



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	November 19, 2019
<b>SUBJECT/REPORT NO:</b>	Applications to Amend the Urban Hamilton Official Plan and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 280 Wilson Street East (Ancaster) (PED19217) (Ward 12)
<b>WARD(S) AFFECTED:</b>	Ward 12
<b>PREPARED BY:</b>	Melanie Schneider (905) 546-2424 Ext. 1224
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION(S)**

- (a) That **Revised Urban Hamilton Official Plan Amendment Application UHOPA-17-022 by 998071 Ontario Inc. (Owner)**, for an amendment to the Ancaster Wilson Street Secondary Plan to establish a site specific policy to permit a three storey multiple dwelling in conjunction with the existing heritage building on the subject lands, for lands known as 280 Wilson Street East, as shown on Appendix “A” to Report PED19217, be **APPROVED** on the following basis:
- i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED19217, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
  - ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2014) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019).
- (b) That **Revised Zoning By-law Amendment Application ZAC-17-051, by 998071 Ontario Inc. (Owner)**, for a further modification from the Mixed Use Medium Density – Pedestrian Focus (C5a, 570) Zone to the Mixed Use Medium Density –

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Pedestrian Focus (C5a, 643, H114) Zone to permit a three storey (14.3 m) multiple dwelling at the rear of the lands located at 280 Wilson Street East (Ancaster), as shown on Appendix “A” to Report PED19217, be **APPROVED** on the following basis:

- i) That the draft By-law, attached as Appendix “C” to Report PED19217, 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 a suffix to the proposed zoning as shown on Schedule “A” of Appendix “C” to Report PED19217.

The Holding Provision Mixed Use Medium Density – Pedestrian Focus (C5a, 643, H114) Zone applicable to lands shown on Schedule “A” to Appendix “C” to Report PED19217 be removed conditional upon:

- (1) The applicant receive confirmation that the letter from the *Ministry of Tourism, Culture and Sport*, indicating that report P007-028-2019/P007-1029-2019 has been entered into entered into the *Ontario Public Register of Archaeological Reports* has been received by the City of Hamilton, to the satisfaction of the Manager of Development Planning, Heritage and Design.
- (2) The applicant completes an Archaeological Monitoring Plan to be implemented at the construction stage to ensure no burials or deeply buried archaeological materials are present within the remainder of a 10m buffer around the known limits of the adjacent cemetery, to the satisfaction of the Manager of Development Planning, Heritage and Design.”
- iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019), and will comply with the Urban Hamilton Official Plan, upon finalization of Urban Hamilton Official Plan Amendment No. XX.

## **EXECUTIVE SUMMARY**

The purpose of these applications is to amend the Urban Hamilton Official Plan (UHOP) and the City of Hamilton Zoning By-law No. 05-200, on lands municipally known as 280 Wilson Street East, to permit the development of a three storey (14.3 m), 18 unit multiple dwelling at the rear of the subject lands, behind an existing 2.5 storey mixed use building, as shown on Appendix “A” to Report PED19217. The existing building is

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listed on the City's Inventory of Architectural and / or Historical Properties of Interest and comprised of two commercial units on the ground floor and one dwelling unit above, which would be maintained with this development proposal. The proposed 18 unit multiple dwelling would have a maximum height of 14.3 m, or three storeys, and an underground parking garage for up to 36 parking spaces. Up to five surface parking spaces are proposed for the existing mixed use building, to be shared with the proposed multiple dwelling for visitor parking.

The Urban Hamilton Official Plan Amendment proposes to establish a site specific policy to permit a stand alone multiple dwelling in conjunction with the existing heritage structure and to increase the maximum permitted height from 2.5 storeys to 3 storeys within the "Mixed Use – Medium Density, Pedestrian Focus" designation of the Ancaster Wilson Street Secondary Plan. The Zoning By-law Amendment proposes modifications to the Mixed Use Medium Density – Pedestrian Focus (C5a, 570) Zone to address the location of the existing building on site, modified yard and planting strip requirements, number of parking spaces, location of the loading space, drive aisles, and to permit dwelling units on the ground floor.

The applications have merit and can be supported as they are consistent with the Provincial Policy Statement (2014) (PPS), conform to A Place to Grow Plan (2019), and will comply with the Urban Hamilton Official Plan, subject to the proposed amendment. 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, incorporates and respects a building listed in the City's Inventory of Architectural and / or Historical Interest, provides an alternative housing form for the surrounding commercial area and supports developing a complete community.

#### **Alternatives for Consideration – See Page 24**

#### **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 applications for amendments to the Official Plan and Zoning By-law.

## **HISTORICAL BACKGROUND**

### **Proposal**

The subject property, known as 280 Wilson Street East (Ancaster), is located on the east side of Wilson Street East, north of Halson Street and south of Church Street and is 0.22 hectares in size (see Appendix “A” to PED19217). The subject lands contain a 2.5 storey mixed use building, with two commercial units on the ground floor and a dwelling unit on the second floor. The building is listed in the City’s Inventory of Buildings having Architectural and / or Historical Interest and is intended to be retained as part of the proposal.

