



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	February 4, 2020
SUBJECT/REPORT NO:	Application for Zoning By-law Amendment for Lands Located at 11 Grosvenor Avenue South, Hamilton (PED20034) (Ward 3)
WARD(S) AFFECTED:	Ward 3
PREPARED BY:	Sean Stewart (905) 546-2424 Ext. 7163
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Zoning By-law Amendment Application ZAR-19-016 by Victor and Patricia dos Santos, Owners**, for a further modification to the “C” (Urban Protected Residential, Etc.) District, to permit three dwelling units within the existing legal non-conforming two family dwelling for lands located at 11 Grosvenor Ave South, Hamilton, as shown on Appendix “A” to Report PED20034, be **APPROVED** on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED20034, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law attached as Appendix “B” to Report PED20034, be added to District Map No. E76 of Zoning By-law No. 6593;
- (iii) That the proposed change in zoning complies with the policies and intent of the Urban Hamilton Official Plan, with regards to matters including, but not limited to, density, built form, and compatibility.

EXECUTIVE SUMMARY

The subject property is municipally known as 11 Grosvenor Avenue South, Hamilton. The owners have applied for an amendment to the City of Hamilton Zoning By-law No. 6593 to permit a three family dwelling by adding one additional unit to the existing legal non-conforming two family dwelling. Modifications to the Zoning By-law are required to recognize the existing building and to address parking deficiencies.

The application has merit and can be supported for the following reasons:

- Its is consistent with the Provincial Policy Statement (2014) (PPS);
- It conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (Growth Plan);
- It complies with the Urban Hamilton Official Plan (UHOP); and,
- The proposed development is compatible with existing land uses in the immediate area and represents good planning by, among other things, providing additional rental housing options, making efficient use of existing infrastructure within the urban boundary, and supporting public transit.

Alternatives for Consideration – See Page 15

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

Application Details	
Applicant/Owner:	Victor and Patricia dos Santos
File Number:	ZAR-19-016
Type of Application:	Zoning By-law Amendment

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Proposal:	To permit a three family dwelling within the existing legal non-conforming two family, two and a half storey dwelling with three parking spaces.
Property Details	
Municipal Address:	11 Grosvenor Avenue South, Hamilton
Lot Area:	402.3 m ²
Servicing:	Existing full municipal services.
Existing Use:	Legal non-conforming two family dwelling.
Documents	
Provincial Policy Statement (PPS):	The proposed development is consistent with the PPS.
A Place to Grow:	The proposed development conforms to the Growth Plan.
Official Plan Existing:	Neighbourhoods Designation
Official Plan Proposed:	No amendment proposed.
Zoning Existing:	"C" (Urban Protected Residential, Etc.) District
Zoning Proposed:	"C/S-1797" (Urban Protected Residential, Etc.) District, Modified
Modifications Proposed:	<ul style="list-style-type: none"> • To permit a three family dwelling; • Reduce the required amount of parking from 5 spaces to 3 spaces; • Reduce the front yard setback from 6.0 m (required) to 1.7 m (existing); • Reduce the required 1.2 m northerly side yard (required) to 0.0 m (existing); • Reduce the required lot width from 12.0 m (required) to 11.43 m (existing);

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	<ul style="list-style-type: none"> • Reduce the required stairwell setback from 1.0 m (required) to 0.0 m (existing); • Reduce the required encroachment to street line from 1.5 m (required) to 1.0 m (existing); • Reduce the required terrace setback from 1.5 m (required) to 0.0 m (existing); • Eliminate prohibition of side yard accessory buildings to permit the existing accessory building and recognize the 0.3 m setback; • Eliminate 50% front landscaping requirement and to recognize existing front terrace; and, • Reduce the amount of manoeuvring space on the lot from 6.0 m (required), to 3.0 m (proposed) and to allow 3.0 m of manoeuvring space within the alley.
Application Received:	February 28, 2019
Processing Details	
Deemed Complete:	March 29, 2019
Notice of Complete Application:	Sent to 254 property owners within 120 m of the subject property on April 12, 2019.
Public Notice Sign:	Sign posted: April 10, 2019 Sign updated: January 8, 2020
Notice of Public Meeting:	Sent to 92 property owners within 120 m of the subject property on January 17, 2020.
Public Consultation:	On May 21, 2019, the applicant's planning consultant hand delivered 97 information letters to 97 properties within 120 m of the subject lands.
Public Comments:	<p>One petition signed by 16 neighbours opposing the proposal received by City staff on April 29, 2019 (attached as Appendix "E" to Report PED20034).</p> <p>One inquiry requesting general information and which expressed concerns regarding parking was received by the agent.</p>

Processing Time:	313 days
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Existing Land Use and Zoning:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Property:</u>	Legal non-conforming two family dwelling	"C" (Urban Protected Residential, etc.) District

Surrounding Land Uses:

North	Two storey multiple dwelling	Transit Oriented Corridor Mixed Use (TOC 1) Zone
East	Single detached dwellings	"C" (Urban Protected Residential, etc.) District
South	Single detached dwellings	"C" (Urban Protected Residential, etc.) District
West	Single detached dwellings	"C" (Urban Protected Residential, etc.) District

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2014)

The Provincial Planning Policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (2014) (PPS). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS. The following policies, amongst others, apply to the proposed development.

