the Site Plan Control stage advising of the City of Hamilton and Ministry of Tourism, Culture and Sport requirements should deeply buried archaeological materials or human remains be encountered during construction / development activities.

As the application for a change in zoning to permit townhouse (block townhouse) dwelling units complies with the UHOP, and based on the review of the proposal, it is the opinion of staff that the application is:

- Consistent with Section 3 of the *Planning Act*,
- Consistent with the PPS; and,
- In conformity with A Place to Grow Plan.

### **Urban Hamilton Official Plan (UHOP)**

The subject property is designated “Neighbourhoods” on Schedule “E” – Urban Structure and Schedule “E-1” – Urban Land Use Designations of the UHOP. The proposed development is a standard condominium comprised of six townhouse (block townhouse) dwelling units accessed by a common rear laneway which is permitted within the “Neighbourhoods” designation of the UHOP and as such, the following policies, among others, apply to the proposal.

#### **Neighbourhoods**

- “E.3.2.1 Areas designated Neighbourhoods shall function as complete communities including the full range of residential dwelling types and densities as well as supporting uses intended to serve the local residents.
- E.3.2.3 The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations:
- a) residential dwellings, including second dwellings and housing with supports;
- E.3.2.4 The existing character of established Neighbourhoods designated areas shall be maintained. Residential intensification within these areas shall enhance and be compatible with the scale and character of the existing residential neighbourhood in accordance with Section B.2.4 – Residential Intensification and other applicable policies of this Plan.”

Policies E.3.2.1, E.3.2.3 a) and E.3.2.4 reinforce the importance of providing a range of residential dwelling types and densities within a neighbourhood. The surrounding neighbourhood is predominantly composed of single detached dwellings. The proposed townhouse (block townhouse) dwelling units will add a variety of housing forms to the area that does not currently exist, offering an additional housing form that is in keeping with the surrounding neighbourhood (Policies E.2.6.7 and E.3.2.4).

Medium Density Residential

- E.3.5.1 Medium density residential areas are characterized by *multiple dwelling* forms on the periphery of neighbourhoods in proximity to major or minor arterial roads, or within the interior of neighbourhoods fronting on collector roads.
- E.3.5.2 Uses permitted in medium density residential areas include *multiple dwellings* except street townhouses.
- E.3.5.5 Medium density residential uses shall be located within safe and convenient walking distance of existing or planned *community facilities*, public transit, schools, active or passive recreational facilities, and local or District Commercial uses.
- E.3.5.7 For medium density residential uses, the *net residential density* shall be greater than 60 units per hectare and not greater than 100 units per hectare.
- E.3.5.8 For medium density residential uses, the maximum height shall be six storeys.
- E.3.5.9 *Development* within the medium density residential category shall be evaluated on the basis of the following criteria:
- a) Developments should have direct access to a collector or major or minor arterial road. If direct access to such a road is not possible, the development may gain access to the collector or major or minor arterial roads from a local road only if a small number of low density residential dwellings are located on that portion of the local road.
  - b) *Development* shall be integrated with other lands in the Neighbourhoods designation with respect to density, design, and physical and functional considerations.
  - c) *Development* shall be comprised of sites of suitable size and provide adequate landscaping, amenity features, on-site parking, and buffering if required. The height, massing, and arrangement of buildings and structures shall be compatible with existing and future uses in the surrounding area.



- d) Access to the property shall be designed to minimize conflicts between traffic and pedestrians both on-site and on surrounding streets.”

In accordance with the definitions of the UHOP, the proposed townhouse (block townhouse) dwellings located on a private laneway are considered multiple dwellings (Policy E.3.5.1). The private laneway has direct access to King Street West which is classified as a Major Arterial road on Schedule E of the UHOP (Policy E.3.5.1). Multiple dwellings are permitted under Policy E.3.5.2 and the proposed density of 81 units per hectare complies with the density ranges established in Policy E.3.5.7. By proposing similar setbacks to the neighbouring buildings, the proposed building footprint respects the development patterns in the neighbourhood, thus allowing the increased density and built form to be well integrated with other lands in the neighbourhood (Policy E.3.5.9 b)). On-site parking and a private amenity space is proposed for each dwelling unit which increases the compatibility with the abutting land uses and will help this proposed development to better integrate into the greater community (Policy E.3.5.9 c)).