The original submission of these applications proposed a 3.5 storey, 22 unit multiple dwelling. Based on feedback from staff and members of the public, the proposal has since been revised to 3 storeys in height (14.3 m) and 18 dwelling units. The proposal includes 38 underground parking spaces, 5 surface parking spaces, a 3.0 m rear yard setback, and a 2.4 m side yard setback tapering to 3.0 m adjacent to an institutional use.

### **Urban Hamilton Official Plan Amendment**

The subject lands are designated “Mixed Use Medium Density – Pedestrian Focus” in the Ancaster Wilson Street Secondary Plan, which permits a maximum building height of 2.5 storeys. The applicant has requested an increase in height to permit a maximum 3 storey multiple dwelling to be constructed at the rear of the subject lands, requiring an amendment to the Ancaster Wilson Street Secondary Plan.

### **Zoning By-law Amendment**

At the time of submission, the subject lands were zoned Village Area “VA” Zone in the Ancaster Zoning By-law No. 87-57. The “VA” Zone only permitted existing uses. In 2017, Council adopted new CMU Zones, including the Mixed Use – Medium Density, Pedestrian Focus (C5a, 570) Zone for the subject lands. The proposal has been reviewed against this Zone which implements the direction of the UHOP and the Ancaster Wilson Street Secondary Plan in terms of scale of development. Accordingly, a modification to the Mixed Use-Medium Density, Pedestrian Focus (C5a, 570) Zone is required to permit a maximum height of 14.3 m instead of 9.0 m and to permit dwelling units on the ground floor instead of commercial uses. Additional requested modifications to the (C5a, 570) Zone include yard setbacks, planting strip requirements, location of loading space, drive aisle dimensions, and an increase to the maximum number of required parking spaces.

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**Chronology:**

<u>June 5, 2017:</u>	Applications ZAC-17-051 and UHOPA-17-22 received.
<u>June 22, 2017:</u>	Applications ZAC-17-051 and UHOPA-17-22 deemed incomplete.
<u>August 23, 2017:</u>	Applications ZAC-17-051 and UHOPa-17-22 deemed complete.
<u>September 21, 2017:</u>	Circulation of the Notice of Complete Application mailed to 81 property owners within 120 m of the subject lands.
<u>September 29, 2017:</u>	Public Notice sign posted on site.
<u>November 30, 2018:</u>	Updated Public Notice Sign showing updated (C5a, 570) Zone
<u>March 29, 2019:</u>	Updated Concept Plan received by Planning staff.
<u>May 6, 2019:</u>	Attendance at Ancaster Community Council by Owner and Applicant.
<u>October 23, 2019:</u>	Public Notice Sign updated with Public Meeting date.
<u>November 1, 2019:</u>	Circulation of Notice of Public Meeting mailed to 81 property owners within 120 m of the subject lands.

**Details of Submitted Application**

<b><u>Location:</u></b>	280 Wilson Street East (Ancaster)						
<b><u>Owner:</u></b>	998071 Ontario Inc.						
<b><u>Agent:</u></b>	GSP Group Inc. (c/o Brenda Khes)						
<b><u>Property Description:</u></b>	<table><tr><td><b><u>Frontage:</u></b></td><td>18.75 m</td></tr><tr><td><b><u>Lot Depth:</u></b></td><td>81.97 m</td></tr><tr><td><b><u>Area:</u></b></td><td>0.22 ha</td></tr></table>	<b><u>Frontage:</u></b>	18.75 m	<b><u>Lot Depth:</u></b>	81.97 m	<b><u>Area:</u></b>	0.22 ha
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**Services:** Full Municipal Services

**EXISTING LAND USE AND ZONING:**

<b><u>Subject Lands:</u></b>	Existing building with two commercial units and one dwelling unit above	Mixed Use Medium Density, Pedestrian Focus (C5a, 570) Zone
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**Surrounding Lands:**

<b>North</b>	Commercial and Former Ancaster Town Hall	Mixed Use Medium Density, Pedestrian Focus (C5a, 570) Zone
<b>East</b>	Village Green Park	Community Park (P2) Zone
<b>South</b>	St. John's Anglican Church and Cemetery	Community Institutional (I2) Zone
<b>West</b>	Commercial	Mixed Use Medium Density, Pedestrian Focus (C5a, 570) Zone

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Provincial Policy Statement (2014)**

The application has been reviewed with respect to the Provincial Policy Statement (PPS) policies that contribute to the development of healthy, liveable, and safe communities as contained in Policy 1.1.1. In particular, the application is consistent with Policy 1.1.1. b), by accommodating a range of mix and uses to meet long term needs.

