



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	August 13, 2019
SUBJECT/REPORT NO:	Application to Amend City of Hamilton Zoning By-law No. 6593 for the Lands located at 370 Concession Street, Hamilton (PED19158) (Ward 7)
WARD(S) AFFECTED:	Ward 7
PREPARED BY:	Michael Fiorino (905) 546-2424 Ext. 4424 Melanie Schneider (905) 546-2424 Ext. 1224
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION(S)

That **Revised Zoning By-law Amendment Application ZAC-18-008, by 370 Concession (Hamilton) Ltd., Owners**, for a further modification to the “DE-2/S-5” (Multiple Dwellings) District, Modified (Block 1); for changes in zoning from the “C” (Urban Protected Residential, etc.) District to the “DE-2/S-5a-H” (Multiple Dwellings) District, Modified, Holding (Block 2); and, from the “DE-2/S-5” (Multiple Dwellings) District, Modified to the “RT-30/S-1781” (Street – Townhouses) District, Modified (Block 3); to permit the development of four street townhouse dwellings along East 15th Street and the expansion of the parking area for the existing five storey multiple dwelling for lands located at 370 Concession Street, as shown on Appendix “A” to Report PED19158, be **APPROVED**, on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED19158, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) 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 ‘H’ as

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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.

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a suffix to the proposed zoning for Blocks 1 and 2 as shown on Schedule “A” of Appendix “B” to Report PED19158.

The Holding Provision “DE-2/S-5a-H” (Multiple Dwellings) District, Modified, Holding applicable to Blocks 1 and 2 as shown on Schedule “A” to Appendix “B” to Report PED19158, be removed condition upon:

- (1) The Owner applying for a Building Permit to legalize the 41 unit multiple dwelling, to the satisfaction of the City’s Chief Building Official.
- (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2014), conform to A Place to Grow Plan (2019), and comply with the Urban Hamilton Official Plan.

EXECUTIVE SUMMARY

The subject property is municipally known as 370 Concession Street, Hamilton. The owner, 370 Concession (Hamilton) Ltd., has applied for a Zoning By-law Amendment to Hamilton Zoning By-law No. 6593 to permit the development of four street townhouse dwellings to front on East 15th Street and the redevelopment of a portion of the subject property to establish an expanded parking area for the existing five storey multiple dwelling, known as Belmont Apartments. Forty-one at grade parking spaces will be provided for the multiple dwelling, of which eight parking spaces are located within the attached at-grade garages. The four street townhouses are proposed to have two parking spaces for each townhouse dwelling.

Modifications to the existing “DE-2/S-5” (Multiple Dwellings) District, Modified, include a number of technical amendments to recognize the setbacks of the existing multiple dwelling, a reduction in landscape area and width, as well as a reduction in visitor parking space and the parking space size. A Holding provision has been introduced to ensure necessary building permits have been obtained to recognize two illegally established dwelling units within the existing multiple dwelling. A change in zoning to the “RT-30/S-1781” (Street – Townhouses) District, Modified is required to permit the four street townhouse dwellings and include a reduction in rear and side yard setbacks, lot area and encroachments of balconies and porches.

The application has merit and can be supported as it is consistent with the Provincial Policy Statement (2014) (PPS), conforms to A Place to Grow Plan (2019), and complies with the Urban Hamilton Official Plan. The proposal is considered to be compatible with and complementary to the existing and planned development in the immediate area, represents good planning by providing a compact and efficient urban form, provides an

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alternative housing form for the neighbourhood and supports developing a complete community.

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 an amendment to the Zoning By-law.

HISTORICAL BACKGROUND

Proposal

The subject property is located at the southwest corner of Concession Street and East 15th Street, between Upper Wellington Street and Upper Wentworth Street. The property is “L” shaped, measuring 0.35 hectares in size and is municipally known as 370 Concession Street. The subject property has frontage on both Concession Street and East 15th Street and is currently developed with a five storey multiple dwelling containing 41 residential units and a total of 44 at grade parking spaces, 36 within the surface parking area and eight within the at grade individual parking garages. The parking area is located to the rear of the subject lands and is accessed from East 15th Street. The existing multiple dwelling was constructed in the late 1960’s and is occupied as rental accommodation. A total of 39 dwelling units are recognized by the City of Hamilton. Two dwelling units were created in the building without Building Permits.