The townhouse (block townhouse) dwelling units are proposed at a height of 15.3 m or four storeys, although higher than the existing built form, represents a size and scale that is compatible with the surrounding land uses (Policies E.3.5.2, E.3.5.7, and E.3.5.8). The subject lands have direct access to public transit (HSR Route #5 Delaware) and Fisher’s Mill Park (Policies E.3.5.5).

#### 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.

**B.2.4.2.2** When considering an application for a residential intensification *development* within the Neighbourhoods designation, the following matters shall be evaluated:

- a) the matters listed in Policy B.2.4.1.4;
- b) *compatibility* with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
- c) the relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;
- d) the consideration of transitions in height and density to adjacent residential buildings;
- e) the relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;
- f) the provision of amenity space and the relationship to existing patterns of private and public amenity space;
- g) the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;
- h) the ability to complement the existing functions of the neighbourhood;
- i) the conservation of *cultural heritage resources*; and,
- j) infrastructure and transportation capacity and impacts.”

The introduction of six townhouse (block townhouse) dwelling units on an existing underutilized lot represents a form of residential intensification (Policies B.2.4.1.4 c) and B.2.4.1.4 g)). The proposed setbacks to King Street West and Brock Street South will place the building close to the street edge which is similar to the neighbouring buildings.

This will also allow for an increase in height that is still in keeping with the surrounding built form and will build upon and enhance the existing patterns (B.2.4.1.4 b), c), d) and e)). The townhouse (block townhouse) dwelling units will be further integrated into the community through urban design controls at the Site Plan Control application stage (B.2.4.1.4 d)). The proposed development has been designed so as to minimize the effects of shadowing and overlook by placing the building closer to the street and the second storey amenity area further away from the properties to the west. Traffic impacts are minimized through the provision of a single shared access point. Noise and lighting will be further reviewed and mitigated at the Site Plan Control application stage (B.2.4.2.2 b)). As previously discussed, in addition to existing public park space within walking distance, this proposal includes the provision of a private amenity space for each dwelling unit which is in keeping with the existing patterns in the neighbourhood (B.2.4.2.2 f)).

With respect to Policies B.2.4.1.4 f) and B.2.4.2.2 j), the subject site is serviced by municipal water, sewer and stormwater infrastructure.

#### 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;”

By respecting existing setbacks, building separations and the pedestrian friendly character of the area, the proposed development is proposing a building envelope that adequately respects the existing character, development patterns and built form (B.3.3.2.3 a)). Details of the built form such as the materials, glazing and landscape elements will be determined at the Site Plan Control application stage. It will be required that these design elements enhance the surrounding environment (B.3.3.2.3 b)).

Therefore, the proposal complies with the UHOP.

#### **Town of Dundas Zoning By-law No. 3581-86**

The subject property is currently zoned Holding – Medium to High Density Multiple Dwelling Zone (H-RM3/S-127), Modified which permits a four storey (16.5 m) multiple dwelling, with two commercial uses located on the ground floor, having a combined maximum floor area of 199.0 sq m along the King Street West lot line. The commercial

uses shall be limited to the uses listed under Retail Trade Industries excluding any automotive and motor vehicle uses and restaurant use.

In order to implement the proposed development, a change in zoning from Holding – Medium to High Density Multiple Dwelling Zone (H-RM3/S-127), Modified to a site specific Low to Medium Density Multiple Dwelling Zone (RM1) is required to permit a range of uses, including townhouses (block townhouses), and introduce a new special exception to accommodate the proposed development on the site. The modifications required include:

- Increased encroachments into a side yard for canopies, uncovered porches and unenclosed porches;
- Decreased landscape requirements in the front yards;
- Decreased off-street parking space requirements;
- Decreased lot frontage;
- Decreased front yard;
- Decreased side yard;
- Decreased rear yard;
- Increased maximum building height;
- Decreased maximum density;
- Decreased percentage of landscaped area; and,
- Decreased buffer strip.

In addition to the above, staff recommended the following modification:

- No vehicular access or parking space be permitted in the side yard abutting the Brock Street South street line.