Furthermore, the proposal is consistent with Policy 1.1.1. e) which promotes cost effective development patterns and standards to minimize land consumption and servicing costs. The application is also consistent with Policy 1.1.3.1 of the PPS, which focuses on growth in settlement areas. The proposed development is located within a settlement area and proposes additional dwelling units on underutilized lands.

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In addition, the following policies are also applicable as they relate to archaeological resources:

- “2.6.1      *Significant built heritage resources and significant cultural heritage landscapes shall be conserved.*
- 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.
- 2.6.3      Planning authorities shall not permit *development and site alteration on adjacent lands to protected heritage property* except where the proposed *development and site alteration* has been evaluated and it has been demonstrated that the *heritage attributes* of the *protected heritage property* will be *conserved*.”

The subject lands meet three of ten criteria for defining archaeological potential as follows:

- 1) 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;
- 2) In areas of pioneer EuroCanadian settlement; and,
- 3) Along historic transportation routes.

These criteria define the property as having archaeological potential. The subject property is located directly adjacent to the St. John's Anglican Church Cemetery wherein over 1,500 burials have taken place since 1824. An archaeological assessment will be required and as such, a Holding Provision has been included to address the archaeological requirements. An Archaeological Assessment has been completed but has not been accepted by the Ministry of Tourism, Culture and Sport. Once the confirmation has been received by the City and an associated Archaeological Monitoring Plan approved, the “H” Holding Provision can be lifted by By-law.

The subject property is located adjacent to 260-274 Wilson Street East (St. John's Anglican Church), a property designated under Part IV of the *Ontario Heritage Act*, as well as adjacent to 283 and 286 Wilson Street East, which are properties included in the City's Inventory of Buildings of Architectural and / or Historical Interest. In addition, the subject property is developed with a 2.5 storey brick dwelling that is included in the City's Inventory of Buildings of Architectural and / or Historical Interest.

A Cultural Heritage Impact Assessment (CHIA) for the subject property was completed by McCallum Sather Architects in April 2017. The report assesses the impact of the proposed development on the existing structure at 280 Wilson Street East, which would remain on site as part of the development proposal. The report was also forwarded to the Policy and Design Working Group of the Hamilton Municipal Heritage Committee (HMHC) and was accepted at their meeting on September 26, 2017. The Policy and Design Working Group recommended that the CHIA report be forward to the Inventory and Research Group to review and consider adding the property to the Register. The Inventory and Research Group reviewed the CHIA and forwarded their recommendation to add the property to the register in their September 2017 meeting notes to the HMHC. Staff will bring forward the recommendation to add the property to the register to the HMHC in Q4, 2019, or early Q1, 2020.

The proposed multiple dwelling has been designed to ensure the height of the new structure is compatible with the existing building on site and includes façade materials that evoke a similar character as the existing building. This design will ensure the development does not detract from the existing heritage building while providing a smooth transition between old and new buildings.

Based on the foregoing, the proposal is consistent with the Provincial Policy Statement (2014).

### **A Place to Grow, Growth Plan for the Greater Golden Horseshoe (2019)**

The subject lands are located within the built-up area, as defined by the Growth Plan. Section 1.1 outlines a number of Guiding Principles regarding how land is developed, resources are managed and protected, and public dollars are invested. The subject proposal conforms to these Guiding Principles in that:

- It supports the achievement of *complete communities* that are designed to support healthy and active living and meet people's needs for daily living throughout an entire lifetime.
- It supports a range and mix of housing options, including second dwelling units and *affordable* housing, to serve all sizes, incomes, and ages of households.
- Conserve and promote *cultural heritage resources* to support the social, economic, and cultural welling-being of all communities, including First Nations and Métis communities.

The Growth Plan is focused on accommodating forecasted growth in complete communities and provides policies on managing growth. The following policies, amongst others, apply to the applications.



“2.2.1.2. Forecasted growth to the horizon of this Plan will be allocated based on the following:

- a) the vast majority of growth will be directed to settlement areas that:
  - i. have a delineated built boundary;
  - ii. have existing or planned municipal water and wastewater systems; and
  - iii. can support the achievement of complete communities;
- c) within settlement areas, growth will be focused in:
  - i. delineated built-up areas;
  - ii. strategic growth areas;
  - iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and
  - iv. areas with existing or planned public service facilities;

2.2.1.4. Applying the policies of this Plan will support the achievement of complete communities that:

- a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;
- c) provide a diverse range and mix of housing options, including second units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;
- e) provide for a more compact built form and a vibrant public realm, including public open spaces”

These applications propose to introduce additional dwelling units in the established Ancaster Village Core, which includes a range of employment uses, local stores and public service facilities within walking distance. Further, the proposal will maintain the existing commercial uses within an existing cultural heritage resource on site and parking will be provided within the new building. The proposal would introduce new housing forms for a variety of stages of life and incomes within a settlement area. The

proposed development will be located on lands having direct access to existing municipal water and wastewater systems. In addition, the lands are serviced by HSR #16 and are directly adjacent to existing bike lanes on Wilson Street East, which ensures a range of transportation options.