The applicant has applied for a further modification to the “DE-2/S-5” (Multiple Dwellings) District, Modified (Block 1); and changes in zoning from the “C” (Urban Protected Residential, etc.) District to a further modified “DE-2/S-5” (Multiple Dwellings) District, Modified (Block 2); and, from the “DE-2/S-5” (Multiple Dwellings) District, Modified to a modified “RT-30” (Street – Townhouses) District (Block 3). The proposal will modify the zoning to accommodate the expansion of the parking area to the rear of the property in the former location of an outdoor swimming pool that has been removed.

Based on feedback from staff and the public, the applicant has revised the proposal with the following modifications to the “RT-30” District:

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- Minimum southerly side yard setback of 1.0 m for a two storey street townhouse, whereas a minimum 2.0 m is required;
- Minimum northerly side yard setback of 0.7 m for a two storey street townhouse, whereas a minimum 2.0 m is required;
- Minimum rear yard setback 6.0 m, whereas a minimum 7.5 m is required;
- Minimum lot area of 141 sq m, whereas a minimum 180 sq m is required; and,
- Maximum front yard projection of 1.5 m for a balcony, whereas a maximum 1.0 m projection is permitted.

In addition, the following modifications are now proposed for the “DE-2/S-5” District to address staff comments:

- Minimum front yard setback of 7.15 m for the existing multiple dwelling;
- Maximum gross floor area of 2,995.3 sq m for the existing multiple dwelling, whereas a maximum 2,656.75 sq m is permitted;
- Maximum 20% lot coverage, whereas a maximum 25% is required;
- To allow a maximum 23 parking spaces on site to have a stall size of 2.6 m by 5.5 m, whereas a minimum stall of 2.7 m by 6.0 m is required;
- Minimum parking rate of 1 space per dwelling unit, whereas a minimum 1.25 parking spaces per unit is required;
- To provide no visitor parking on site, whereas a minimum 0.25 spaces per unit is required;
- To provide no loading space, whereas one loading space is required; and,
- Minimum 1.0 m setback to an adjacent “C” District, whereas a minimum 1.5 m setback is required.

Staff have also included a Holding Provision over the “DE-2/S-5” District to legalize two dwelling units that were converted without building permits in the existing multiple dwelling.

Chronology:

December 21, 2017: Submission of Zoning By-law Amendment Application ZAC-18-008.

January 22, 2018: Application ZAC-18-008 deemed complete.

February 1, 2018: Notice of Complete Application and Preliminary Circulation was sent to 307 property owners within 120 m of the subject lands.

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February 12, 2018: Public Notice Sign installed on the subject lands.

July 11, 2018: Public Open House held by the applicant and agent.

July 17, 2019: Public Notice sign updated with Public Meeting information.

July 26, 2019: Circulation of the Notice of Public Meeting sent to 307 property owners within 120 m of the subject property.

Details of Submitted Application

Location: 370 Concession Street (Hamilton)

Owner: 370 Concession (Hamilton) Ltd.

Agent: Urban Solutions Planning and Land Development Consultants Inc. c/o Matt Johnston

Property Description: Frontage: ± 44.84 m (370 Concession Street)
Lot Depth: ± 94.3 m
Area: ± 0.35 ha

Services: Municipal Piped Water System
Municipal Sanitary Sewer System

EXISTING LAND USE AND ZONING:

Subject Lands: Multiple Dwelling “DE-2/S-5” (Multiple Dwellings) District, Modified and,
“C” (Urban Protected Residential, etc.) District

Surrounding Lands:

North City of Hamilton park (Mountain Brow West Park); City Wide (P3) Zone

Single Detached Dwelling, and; “C” (Urban Protected Residential, etc.) District

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	Multiple Dwelling	Mixed Use – Medium Density – Pedestrian Focus (C5a) Zone
East	Vacant Lot, and;	Mixed Use – Medium Density – Pedestrian Focus (C5a) Zone
	Single Detached Dwellings	“C” (Urban Protected Residential, etc.) District
South	Single Detached Dwellings	“C” (Urban Protected Residential, etc.) District
West	Single Detached Dwelling	“C” (Urban Protected Residential, etc.) District
	Multiple Dwelling	“E-2” (Multiple Dwellings) District

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Policy Framework

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS 2014). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS and conform to the Growth Plan for the Greater Golden Horseshoe (A Place to Grow 2019).