Staff are in support of the proposed modifications. A detailed evaluation of the proposed modifications is included in Appendix “C” to Report PED19157.

## **RELEVANT CONSULTATION**

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

- Horizon Utilities;
- Hydro One, Networks Inc.;
- Hamilton Fire Department;
- Budgets and Finance;
- Public Health – BOAST; and,

- MTO.

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

**Transportation Planning Division, Planning and Economic Development Department**, advised that, although there is a preference for a 4.57 m by 4.57 m daylighting triangle at the corner of King Street West and Brock Street South, given the context of the development, a 2.5 m radius is acceptable. Staff have noted that there is an existing bus stop on King Street West, directly in front of the subject lands, and access to the stop must remain in accordance with the accessibility requirements in terms of sidewalk width and grade. These requirements will be addressed at the Site Plan Control stage. Further, the driveway must be 7.5 m wide at the property line, but is permitted to narrow to 6.0 m within the site.

**Transit** if it is determined that the bus bench or bus stop sign need to be relocated due to this development, the cost of the relocation will be the responsibility of the owner and / or ~~the~~ applicant.

**Urban Forestry**, requires a Landscape Plan, prepared by a Registered Landscape Architect, to be submitted as part of the Site Plan Application showing the proposed placement, species and size of trees that are being proposed on public lands. A landscape plan will be required as a condition at the Site Plan Approval stage.

**Public Health Services**, requires that a Pest Control Plan and Dust Management Plan be submitted for the proposed development. These will be required as conditions at the Site Plan Control Stage.

**Environmental Services Division, Public Works Department**, indicated that the development is eligible for municipal waste collection service subject to meeting the City of Hamilton's requirements. Should the proposed development not meet the City of Hamilton's requirements a warning clause should be included in all offers and agreements of purchase and sale, rental, or lease for all units.

## **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 138 property owners within 120 m of the subject property on December 20, 2018. A Public Notice sign was posted on the property on April 25, 2019 and updated with the Public Meeting Date on July 17, 2019. Finally, notice of the Public Meeting was given in accordance with the requirements of the *Planning Act*.

One letter in support of the application was received as a result of the public circulation of the application (attached as Appendix “E” to Report PED19157).

### Public Consultation Strategy

In accordance with their submitted Public Consultation Strategy, the applicant held a Public Open House on March 25, 2019. The Ward Councillor and approximately five residents were in attendance.

### **ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)**

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 A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) which directs and encourages infill and intensification within the built-up area;
  - (ii) It complies with the general intent and purpose of the UHOP; and,
  - (iii) It is an appropriately scaled infill development that is compatible with existing residential land uses of the area and represents good planning by, among other things, supporting the intensification and redevelopment of a brownfield site.
  
2. Zoning By-law Amendment

The applicant has requested to rezone the property from the Holding – Medium to High Density Multiple Dwelling (H-RM3/S-127) to the Low to Medium Density Multiple Dwelling Zone (RM1/S-127a), Modified. The current zone does not permit townhouse (block townhouse) dwellings as it was zoned to accommodate a previous application for a four storey mixed use building with a higher density. A rezoning is required in order to facilitate the development of six townhouse (block townhouse) dwellings and to accommodate changes to proposed setback and landscape regulations.

As discussed previously, staff are supportive of this change as the introduction of townhouse (block townhouse) dwellings is compatible with the immediate residential development surrounding the property, and provides an appropriate level of intensification on an underutilized brownfield site within an existing neighbourhood.

The following site specific modifications to Low to Medium Density Multiple Dwelling Zone (RM1) of the Town of Dundas Zoning By-law No. 3581-86 are required to implement the proposal (see Appendix “B” to Report PED19157):

- Increased encroachments into a side yard for canopies, uncovered porches and unenclosed porches;
- Decreased landscape in the front yards;
- Decreased off-street parking space requirements;
- Decreased lot frontage;
- Decreased front yard;
- Decreased side yard;
- Decreased rear yard;
- Increased maximum building height;
- Decreased maximum density;
- Decreased percentage of landscaped area; and,
- Decreased buffer strip.

In addition to the above, staff recommended the following modification:

- No vehicular access or parking space be permitted in the side yard abutting the Brock Street South street line.