Based on the foregoing, the proposal conforms to A Place to Grow (2019).

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

The subject lands are identified as “Ancaster Community Node” on Schedule “E” – Urban Structure and designated “Mixed Use – Medium Density” on Schedule “E-1” – Urban Land Use Designations. Further, the lands are located along a Pedestrian Focus Street, per Table E.4.3.1 of the UHOP. In addition, the lands are designated as “Mixed Use – Medium Density, Pedestrian Focus” in the Ancaster Wilson Street Secondary Plan.

The following policies, amongst others, apply to the proposal.

#### **Mixed Use – Medium Density Designation**

- “E.4.3.4 In addition to the policies of the specific Commercial and Mixed Use designations, the following policies shall apply to pedestrian focus streets:
- j) New buildings and spaces shall be designed to reflect a human scale of development, contribute to public safety and security, and create a significantly enhanced pedestrian environment.
  - k) New buildings shall be encouraged to have awnings, canopies, arcades, or front porches to provide weather protection.”

The proposed development will be located at the rear of the existing mixed use building. The proposed height of three storeys ensures that the development reflects a human scale. This development will provide an opportunity to improve the pedestrian connections on site, by reducing the amount of surface parking on site and creating enhanced pedestrian connections from the proposed and existing buildings to the street. The proposed building will also provide a covered entrance to ensure appropriate weather protection for future residents.

- “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;

f) multiple dwellings; and,

g) accessory uses.

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 focus streets as listed by Policy E.4.3.1.

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.”

The development includes a low rise multiple dwelling while retaining the existing commercial uses on site and at grade to ensure Policies E.4.6.5 and E.4.6.15 are met. Since the proposal is for a multiple dwelling at the rear of the property, Policy E.4.6.9 is not met and an Official Plan Amendment is required. This is further discussed in the Analysis and Rationale for Recommendation Section of Report PED19217.

#### 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 subject lands are located within the Ancaster Community Node, being a primary location for residential intensification. Since the location of the new building will be to the rear of the site and behind the existing mixed use building, the established built form and street patterns remain unchanged, achieving compatible integration with the lands to the north, being a residence and municipal parking lot, and east and south of the property, which includes a place of worship and cemetery. The proposed multiple dwelling will add to the range of dwelling types in the Ancaster Community Node.

A Transportation Impact Study, prepared by Paradigm Transportation Solutions Ltd, dated August 2017 was submitted in support of the application to ensure that adequate transportation capacity is available.

#### Community Nodes

- E.2.3.3.1 The following areas are identified as Community Nodes on Schedule E – Urban Structure:
  - a) the downtowns of the former municipalities of Dundas, Ancaster, Flamborough (Waterdown), and Stoney Creek;
- E.2.3.3.5 Community Nodes shall function as vibrant, mixed use areas containing a range of housing opportunities, including affordable housing and housing with supports. The unique characteristics of the individual Community Nodes lend themselves to a range of built forms.
- E.2.3.3.9 The built form shall largely be in medium and low rise, mixed use buildings. Along the commercial and mixed use streets, single use commercial buildings shall be permitted along with residential housing forms on the periphery of the Nodes. However, the intent of this Plan is to increase the proportion of multiple storey, mixed use buildings that have retail and service commercial uses at grade.
- E.2.3.3.12 Notwithstanding Policy E.2.3.3.7, some Community Nodes may be developed as lower intensity nodes appropriate to the character of their

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adjacent Neighbourhoods, other infrastructure, or transportation constraints as follows:

- a) Due to transportation constraints and the existing character of the adjacent neighbourhoods, a target density in the range 50 persons and jobs per hectare shall apply to the Ancaster Community Node. This target may be adjusted through the development of a secondary plan.

E.2.3.3.18 New development shall respect the existing built form of adjacent neighbourhoods by providing a gradation in building heights and by locating and designing new development to minimize the effects of shadowing and overview on properties in adjacent neighbourhoods.

E.2.3.3.20 Automobile access will continue to be important to Community Nodes but it shall be balanced with the need to improve pedestrian and transit access and opportunities for active transportation.

E.2.3.3.21 Parking shall be provided through on-street parking, in parking structures, and in surface lots to the rear or sides of commercial buildings.

E.2.3.3.22 Reductions in parking requirements shall be considered in order to encourage a broader range of uses and densities to support transit.”

The proposed multiple dwelling will provide a new housing form and support a range of uses within the Ancaster Community Node with approximately 100 persons and job per hectare provided on the subject lands. Height and massing of the development, per policies E.2.3.3.11 and E.2.3.3.18, will be further discussed in the Secondary Plan Section of this report. The proposal currently includes a total of 38 underground parking spaces, and five at grade parking spaces to ensure the focus of the development is not geared towards the parking component. Further, the applicant will be required to demonstrate adequate pedestrian connections are provided on site at the Site Plan Control stage.