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Local Planning Appeal Tribunal (LPAT) approval of the City of 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) are discussed in the Official Plan analysis that follows.

However, the UHOP has not been updated with respect to the cultural heritage policies of the Provincial Policy Statement. The following policy amongst others, 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 lands meet four of the ten criteria used by the City of Hamilton and the Ministry of Tourism, Culture and Sport for determining archaeological potential:

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- 1) Local knowledge associates areas with historic events / activities / occupations;
- 2) In an area of elevated topography;
- 3) In the vicinity of distinctive or unusual landforms; and,
- 4) Along historic transportation routes.

In lieu of an Archaeological Assessment, a Caution note will be required on the Site Plan at the time of the Site Plan Control Application.

As the application for changes in zoning comply with the Official Plan and the relevant policies in the PPS, 2014, it is staff's opinion that the application is:

- consistent with Section 3 of the *Planning Act*;
- consistent with the Provincial Policy Statement (2014); and,
- conforms to A Place to Grow (2019).

Urban Hamilton Official Plan

The subject lands are identified as "Neighbourhoods" on Schedule "E" – Urban Structure and designated "Neighbourhoods" on Schedule "E-1" – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). In addition, Concession Street is considered a Minor Arterial road per Schedule "C" of Volume 1 in the UHOP.

The following policy goals, amongst others, apply to the Neighbourhoods designation:

- "E.3.1.1 Develop compact, mixed use, transit-supportive, and active transportation friendly neighbourhoods.
- E.3.1.2 Develop neighbourhoods as part of a complete community, where people can live, work, shop, learn, and play.
- E.3.1.3 Plan and designate lands for a range of housing types and densities, taking into account affordable housing needs.
- E.3.1.4 Promote and support design which enhances and respects the character of existing neighbourhoods while at the same time allowing their on going evolution.
- E.3.1.5 Promote and support residential intensification of appropriate scale and in appropriate locations throughout the neighbourhoods."

The proposal for four street townhouses provides for a range of housing types within an existing stable neighbourhood which respects the existing character and streetscape. The street townhouses, at two storeys (approximately 7.5 m), are in keeping with the surrounding development and provides residential intensification through an infill opportunity for an efficient use of land. The proposal complies with the above policies as the development of the land will facilitate a compact form of development, which contributes to a complete community.

A bus stop is located along the frontage of Concession Street, providing users three different routes including Routes 23, 24 and 25. There are an additional three bus routes including 22, 26, and 27 within walking distance. All routes provide service both on the mountain and throughout the lower city as the buses travelling down the Jolley Cut and connect with the MacNab terminal in Downtown Hamilton.

“E.3.2 Neighbourhoods Designation – General Policies Function

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

E.3.2.4 The existing character of established Neighbourhoods designated areas shall be maintained. Residential intensification within these areas shall enhance and be compatible with the scale and character of the existing residential neighbourhood in accordance with Section B.2.4– Residential Intensification and other applicable policies of this Plan.

E.3.2.7 The City shall require quality urban and architectural design. Development of lands within the Neighbourhoods designation shall be designed to be safe, efficient, pedestrian oriented, and attractive, and shall comply with the following criteria:

- b) Garages, parking areas, and driveways along the public street shall not be dominant. Surface parking between a building and a public street (excluding a public alley) shall be minimized.
- c) Adequate and direct pedestrian access and linkages to community facilities/services and local commercial uses shall be provided.
- d) Development shall improve existing landscape features and overall landscape character of the surrounding area.”

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The proposal provides for a range of housing types within an existing stable neighbourhood which respects the existing character and streetscape. The street townhouses will be set 6.0 m back from the existing street line to ensure continuity with the neighbouring residential dwellings to continue the street edge along East 15th Street. Further, the development will be oriented to the street to animate the streetscape and minimize walking distance from the townhouse dwelling units to the public sidewalk.

The existing parking area will be reorganized to provide a more efficient parking layout for the existing multiple dwelling but will maintain one parking space for each unit for the existing multiple dwelling and two parking spaces for each street townhouse dwelling. In addition, this site is well served by public transit, with several lines stopping at the bus stop along the Concession Street frontage. The parking area is located at the rear of the property and the existing pedestrian connection from the multiple dwelling to Concession Street will remain unchanged.