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation of, adoption and subsequent Local Planning Appeal Tribunal approval of the UHOP, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest (i.e. efficiency of land use, balanced growth and environmental protection) are reviewed and discussed in the Official Plan analysis that follows.

Staff note that the Cultural Heritage policies have not been updated within the UHOP in accordance with the PPS (2014). The following policies of the PPS (2014) also apply:

- “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.”

The existing two and a half storey building is not included on the City’s Register of Property of Cultural Heritage Value or Interest. No physical alteration of the exterior of the building is proposed. The City’s Cultural Heritage staff have reviewed the proposal and did not express any concerns from a cultural heritage perspective.

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

- Consistent with Section 3 of the *Planning Act*;
- Consistent with the PPS; and,
- In conformity with the Growth Plan.

Urban Hamilton Official Plan

Neighbourhoods Designation

The subject property is identified as “Neighbourhoods” on Schedule “E” – Urban Structures and designated “Neighbourhoods” on Schedule “E-1” Urban Land Use Designations in the UHOP. The following policies, amongst others, apply to the proposal.

- “E.3.2.3 The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations:
- a) residential dwellings, including second dwelling units and housing with supports.
- E.3.2.4 The existing character of established Neighbourhoods designated areas shall be maintained. Residential intensification within these areas shall enhance and be compatible with the scale and character of the existing residential neighbourhood in accordance with Section B.2.4 – Residential Intensification and other applicable policies of this Plan.

- E.3.3.2 Development or redevelopment adjacent to areas of lower density shall ensure the height, massing, and arrangement of buildings and structures are compatible with existing and future uses in the surrounding area.
- E.3.5.1 Medium density residential areas are characterized by multiple dwelling forms on the periphery of neighbourhoods in proximity to major or minor arterial roads, or within the interior of neighbourhoods fronting on collector roads.
- E.3.5.5 Medium density residential uses shall be located within safe and convenient walking distance of existing or planned community facilities, public transit, schools, active or passive recreational facilities, and local or District Commercial uses.
- E.3.5.7 For medium density residential uses, the net residential density shall be greater than 60 units per hectare and not greater than 100 units per hectare.
- E.3.5.9 Development within the medium density residential category shall be evaluated on the basis of the following criteria:
- a) Developments should have direct access to a collector or major or minor arterial road. If direct access to such a road is not possible, the development may gain access to the collector or major or minor arterial roads from a local road only if a small number of low density residential dwellings are located on that portion of the local road.
 - b) Development shall be integrated with other lands in the Neighbourhoods designation with respect to density, design, and physical and functional considerations.
 - c) Development shall be comprised of sites of suitable size and provide adequate landscaping, amenity features, on-site parking, and buffering if required. The height, massing, and arrangement of buildings and structures shall be compatible with existing and future uses in the surrounding area.
 - d) Access to the property shall be designed to minimize conflicts between traffic and pedestrians both on-site and on surrounding streets.”

The policies for lands designated “Neighbourhoods” permit residential uses including multiple dwellings (Policy E.3.2.3). The proposed three family dwelling falls within the

definition of multiple dwelling in the UHOP. The proposed intensification is encouraged within the Neighbourhoods designation, subject to meeting additional policies in B.2.4 which will be discussed in subsequent sections of this Report.

The proposed use is limited to the existing two and a half storey building. The existing scale and character of the neighbourhood largely consists of two and a half storey detached dwellings, with a low rise multiple dwelling to the immediate north of the subject property. The existing character of the established neighbourhood will be maintained, and the proposed residential intensification will be compatible to the scale and character of the existing residential neighbourhood (Policy E.3.2.4).

This proposal will increase the density of the subject property from 50 units per hectare to 75 units per hectare. The change in density and the proposed multiple dwelling built form will change the residential category from low density to medium density (Policy E.3.5.7). Policy E.3.5.1 of the UHOP directs higher density urban forms away from the interiors of neighbourhood areas, to the periphery of neighbourhoods in close proximity to major or minor arterial roads. The subject property is consistent with these policies as it is located one lot south of Main Street East, a major arterial road as shown in Schedule C – Functional Road Classification of the UHOP. Further, as the proposal will utilize the existing built form, there will not be a conflict with the transition to the adjacent lower density areas. Therefore, the proposal will be consistent with Policy E.3.3.2, which states that redevelopment adjacent to areas of lower density shall ensure that the height and massing is compatible with existing structures in the surrounding area.