#### Transportation Network

“C.4.5.2 The road network shall be planned and implemented according to the following functional classifications and right-of-way widths:

- b) Major arterial roads, subject to the following policies:

- iii) The basic maximum right-of-way widths for major arterial roads shall be 45.720 metres unless otherwise specifically described in Schedule C-2 – Future Right-of-Way Dedications.

C.4.5.6.5 Notwithstanding Policies C.4.5.6, C.4.5.6.1, C.4.5.6.3, and C.4.5.7, and in addition to Policy C.4.5.3, the City may waive or accept less lands to be dedicated than the maximum right-of-way dedication and/or daylighting triangle requirements where, in the opinion of the City:

- a) It is determined through a development planning approval process that due to significant adverse impacts on:
  - i) existing built form;
  - ii) natural heritage features;
  - iii) an existing streetscape; or,
  - iv) a known cultural heritage resource;

it is not feasible or desirable to widen an existing right-of-way to the maximum right-of-way width or provide the full daylight triangle as set in Section C.4.5.2, Schedule C-2 – Future Right-of-Way Dedications, or Section C.4.5.7, and that the City’s objectives for sustainable infrastructure, complete streets and mobility can be achieved;”

This portion of Wilson Street East is identified as a Major Arterial Road on Schedule “C” – Functional Road Classification. Further, Schedule “C-2” – Future Road Widening of the UHOP identifies that this portion of Wilson Street East shall have a right of way width of 20.117 m, whereas the current width is 19.4 m. The existing heritage building on site has a 0.2m setback from the property line, before any road widenings are taken. Since the proposal aims to maintain the existing cultural heritage resource and existing built form on site, it is not feasible to widen the existing right of way to 20.117 m and therefore, **no road widenings** are requested by staff.

#### Natural Heritage

The following policy provides direction regarding tree and woodland protection:

- “C.2.11.1 The city recognizes the importance of trees and woodlands to the health and quality of life in our community. The city shall encourage sustainable forestry practices and the protection and restoration of trees and forests.”

Trees have been identified on the subject lands, which may be impacted by development activity. Accordingly, a Tree Protection Plan (TPP) has been prepared by GLN Farm and Forest Research Co. Ltd. (Michael Plowman; certified arborist), dated May 11, 2017, in support of the application. Staff note that additional revisions are required to the submitted plan as the plan has not been prepared in accordance with the City's Tree Protection Plan Guidelines (revised October 2010). Accordingly, a revised TPP would be required to be completed at the Site Plan Control stage.

#### Ancaster Wilson Street Secondary Plan

The subject lands are designated "Mixed Use – Medium Density, Pedestrian Focus" in the Ancaster Wilson Street Secondary Plan. In addition, the lands are within the Village Core area of the Secondary Plan.

"B.2.8.6.1 Ancaster Community Node Policies In addition to Section E.2.3.3 - Community Nodes of Volume 1, and the policies of this Secondary Plan, the following policies shall apply to the Ancaster Community Node shown on Appendix A - Character Areas and Heritage Features:

- a) The Ancaster Community Node shall be a focus area for growth, development, and intensification within the Ancaster Wilson Street Secondary Plan.
- b) The Ancaster Community Node shall include a range of housing forms and tenures, and a mix of employment, institutional, recreational, and commercial uses subject to the land use designation policies of this Secondary Plan and Volume 1 of this Plan.
- a) Mixed Use, Commercial, and Institutional development and redevelopment is encouraged within the Village Core area, though the scale of development shall be consistent with the historic character of the area. The scale and design of buildings is detailed in Policy 2.8.12 of this Plan, and the supporting Urban Design Guidelines."

The proposed development will establish a new housing type within the Ancaster Community Node in a scale and of a design that is sympathetic to the Village Core area, as further discussed below.

Pedestrian Focus Streets

- “B.2.8.8.5 A portion of the lands designated Mixed Use – Medium Density within the Village Core area are also identified as Pedestrian Focus Streets on Map B.2.8-1 – Ancaster Wilson Street Secondary Plan: Land Use Plan. In addition to the Policy E.4.3 – Pedestrian Focus Streets of Volume 1, the following policies shall apply:
- a) Notwithstanding Policy 2.8.8.4 c), building height shall not exceed 2.5 storeys on Pedestrian Focus Streets.
  - e) Private and public parking areas are permitted on lands designated Mixed Use - Medium Density, and identified as Pedestrian Focus Streets, subject to the following:
    - i) Parking areas shall be buffered from the street through the use of building placement or enhanced landscaping;
    - ii) The location of parking areas shall not negatively affect the pedestrian environment or access to buildings”

The proposed development consists of a three storey multiple dwelling located behind the existing two and a half storey mixed use building. The proposed increase in height and multiple dwelling at the rear requires an Official Plan Amendment. This is further discussed in the Analysis and Rationale for Recommendation Section of Report PED19217.

The proposed development will allow for consolidated parking on site, including an underground parking area to ensure no conflicts with the pedestrian environment and access to buildings.