A minor reduction in landscaped area is being requested. The rear portion of the subject lands and proposed to be converted to a parking area, which will provide an additional 11 parking spaces. The area is currently green space and is the former location of a swimming pool, which has been removed. Staff note that the existing fencing along this rear portion is currently chain link fencing and will be required to be upgraded to ensure privacy between the parking area and the adjacent single detached dwelling. The proposal also includes a reduced landscaped strip along the western property line, in order to try to preserve some of the larger vegetation along the eastern property line. In addition, the majority of the existing parking area along the western property line is adjacent to the parking of the multiple dwelling of 350 Concession Street and will be an improvement as there is currently no landscaping along this property line. These details will be further evaluated at the Site Plan Control stage to ensure appropriate landscaping and plantings are accommodated on site.

Low Density Residential

- “3.4.1 The preferred location for low density residential uses is within the interior of neighbourhoods.
- 3.4.2 Low density residential areas are characterized by lower profile, grade-oriented built forms that generally have direct access to each unit at grade.
- 3.4.3 Uses permitted in low density residential areas include single-detached, semi-detached, duplex, triplex, and street townhouse dwellings.
- 3.4.4 For low density residential areas the maximum net residential density shall be 60 units per hectare.

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- 3.4.5 For low density residential areas, the maximum height shall be three storeys.
- 3.4.6 Development in areas dominated by low density residential uses shall be designed in accordance with the following criteria:
- c) A mix of lot widths and sizes compatible with streetscape character; and a mix of dwelling unit types and sizes compatible in exterior design, including character, scale, appearance and design features; shall be encouraged. Development shall be subject to the Zoning By-law regulations for appropriate minimum lot widths and areas, yards, heights, and other zoning regulations to ensure compatibility.”

The proposed development is situated within the interior of the neighbourhood. The proposed street townhouses are a permitted use and while there are currently no street townhouses along East 15th Street, the introduction of the similar grade oriented land use will allow for intensification within the existing parking area while continuing the street edge along East 15th Street. The applicant has requested reductions to the minimum lot area and lot width requirements through the site specific amending By-law, which provides for a compatible mix of lot widths and lot sizes on East 15th Street. Staff note that the applicant is providing appropriate front and rear yards having requested a rear yard setback reduction of 1.5 metres. In addition, the townhouses are a maximum height of two storeys, with direct access to East 15th Street and contribute to a range of housing types within an existing stable neighbourhood.

High Density Residential

- “3.6.1 High density residential areas are characterized by multiple dwelling forms on the periphery of neighbourhoods in proximity to major or minor arterial roads.
- 3.6.2 Uses permitted in high density residential areas include multiple dwellings, except street townhouses.
- 3.6.6 In high density residential areas, the permitted net residential densities, identified on Appendix G – Boundaries Map shall be:
- b) greater than 100 units per hectare and not greater than 200 units per hectare in all other Neighbourhoods designation areas.”

The existing multiple dwelling is located along a Minor Arterial road and has a density of 128 units per hectare (including the street townhouses) in which the addition of the street townhouses increased the overall density by 11 units per hectare.

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;

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- 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 proposed development has been designed to be compatible with the existing character and function of the neighbourhood by respecting the character, scale, and appearance of the surrounding area. The proposed street townhouses will contribute to and expand the range of dwelling types within the neighbourhood and provides appropriate transition between the multiple dwelling and adjacent single detached dwellings. The scale and form of the proposed street townhouses is regulated by the proposed amending site specific By-law to ensure an appropriate relationship is established between the proposed development and existing adjacent single detached dwellings.

The Neighbourhoods designation permits a full range of dwelling types and densities to foster complete communities. The proposal will help develop a complete community by contributing to a range of housing types in the neighbourhood that are in close proximity to non-residential land uses, including commercial, open space, and institutional. The four street townhouse dwellings maintain the surrounding lotting patterns and configurations, as they will front East 15th Street and provide for a building envelope that maintains the established neighbourhood lotting pattern and configuration in terms of dwelling width, having widths that range from 6 m to 8 m. The proposed street townhouses are two storeys and approximately 7.5 metres in height, consistent with the established height of the adjacent single detached dwellings, to ensure no adverse impacts from shadowing and overlook occur. The proposed height is in keeping with the existing one and half and two storey single detached dwellings in the surrounding neighbourhood. The proposed development of four street townhouses will provide for a compatible built form that will not create adverse impacts in terms of lighting, traffic or other nuisance effects.