Policy E.3.5.5 of the UHOP requires that medium density residential uses be located within safe and convenient walking distance of existing or planned community facilities, public transit, schools, recreation facilities and local commercial uses. The subject property is within close proximity to elementary schools, the Ottawa Street North commercial corridor, Gage Park, and existing public transit.

The UHOP directs that development within the medium density residential category be evaluated on a number of criteria as outlined in Policy E.3.5.9. The proposal is consistent with the relevant criteria in the following ways:

- The proposal benefits from having access to a major arterial road via an existing alley and short passage on an existing local road;
- The proposal will utilize an existing detached residential building which will maintain the existing form and character of the neighbourhood; and,

- The proposal will not alter the existing lot fabric of the neighbourhood, will provide for one parking space per unit, and will provide amenity space for residents as well as ensuring the protection of an existing mature tree.

General Residential Intensification Policies

- “B.2.4.1.1 Residential intensification shall be encouraged throughout the entire built-up area, in accordance with the policies of Chapter E – Urban Systems and Designations and Chapter F – Implementation.
- 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;
 - g) the ability of the development to comply with all applicable policies.
- B.2.4.2.2 When considering an application for a residential intensification development within the Neighbourhoods designation, the following matters shall be evaluated:
- a) the matters listed in Policy B.2.4.1.4;

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

The proposed multiple dwelling (three family dwelling) will be restricted to the existing building and lot, and no further building modifications, or changes to the lot pattern are proposed. As such, the proposal will maintain the existing streetscape, lot pattern, relationship to adjacent properties and built form. The removal of the existing fence barrier across the existing alleyway will enhance the streetscape pattern with regard to pedestrian and vehicular circulation in the neighbourhood, as well as provide access to the required parking. Further, the proposal will complement the existing functions of the neighbourhood by providing an additional type of housing for area residents who may wish to stay in the neighbourhood but who are seeking an alternative housing form and tenure type. Given that the proposed use will be accommodated within the existing built form, the proposal is consistent with Policies B.2.4.1.4 b), d) and g) and B.2.4.2.2 b), c), d), e), g), h) and i), as there will be no impacts on the form and character within the existing neighbourhood.

Policy B.2.4.1.4 c). speaks to maintaining and achieving a range of dwelling types and tenures. The proposed development supports this policy by introducing a multiple

dwelling (three family dwelling) into an existing residential area, which will provide an additional rental opportunity in the city.

Policy B.2.4.2.2 b) of the UHOP states that compatibility with adjacent land uses for such matters as shadowing, lighting, traffic and other nuisance effects shall be considered when evaluating residential intensification proposals within the Neighbourhoods designation. As the proposed multiple dwelling will be accommodated within the existing building, no impacts on shadowing or lighting will occur. Regarding traffic, the addition of one residential unit will not impact transportation capacity as the subject property is in close proximity to a major arterial road. Recognizing that neighbourhood residents have concerns about parking, it should be noted that one parking stall will be provided for each unit. While no visitor parking will be provided, the property is well served by public transit and there is street parking available. City parking staff acknowledge that the block is moderately to heavily parked, however they are supportive of the proposed parking ratio provided.

Therefore, the proposal complies with the UHOP.

City of Hamilton Zoning By-law No. 6593

The subject property is currently zoned “C” (Urban Protected Residential, Etc.) District. To implement the proposed development, the applicants have applied for a further modification to the “C” District. The applicant has requested 11 site specific modifications to accommodate the proposal which are summarized on page 3 of Report PED20034. Approximately half of the requested modifications recognize the existing building on the property, while the remaining modifications seek to permit the proposed use and address parking matters. A detailed discussion of the merits of the proposed modifications is provided in the Zoning By-law Site Specific Modifications Table contained in Appendix “D” to Report PED20034.

RELEVANT CONSULTATION

Departments and Agencies		
Department	Comment	Staff Response
Growth Management & Environmental Services	No comments	None
Development Planning	No objections. Staff reviewed the Tree Protection Plan submitted by the	None

	applicants' landscape architect and are satisfied that the mature trees will be adequately protected during the shed demolition and driveway enlargement.	
Forestry	No municipal tree assets onsite and therefore no Tree Management Plan required.	None
Parking	<p>Not concerned with the loss of one parking space associated with visitor parking. While Grosvenor Avenue South is moderately to heavily parked, public transit opportunities are within very close proximity.</p> <p>The parking spaces in the rear are accessed off of a public unassumed alley. The City cannot guarantee access through the alley as maintenance services are not provided, such as snow removal.</p> <p>Parking staff note that the alley entrance has been fenced off. The fence needs to be removed to permit access to the rear parking area.</p>	<p>Planning staff agree that the shortfall of one visitor parking space is acceptable given the alternate forms of transportation available.</p> <p>Staff have made the applicants aware of the status of the alleyway. The property owners have agreed to remove the fence.</p>
LRT	<p>Subject lands within 40 m of the future LRT corridor. LRT stop will be located on Main Street East between Grosvenor and Ottawa Street South.</p> <p>If Minor Site Plan Application required to address rear parking please circulate to the LRT office for review.</p> <p>While there is some on-street parking and loading permitted on Grosvenor Avenue South there may be changes to parking regulations due to LRT</p>	<p>Minor Site Plan application not required based on the nominal nature of necessary parking area improvements.</p> <p>Parking is provided for each unit proposed.</p>