Urban Design Policies

- “B.2.8.12.1 In addition to Section B.3.3 - Urban Design Policies of Volume 1, the following policies shall apply to lands within the Ancaster Wilson Street Secondary Plan and Community Node areas, as identified on Map B.2.8-1 Ancaster Wilson Street Secondary Plan: Land Use and Appendix A - Character Areas and Heritage Features:
- b) In accordance with Policy F.1.19.6 of Volume 1, an Urban Design Report may be required for development or redevelopment, demonstrating how the proposal meets the policies of this Secondary



Plan and the Ancaster Wilson Street Secondary Plan Urban Design Guidelines.

- e) New development or redevelopment shall complement the distinct character, design, style, building materials, and characteristics, which define each Character Area.
- h) Development and redevelopment shall foster streets as interactive outdoor spaces for pedestrians.
- i) Mixed use and commercial development or redevelopment shall provide a buffer, such as landscaped areas, for adjacent sensitive land uses.
- j) Two primary commercial mixed use areas have been identified within the Ancaster Wilson Street Secondary Plan and are part of the Community Node: the Uptown Core and Village Core, as shown on Appendix A - Character Areas and Heritage Features. The following policies shall apply to the Uptown Core and Village Core:
  - ii) The Village Core area, shown on Appendix A - Character Areas and Heritage Features, shall be consistent with the following design considerations:
    - 3. Additional considerations to encourage the historic characteristics of the Village Core, including heritage styled signage and building façades, as described in the Urban Design Guidelines, should be given for any development or redevelopment;”

An Urban Design Brief prepared by GSP Group, dated April 2017 was submitted in support of the proposal. The Brief confirmed that the proposed development will complement the established character area in terms of design, style, building materials and characteristics. Additionally, staff are encouraging direct pedestrian connections from the street to the proposed multiple dwelling by increasing building setbacks to encourage an interactive streetscape and outdoor space. In particular, side yard setbacks adjacent to the place of worship and cemetery have been increased to 3.0 m, with the exception of a few “pinch points,” allowing for sustainable plantings, a walkway and landscaping to provide a buffer between areas.

**“B.2.8.13.1 Cultural Heritage Policies**

The following policies shall apply to the cultural heritage resources within the Ancaster Wilson Street Secondary Plan:

- a) Due to the important heritage and character considerations within the Ancaster Wilson Street Secondary Plan, in addition to Section B.3.4 - Cultural Heritage Resources Policies of Volume 1, the evaluation of new development or redevelopment applications in the Ancaster Wilson Street Secondary Plan shall emphasize the requirements of the Cultural Heritage Resources Policies of Volume 1.
- b) The retention and conservation of historical buildings, structures, or features on their original sites shall be encouraged through:
  - ii) Maintaining a listing of historical designated and listed properties of interest. Historic buildings are shown on Appendix A - Character Areas and Heritage Features;
- c) When development or redevelopment is proposed adjacent to existing designated or listed heritage buildings, as shown on Appendix A - Character Areas and Heritage Features, a Planning Justification Report shall detail how the proposed development or redevelopment is consistent with the character and style of the surrounding heritage buildings.”

As previously noted, archaeology and built heritage have been satisfactorily addressed through the recommended Holding Provision and the requirement for completion of the CHIA prepared by McCallum Sather Architects, dated April 2017.

Based on the foregoing, the proposal complies with the policies of the UHOP and the Ancaster Wilson Street Secondary Plan, subject to the Official Plan Amendment for increased height and to permit a multiple dwelling at the rear along a Pedestrian Focus street.

**Ancaster Wilson Street Secondary Plan Urban Design Guidelines**

The lands are located within the Village Core of the Ancaster Wilson Street Secondary Plan Urban Design Guidelines (UDG). The subject lands are identified as “Typology A” in the UDG. The following excerpts of the Guidelines apply:

### Design Intent

“The intent of the design guidelines for the Village Core Design District is to enhance and promote its existing character to preserve the identity of the community and maintain the pedestrian scale of the corridor. Primary elements of the guidelines that achieve this include:

- Building masses are compact and sited in individual lots with defined front and side yards
- Building materials and details are simplified
- Walkability, pedestrian access and comfort is prioritized
- Vehicle parking is located in connected rear lots.”

The applicant is proposing a minimum 2.4 m side yard tapering to 3.0 m to provide separation from the adjacent cemetery. The proposed building will have a height of approximately 12.5 m as seen from the street, which is similar to the maximum peak of the existing mixed use building and ensures the massing remains compact. The applicant has requested a maximum height of 14.3 m to address the downward slope at the rear of the site (see Appendix “C” to Report PED19217).