Street townhouse developments are subject to the Site Plan Control, process unless they are within a registered plan of subdivision. The expansion of the parking area is also subject to Site Plan Control to allow for a comprehensive review of the site and ensure that the site servicing is implemented to municipal standards. In addition, lighting for the

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proposed parking lot will be reviewed at the Site Plan stage to ensure that light pollution does not spill over to the adjacent residential properties.

A Functional Servicing Report (FSR) has been prepared by S. Llewellyn & Associates Limited, for which Engineering Approvals staff are generally satisfied. Further revisions have been requested to the FSR with respect to water demand, and fire flow, and will be implemented as a standard condition of Site Plan approval. In addition, NexTrans Consulting Engineering prepared a Parking Study in support of the redeveloped parking lot component of the proposal. Staff concurs with the study.

Based on the above policies, staff are of the opinion that the proposal complies with the policies of the Urban Hamilton Official Plan.

Hamilton Zoning By-law No. 6593

The subject lands are currently zoned “DE-2/S-5” (Multiple Dwellings) District, Modified and “C” (Urban Protected Residential, etc.) District in the City of Hamilton Zoning By-law No. 6593, as shown on Appendix “A” to Report PED19158.

The applicant is proposing a further modification to the “DE-2/S-5” (Multiple Dwellings) District, Modified (Block 1); and changes in zoning from the “C” (Urban Protected Residential, etc.) District to a further modified “DE-2/S-5” (Multiple Dwellings) District, Modified (Block 2); and, from the “DE-2/S-5” (Multiple Dwellings) District, Modified to a modified “RT-30” (Street – Townhouses) District (Block 3) to allow for the development of four street townhouse dwellings along East 15th Street and for the reconfiguration of the parking area for the existing multiple dwelling. The proposed modifications to the zoning for the subject lands are discussed in greater detail in Appendix “C” to Report PED19158.

RELEVANT CONSULTATION

The following departments and agencies have no comments or objections:

- Recycling and Waste Disposal, Public Works Department; and,
- Recreation, Emergency and Community Services Department.

Forestry and Horticulture, Public Works Department acknowledge that there are potential conflicts with publicly owned trees. Where existing municipal trees are impacted by development work and are within proximity of the development work or access/egress to the development work, a Tree Management Plan is required. A landscape plan is required depicting the street tree planting scheme for the proposed development. These plans will be required at the Site Plan Control stage.

Transportation Planning (Planning and Economic Development) have reviewed the application and have identified that through further review and analysis of the applicant's Right-of-Way Impact Analysis, a 2.0 m right-of-way widening along Concession Street and a 4.57 m by 4.57 m daylighting triangle can be provided. Transportation Planning Staff advise that the Transportation Demand Management initiatives in the proposed applications meet the objectives of the City, as outlined in the TDM for development document. Design requirements have also been provided by staff which include a minimum 1.2 m separation between any driveway access and infrastructure, and 5.0 m by 5.0 m visibility triangles at the access. In addition, Transportation Planning staff have identified that no loading space has been demonstrated on the site and that on-street loading / unloading will be prohibited within the 'No Stopping' areas. Staff note that the details regarding sidewalks, Access Permits, loading and visibility triangles will be evaluated through the future Site Plan Control application.

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 307 property owners within 120 m of the subject property on December 22, 2017. A Public Notice sign was posted on the property on January 11, 2018, and updated on July 17, 2019 with the Public Meeting date. Finally, Notice of the Public Meeting was given on July 26, 2019 in accordance with the requirements of the *Planning Act*. To date, twenty submissions have been received as a result of the circulation and are discussed in the Analysis and Rationale for Recommendation Section of Report PED19158 and attached as Appendix "E" to Report PED19158.

Public Consultation Strategy

The Public Consultation Strategy prepared by the applicant proposed to rely on the City's public notice exercise and to attend any neighbourhood meetings organized by the local ward councillor, should any be organized. Due to the feedback from the public, the applicant held a Public Open House on July 11, 2018 which included a formal presentation by the applicant, followed by a question and answer session. Twenty people in total attended the meeting. A number of questions / concerns with regards to the development were raised, with responses prepared by the applicant, as shown in Appendix "E" to Report PED19158. A summary of the questions / comments received are discussed in the Analysis and Rationale for Recommendation section of this Report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