A detailed evaluation of the proposed modifications is included in Appendix “C” to Report PED19157.

3. A Holding “H” Provision is recommended in order to ensure the submission of a Noise Study to the satisfaction of the Director of Planning and Chief Planner, and a Watermain Hydraulic Analysis Report to the satisfaction of the Senior Director of Growth Management.

A Noise Study was submitted with the previous application but the built form has changed from a multiple dwelling with no outdoor amenity space to townhouses with private amenity spaces proposed to be located above the garages adjacent to King Street West. The change in built form necessitates a revised acoustical report. The noise mitigation measures outlined in the Noise Study will be required to be implemented at the Site Plan Control stage and / or Standard Condominium stage.

The requirement for the Watermain Hydraulic Analysis Report is an ongoing request from the previous application and was a Holding Zone requirement as approved by the LPAT (OMB). This Report is required to investigate residential water usage and fire flow.

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

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

4. Engineering Approvals staff have reviewed the proposed Zoning By-law Amendment application and provide the following comments:

The FSR was not finalized for the previous Zoning By-law Amendment application ZAC-12-042. At that time the FSR was not satisfactory and therefore it cannot be assumed to be satisfactory despite the proposed amendment.

As such, the watermain hydraulic analysis (WHA) dated March 11, 2016 has some deficiencies that must be corrected prior to Engineering Approvals being able to recommend the lifting of the Holding Provision. The deficiencies include:

- The domestic water demands should be calculated using the fixture unit approach;
- The conclusions note that the expected pressures will range from 290 to 300 kPa, whereas Section 4.1 says the pressure will range from 290 to 295 kPa;
- With regards to the RFF calculations, the building is specified in the report as four stories and in Appendix C as one storey. Staff recognize that notes in Appendix C clarify the calculation of the floor area, however the indication that the 1,668 m<sup>2</sup> represents the largest floor, and that there is only one storey, is confusing;
- With regards to the RFF, the floor area in the report (1,668 m<sup>2</sup>) does not match the gross floor area specified on the Site Plan dated September 2015 (1,785.31 m<sup>2</sup>). Please confirm the building area and update the calculation accordingly;
- With regards to the RFF calculations, the report specifies that the development shall be non-combustible. According to the drawings (Cover Sheet, dated September, 2015), the building is both combustible and non-combustible construction. Please review and update the coefficient of construction accordingly;
- With regards to the RFF calculation, the exposure distances shown on Appendix C Figure 1 do not match the exposure distances noted on the calculation sheet, which do not match the percentages used in the calculations. Additionally, the exposure distances noted do not match with the distances determined from the drawings. For example, the west exposure, when scaled from the Site Plan, is only 2 m. Whereas it is noted as 11 m on Figure 1 in Appendix C and 14 m within the calculations. Please ensure accuracy and update accordingly;
- With regards to the RFF, please clarify the comment “Exposures considered for building south and west of condominium”; and,
- Please label the Street Names on all figures within the appendices.



The WHA must be revised based on the above and submitted before any development is permitted on the site. The WHA should at this time also be adapted to a Low/Medium Density Multiple Dwelling Zone, Modified.

Once we have a revised WHA that is satisfactory to the Manager of Development Approvals we will be able to provide recommend the lifting of the holding provision.

5. A future Condominium application will be required in order to create the units and delineate the common rear laneway and manoeuvring space.
6. Circulation of the application resulted in the submission of correspondence from one are resident (see Appendix “E” to Report PED19157). This resident is in support of the application.

## **ALTERNATIVES FOR CONSIDERATION**

Should the proposed Zoning By-law Amendment be denied, the lands could be developed in accordance with the existing, LPAT approved, Holding – Medium to High Density Multiple Dwelling Zone (H-RM3/S-127) which permits a four storey multiple dwelling with ground floor commercial uses and 13 residential units above.

## **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

### **Community Engagement and Participation**

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

### **Healthy and Safe Communities**

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

### **Built Environment and Infrastructure**

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

## **APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” – Location Map

Appendix “B” – Zoning By-law Amendment

Appendix “C” – Site Specific Modifications to the RM1 Zone

Appendix “D” – Concept Site Plan, Floor Plans and Elevations

Appendix “E” – Public Submissions

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