Further, Section 3.1.4.1 of the Guidelines provides the following direction with regards to the built form:

- “Roofs should have an overhang (Height and Roofline)
- Roofs should be pitched to reflect the historic buildings in the district (Height and Roofline)
- Buildings should be grey-buff coloured stone, red brick or wood cladding (Wall Materials)
- Balconies could be provided in the rear yard (Appurtenances)
- Should be a side yard on both sides of the building (Setback and Orientation)
- Should provide direct pedestrian connection from parking area to the building entrance and street (Access)
- Side yards should be landscaped (Landscape)”

The proposal consists of a red brick building that has been designed to include roof overhangs and a pitch that is reflective of historic buildings within the district. The

proposed brick material complements the character of the existing building on site. Side yards have been provided to ensure adequate separation from adjacent uses and access to the rear of the site has been provided. The proposed three storey building represents a built form to encourage strong pedestrian connections throughout the site and to the public sidewalk. The proposal currently includes balconies in the side yards of the proposed building, which staff recommend be recessed in order to provide Juliette balconies, which will not negatively impact the massing and articulation of the side facades and will eliminate encroachment into the side yards. Side yard setbacks and landscape strips will be provided on both sides of the building, allowing for buffering and defined separation between uses.

Based on the foregoing, the proposal meets the intent of the Ancaster Wilson Street Secondary Plan Urban Design Guidelines.

### **Hamilton Zoning By-law No. 05-200**

At the time of submission, the subject lands were zoned Village Area “VA” Zone in the Ancaster Zoning By-law No. 87-57. On November 8, 2017, City Council adopted the CMU Zones, including the Mixed Use-Medium Density, Pedestrian Focus (C5a, 570) Zone which applies to the subject lands. The applicant is requesting further modifications to the (C5a, 570) Zone which are further discussed in Appendix “D” to Report PED19217. The current zone does not permit residential uses on the ground floor of a building.

### **RELEVANT CONSULTATION**

**Forestry and Horticulture** have advised that there are no municipal tree assets on site. However, at the Site Plan Control stage, the applicant will be required to provide a Landscape Plan for review should any municipal trees be proposed as part of the redevelopment.

**Recreation Division, Healthy and Safe Communities Department** advise that the Village Green Park offers five tennis courts, a spray pad, a child’s play structure, and two lawn bowling greens. Due to the proposed proximity of the residential development, the applicants shall have regard for the noise and lighting impacts of the park. The warning clause recommended by Parks and Cemeteries staff below will address this comment.

**Parks and Cemeteries Section, Public Works Department** have noted that the following clauses shall be provided in any future purchase, sale, and / or lease agreements in the proposed development:

Dwellings Abutting Village Green Park

“Purchasers are advised that Village Green Park is a community Park and as a result the Park may occasionally experience higher volumes of noise and lighting due to outdoor activity levels within the Park, including amenities that have lighting to allow for evening use. Per By-law 01-219, no person shall encroach upon or take possession of any park, by any means whatsoever, including the construction, installation of maintenance of any fence, or structure, the dumping or storage of any materials, or planting, cultivating, grooming, or landscaping, thereon.”

This warning clause will be required to be addressed through the Site Plan Control Stage and through the Draft Plan of Condominium stage (if applicable).

**Healthy Environments Division, Healthy and Safe Communities Department** have noted that any future cooling tower proposed on site must be registered with Healthy and Safe Communities prior to operation. Accordingly, this requirement has been forwarded to the applicant for their information.

**Recycling and Waste Disposal Section, Public Works Department** have provided the standard requirements for municipal recycling and waste collection. In particular, staff have noted that the proposed design may not accommodate appropriate width and turning radii to allow the site to be serviced by waste collection vehicles. This will be further evaluated through the Site Plan Control process. Should public waste collection vehicles not be accommodated on site, the development may require a private waste hauler. The applicant proposes to provide a waste collection room within the proposed building, which would be accessed from the U shaped drive aisle, as shown on Appendix “E” to Report PED19217.

## **PUBLIC CONSULTATION**

In accordance with the Council’s Public Participation Policy, the Urban Hamilton Official Plan Amendment and Zoning By-law Amendment applications were circulated as part of the Notice of Complete Application to 81 property owners within 120 m of the subject lands on September 21, 2017. A Public Notice Sign was installed on the property on September 29, 2017 and updated on November 30, 2018 to reflect current zoning on site. To date, two submissions have been received by the City and are further discussed in the Analysis and Rationale for Recommendation Section of Report PED19217 (see Appendix “F” to Report PED19217). The Notice of Public Meeting was given in accordance with the requirements of the *Planning Act* on October 23, 2019, with the Public Sign updated on November 1, 2019.

### **Public Consultation Strategy**

The applicants submitted a Public Consultation Strategy with the initial submission of the application. The applicants proposed that once staff's initial comments had been provided, a meeting would be set up with the Ancaster Community Council to present the proposal. The applicants presented to Ancaster Community Council on May 6, 2019. No concerns were expressed from the Community Council.