1. The Zoning By-law Amendment has merit and can be supported for the following reasons:

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- (i) The application is consistent with the PPS and conforms to A Place to Grow Plan (2019);
 - (ii) It complies with the policies of the Urban Hamilton Official Plan; and,
 - (iii) The proposed development is considered to be compatible with existing land uses in the immediate area and represents good planning by, among other things, providing housing for a complete community, providing intensification in keeping with the surrounding neighbourhood and making efficient use of existing infrastructure within the urban boundary.
2. The proposal consists of two redevelopments. Blocks 1 and 2, as shown on Appendix “A” to Report PED19158 consist of a change in zoning from the “C” (Urban Protected Residential, etc.) District to the “DE-2/S-5” (Multiple Dwellings) District, Modified (Block 2) and a further modification to the “DE-2/S-5” (Multiple Dwellings) District, Modified (Block 1) to allow for the expansion of the existing parking area in support of the existing multiple dwelling. Block 3 is for a change in zoning from the “DE-2/S-5” (Multiple Dwelling) District, Modified to a modified “RT-30” (Street – Townhouses) District to allow for the development of four street townhouses fronting onto East 15th Street. Block 3 currently contains a portion of the parking area for the multiple dwelling which will be removed to facilitate the development of the street townhouses. Block 2 was previously developed with a swimming pool that has since been removed, leaving the lands vacant.

The proposed development of four townhouse dwellings under the modified “RT-30” (Street – Townhouses) District will contribute to an efficient utilization of serviced land, which is currently an existing parking area. The proposal has considered the adjacent land uses by designing the street townhouses to front along East 15th Street to continue and compliment the streetscape of adjacent one and a half and two storey single detached dwellings.

The proposal is a similar, grade oriented land use that will allow for intensification within the existing parking area in order to improve the street edge along East 15th Street. The proposed modifications meet the intent of the “Neighbourhoods” designation and the implementing zoning regulations will ensure that development will be in a form that is a complementary use to the surrounding neighbourhood. The new dwelling units will introduce a scalable transition from the existing high density multiple dwelling to the low density typology of single detached dwellings along East 15th Street with an improved street interface. Further discussion regarding modifications to the “RT-30” District, is provided in Appendix “C” to Report PED19158. Based on the foregoing, the change in zoning to permit a new housing form meets the intent of the UHOP and is supported by staff.

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The proposed modifications to the “DE-2/S-5” (Multiple Dwellings) District, Modified will allow for the reconfiguration of the existing parking area. The proposed modifications to the “DE-2/S-5” (Multiple Dwelling) District, Modified will recognize the existing building and permit a reconfigured parking area with a range of parking stall sizes. The new parking area will be screened from view by the new dwelling units which will improve the neighbourhood character along East 15th Street. Further discussion regarding the proposed zoning modifications is provided in Appendix “C” to Report PED19158. Based on the foregoing, the proposed change in zoning to reconfigure the parking area meets the intent of the UHOP and is supported by staff.

3. At the time of construction, the multiple dwelling originally consisted of 39 dwelling units. Two additional dwelling units have been established within the building since construction without necessary permits. In 2002, a Minor Variance application was approved by the Committee of Adjustment to begin the process of legalizing one of the units, but the permits were never finalized. In order to ensure all dwelling units have been legally established and meet necessary requirements, staff have included a Holding Provision over the lands that encompass the multiple dwelling to ensure the appropriate permits have been issued prior to any development activity (see Appendix “B” to Report PED19158).
4. Since the street townhouses are not located within a registered plan of subdivision, the entire development, including reconfiguration of the parking lot, will be subject to Site Plan Control, per By-law No. 15-176. The Site Plan Control review process will provide an opportunity for a comprehensive review of the parking area, including matters such as conformity with the proposed zoning, site servicing, grading, drainage, storm water management, landscaping, access, parking, fencing, and relocation of waste and recycling bins.
5. Engineering Approvals staff have reviewed the application, and the associated Functional Servicing Report (FSR) prepared by S. Llewellyn & Associates Limited, December 2017, which was submitted as part of the subject applications. Staff are generally satisfied with the proposal but have requested revisions to the FSR with respect to water demand and requested fire flow. In addition to the revised FSR, the owner / applicant will be required to submit a detailed grading plan, water hydraulic analysis, wastewater generation report, site servicing plan, and storm water management quantity and quality control as conditions of a future Site Plan Control application.
6. The applicant held a Public Open House on July 11th, 2018. Twenty people attended the meeting. Staff have consolidated the comments received throughout the application and at the neighbourhood meeting and have summarized the concerns of the residents below, also attached as Appendix “E” to Report PED19158.