	<p>construction and indefinitely once operational.</p> <p>It is important to retain the existing municipal alley as a public asset in order to provide flexibility for rear property access on the LRT corridor.</p>	
Transportation Planning	<p>Parking spaces should be delineated with pavement markings to prevent vehicles from occupying multiple spaces.</p> <p>Transportation Planning cannot guarantee that the unassumed alleyway will be maintained for use during winter months.</p>	Applicant has been made aware of the comments.
Development Engineering	<p>A right-of-way widening for Grosvenor Ave South is not required.</p> <p>If grading changes are proposed, then the applicant shall provide a Grading Plan certified by a Professional Engineer (P. Eng).</p> <p>No stormwater management comments provided as there are no changes to existing drainage patterns, neighbouring properties are not adversely affected and no storm sewers are proposed.</p> <p>The proposed change in zoning has no significant servicing impacts.</p>	No changes to grading or drainage are proposed. If this changes the applicant is aware of the requirements of the Development Engineering Approvals Section.
Public Consultation		
Issue	Comment	Staff Response
Intensification	Area residents have the understanding that through work completed with former Councillor Bernie Morelli, that	Staff have reviewed the proposal against current Provincial Plan policies and

	the area was protected from further duplex and triplex conversions.	the UHOP policies and are of the opinion that this proposal is consistent with relevant policy direction.
Parking Issues	Area residents are concerned that adding additional dwelling units to the neighbourhood will increase parking pressures on the street.	Staff acknowledge that Grosvenor Avenue South is a moderately to heavily parked street. Staff are of the opinion that the provision of one parking stall per unit is acceptable. In addition to the parking available on-site, there is frequent public transit service along Main Street East, which provides additional transportation opportunities.

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 254 property owners within 120 m of the subject property on April 12, 2019. A public notice sign was posted on the property on April 10, 2019 and updated on January 8, 2020. In addition, Notice of the Public Meeting was given on January 17, 2020 in accordance with the requirements of the *Planning Act*.

To date, City staff have received a letter of objection with petition signed by 16 neighbours who live on Grosvenor Avenue South attached as Appendix E to Report PED20034.

Public Consultation Strategy

The applicant's Public Consultation Strategy included hand delivering a public information letter to 97 property owners within 120 m in May, 2019. The letter included information about the proposal and provided the contact number of the planning consultant on file for residents to contact if they had questions.

One resident contacted the planning consultant. The resident had questions about the process and also raised concerns about parking.

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the PPS (2014) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019);
 - (ii) It complies with the policies of the Urban Hamilton Official Plan; and,
 - (iii) It is compatible with existing land uses in the immediate area and represents good planning by, among other things, providing additional rental housing options, making efficient use of existing infrastructure within the urban boundary, and supporting public transit.
2. The application for Zoning By-law Amendment is for a further modification to the “C” (Urban Protected Residential, Etc.) District.

The proposed change in zoning will permit a modest form of residential intensification within the built-up area, by adding one additional dwelling unit to an existing legal non-conforming two family dwelling. As the proposed three family dwelling will be located within the existing building there will be no change to the form and character of the area. The proposal will maintain adequate on-site parking in the rear of the property and provide amenity space for the residents in the front and rear yard. Therefore, staff support the change in zoning.

The modifications to the “C” (Urban Protected Residential, Etc.) District meet the intent of the “Neighbourhoods” designation of the UHOP and recognize the existing built form of the subject lands. The modifications are identified on page 3 of Report PED20034 and discussed in detail in Appendix “D” to Report PED20034.

ALTERNATIVES FOR CONSIDERATION

Should the application be denied, the subject property would remain zoned “C” (Urban Protected, Etc) District, in the City of Hamilton Zoning By-law 6593. The existing two family dwelling would retain its legal non-conforming status.

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.

Clean and Green

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

Built Environment and Infrastructure

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

Culture and Diversity

Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” – Location Map

Appendix “B” – Draft Amendment to Zoning By-Law No. 6593

Appendix “C” – Concept Plan

Appendix “D” – Zoning By-law Site Specific Modification – Chart

Appendix “E” – Public Submissions