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

1. The proposed Urban Hamilton Official Plan Amendment and Zoning By-law Amendment applications have merit and can be supported for the following reasons:
  - (i) They are consistent with the Provincial Policy Statement and conform to A Place to Grow;
  - (ii) The proposal is considered to be compatible with the existing and planned neighbourhood; and,
  - (iii) The proposed development complies with the UHOP policies regarding residential intensification and the Ancaster Wilson Street Secondary Plan.
2. The purpose of the proposed Official Plan Amendment is to establish a site specific policy in the Ancaster Wilson Street Secondary Plan to permit a maximum height of three storeys, whereas a maximum height of 2.5 storeys is currently permitted and to allow a multiple dwelling at the rear of the property.

The proposed development has been designed to align with the built form of the existing mixed use building on site, which is intended to be retained. The proposed height will result in a 1.3 m difference between the existing height and what is proposed for the new building, as seen from the street. The proposed site specific requires that the existing heritage building remain on site to ensure that the established street edge along Wilson Street East maintains the maximum height of 2.5 storeys and the existing building is protected. Since the new development will be located at the rear of the site, the setback of the building will ensure the massing and height does not detract from the existing built form and street scape.

Additionally, the Official Plan Amendment acknowledges that the development proposal will continue to retain the existing mixed use building at the front of the site. Requiring commercial uses on the ground floor of a building at the rear of the site will limit pedestrian visibility for commercial uses and would have a negative impact on those businesses. The proposed multiple dwelling will provide for a use that can take better advantage of being located behind an established street wall due to

increased privacy and using the existing building as screening from potential noise impacts and will increase the range of dwelling types in the area.

Based on the foregoing, Staff support the proposed Urban Hamilton Official Plan Amendment.

3. The proposed Zoning By-law Amendment proposes modifications to the Mixed Use-Medium Density, Pedestrian Focus (C5a, 570) Zone to permit residential on the ground floor with reduced yard setbacks and a maximum height of 14.3 m as a result of the grade difference at the rear of the lands. Staff are supportive of the proposal as it allows for greater separation of dwelling units from the street, whereas if commercial units were required on the ground floor, their limited visibility from the street could negatively impact businesses. The applicant has successfully demonstrated that modified setbacks will continue to provide adequate separation from the adjacent Community Park and that appropriate landscaping can be provided. Staff note that the proposal for increased height is appropriate, since the multiple dwelling is located at the rear of the property and the massing will be perceived similarly to buildings with frontage on Wilson Street East. The proposed modifications are further discussed in Appendix “D” to Report PED19217.
4. A Holding Provision has been added to the amending Zoning By-law to ensure that an archaeological assessment is completed, including a monitoring plan that will be implemented during the construction stage. Once this requirement has been satisfied, the ‘H’ Holding Provision can be lifted by By-law. The applicant has indicated that the archaeological assessment has been started and will be completed shortly.
5. Development Engineering staff have reviewed the applications and have identified that sufficient capacity is available in the municipal water system to support the proposed development. Additionally, the sanitary sewer system recently underwent upgrades to ensure associated pumping stations have the capacity to support additional development on this portion of Wilson Street East. Therefore, staff have no concerns with the amendments from an Engineering perspective at this time.
6. As part of the public circulation of this proposal, two items of correspondence were received by the City from the public, attached as Appendix “F” to Report PED19217. The issues and concerns from the submissions are generally summarized as follows:

#### Completion of Submitted Materials

The adjacent property owner had requested copies of the submitted materials regarding the proposal and identified concerns with the lack of review of impact on

the cemetery at the rear of the St. John's Anglican Church, which was established approximately 200 years ago. Through subsequent review of the proposal, the applicants have provided supplementary information to ensure that encroachment of grave sites have not occurred over the shared property line of the subject lands and the Church. This information has been provided to our Cultural Heritage staff who have no further concerns in this regard.

Additionally, dimensional inconsistencies between the Site Plan drawing and the Site Statistics Chart were noted. Through subsequent revisions to the site design, the errors have been corrected on the appropriate drawings.

#### Compatibility

Both submissions received by the City identified concerns with the interface between the existing cemetery and the proposed building. Staff note that the UHOP requires transitional side yards and landscaping between adjacent uses to assist in compatibility. The proposed yard modifications have been further discussed in Appendix "D" to Report PED19217 to ensure these concerns are addressed.

#### Height

Both submissions identify concerns with the original proposed height of three and a half storeys. The applicant has worked with the adjacent property owner to resolve the concerns identified in the submitted correspondence. Additionally, the applicant reduced the height to three storeys which is supported by Staff.

### **ALTERNATIVES FOR CONSIDERATION**

Should the applications be denied, the subject lands could be used in accordance with the Mixed Use Medium Density (C5a, 570) Zone which permits a range of commercial uses with residential uses permitted 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.

#### **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.

**Built Environment and Infrastructure**

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

**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 Official Plan Amendment
- Appendix “C” – Draft Zoning By-law Amendment
- Appendix “D” – Zoning Chart
- Appendix “E” – Concept Plan
- Appendix “F” – Public Submissions