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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.

Flooding

Concerns regarding the increase in hard surface (asphalt pavement) and the potential for flooding risk have been raised. Staff note that the applicant will be responsible for maintaining storm water management on site and through the Site Plan Control application, a detailed Stormwater Management Report and Grading Plan will be required. In addition, a Functional Servicing Report (FSR) has been submitted in support of the proposal.

Parking

Concerns have been raised over the number of parking spaces being provided for the proposed uses. The required number of parking spaces is considered legal non-conforming since the multiple dwelling was permitted 42 parking spaces in support of 39 dwelling units at time of construction. Staff note that the existing parking area currently has 44 at grade parking spaces, 36 within the surface parking area and eight within the at grade individual parking garages. The development proposal provides 41 parking spaces for the existing multiple dwelling with a range of stall sizes and two parking spaces per unit for the street townhouses.

Traffic

Concerns were raised over the potential increase in traffic volumes. Transportation Planning has reviewed the proposal and have no concerns with traffic volume increase from the proposed four street townhouse dwellings.

Light Pollution

Concerns were raised with regards to the requirement for light poles needing to be installed for the proposed extension of the parking area. Staff note that Site Lighting is a standard condition of Site Plan Control application process and lighting levels will be reviewed to ensure that spill over light does not occur.

Construction

Concerns regarding timing and construction of the townhouses were expressed. These concerns focused on the potential for dust and debris and noise from construction. Staff note that details such as a Dust Mitigation Plan and an Erosion and Siltation Control Plan will be conditions of Site Plan Control to ensure that the areas surrounding the development are maintained.

Concern of breach of *Residential Tenancies Act* Section 22

Several submissions from the public have quoted Section 22 of the *Residential Tenancies Act* (RTA) which states:

“A landlord shall not at any time during a tenant’s occupancy of a rental unit and before the day on which an order evicting the tenant is executed substantially interfere with the reasonable enjoyment of the rental unit or the residential complex in which it is located for all usual purposes by a tenant or members of his or her household.”

Staff note that the property owner has a right to apply for a *Planning Act* application and that this application is outside of the purview of the *RTA*. However, should the owner proceed to act on the implementing zoning, the owner may need to consult further with the tenants residing at the multiple dwelling on site before any development activity occurs. The property owner has been made aware of these public responses and has acknowledged that future consultation may be required with existing tenants at 370 Concession Street.

Location of Waste Bins

Concerns were raised regarding the relocation of the waste collection area on site to accommodate the development.

Staff note that the existing location of the waste bins for garbage and recycling are located on the property line at East 15th Street. Staff note that the current location of waste bins is not permitted and they will be required to be relocated. At the Site Plan Control stage, the applicant will be required to show the new location of the bins.

Future Redevelopment

Concerns were raised with regard to further re-development encroaching into the residential neighbourhood. Staff note that a change in permitted uses would require a Zoning By-law Amendment and public consultation.

Privacy

A public response stated concerns with potential loss of privacy from the proposed street townhouses over their property. Staff note that the street townhouses have been setback 1.2 m from the existing single detached dwelling to the south to provide an appropriate side yard buffer. Furthermore, the proposed development will require Site Plan approval and fencing will be a requirement to provide privacy between the parking area and the adjacent single detached dwellings.

Snow Storage

One of the concerns raised by the public responses related to where snow will be stored on site.

The applicant is providing landscaping area surrounding the parking area where no previous landscaping was provided. The addition of the curbing surrounding the proposed parking area will limit the amount of runoff which currently is not controlled throughout the site. Staff also note that there is opportunities for storage adjacent to the multiple dwelling. The storage of snow will be further reviewed through the Site Plan Control process.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Zoning By-law Amendment application be denied, the subject land will continue to be utilized in accordance with the existing “DE-2/S-5” (Multiple Dwellings) District, Modified which would permit up to 39 of the existing units within multiple dwelling. The two illegally established units would need to be removed.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

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” – Amendment to Zoning By-law No. 6593

Appendix “C1” – Zoning Modification Table for “DE-2” (Multiple Dwellings) District

Appendix “C2” – Zoning Modification Table for “RT-30” (Street-Townhouses) District

Appendix “D” – Concept Plan

Appendix “E” – Public Submissions