



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	July 14, 2020
SUBJECT/REPORT NO:	Application to Amend Zoning By-law No. 6593 Respecting Lands Located at 370 Concession Street (PED19158(a)) (Ward 7)
WARD(S) AFFECTED:	Ward 7
PREPARED BY:	Melanie Schneider (905) 546-2424 Ext. 1224
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

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-H1” (Multiple Dwellings) District, Modified, Holding (Block 2); and, from the “DE-2/S-5” (Multiple Dwellings) District, Modified to the “RT-30/S-178-H2” (Street – Townhouses) District, Modified, Holding (Block 3); to permit the development of three 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 PED19158a, be **APPROVED**, on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED19158a, 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

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suffix to the proposed zoning for the subject lands as shown on Schedule “A” of Appendix “B” to Report PED19158a.

The Holding Provision “DE-2/S-5a-H1” (Multiple Dwellings) District, Modified, Holding applicable to Blocks 1 and 2, as shown on Schedule “A” to Appendix “B” to Report PED19158a, be removed conditional upon:

- (1) The Owner applying for a Building Permit to legalize the two (2) units that were not part of the original 39 unit multiple dwelling, to the satisfaction of the City’s Chief Building Official.
- (2) The Owner receiving Conditional Site Plan Approval for the proposed changes to the parking lot, to the satisfaction of the Manager of Development Planning, Heritage and Design.

The Holding Provision “RT-30/S-1781-H2” (Street – Townhouses) District, Modified, Holding applicable to Block 3, as shown on Schedule “A” to Appendix “B” to Report PED19158a, be removed conditional upon:

- (1) The Owner receiving Conditional Site Plan Approval, to the satisfaction of the Manager of Development Planning, Heritage and Design.
- (iii) That the proposed changes in zoning are consistent with the Provincial Policy Statement, conform to A Place to Grow Plan (2019), and comply with the Urban Hamilton Official Plan.
- (iv) That in accordance with Subsection 34(17) of the *Planning Act*, no additional public meeting notice is required.

EXECUTIVE SUMMARY

The purpose of this Report is to present a revised Draft Zoning By-law and concept plan, based on the discussion held during the August 13, 2019 Planning Committee meeting, neighbourhood meeting and subsequent discussions with the applicant regarding Zoning By-law Amendment Application ZAC-18-008.

The original application was heard by Planning Committee on August 13, 2019, where a number of residents voiced concerns with the proposed development. In particular, concerns about parking, on-site circulation, landscaping and buffering were raised by the residents. Planning Committee deferred any decisions on the proposal to allow the Ward Councillor and the applicant to meet with the residents of the subject lands and surrounding neighbourhood to discuss their concerns in further detail. The applicant has since met with neighbouring residents and adjusted the site layout to remove one of the

originally four proposed street townhouse dwellings to accommodate additional landscaping, provide for a secure waste collection area, and to remove one parking space on the portion of the lands containing the multiple dwelling. Staff also conducted a site visit with the applicant on January 16, 2020 to review the design, configuration and operability of the parking area.

The purpose of this Report is to:

- Report back on the results of the neighbourhood meeting;
- Provide an updated Recommendation based on modifications proposed by the applicant in response to concerns raised at the neighbourhood meeting; and,
- Provide an updated draft By-law to implement the proposed changes.

Alternatives for Consideration – See Page 7

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: The Statutory Public Meeting was held on August 13, 2019 and the Public Meeting was closed.

HISTORICAL BACKGROUND

“DE-2/S-5” (Multiple Dwellings) District, Modified

“DE-2/S-5” (Multiple Dwellings) District, Modified was approved by the City of Hamilton in 1965 under By-law No. 10637 for the development of a five storey multiple dwelling and a general parking area for the residential units providing a total of 42 parking spaces, none of which were located internal to the building. The building was constructed with a parking ratio of 0.85 spaces per unit.

Zoning By-law Amendment Application ZAC-18-008

The application for a change / modification in zoning was originally considered by Planning Committee on August 13, 2019. As discussed in Report PED19158, staff recommended approval of the application for a modification to the “DE-2/S05” (Multiple Dwellings) District, Modified (Block 1); for changes in zoning from the “C” (Urban Protected Residential, etc.) District to the “DE/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-H” (Street – Townhouses) District, Modified, Holding (Block 3). The original proposal sought to establish four street townhouses along East 15th Street and to expand and reconfigure the parking area for the existing multiple dwelling.

Based on public feedback at the Public Meeting held on August 13, 2019, Planning Committee deferred the decision for further consultation between the Ward Councillor and the residents. A subsequent neighbourhood meeting was hosted by the applicant and Ward Councillor on September 16, 2019 where additional feedback was provided by the public.

Revised Proposal

On October 16, 2019, the applicant provided a revised concept plan to address feedback from the public. This resulted in the removal of one street townhouse fronting onto East 15th Street and the minor reconfiguration of the parking area for the multiple dwelling to accommodate a location for a permanent waste collection enclosure. Additional landscaping adjacent to the proposed street townhouses is also shown on the revised concept plan (attached as Appendix “C” to Report PED19158(a)). The applicant proposes a Molok waste collection system, which will be confirmed at the Site Plan Control stage. Additional modifications to the Draft By-law recommended by staff, attached as Appendix “B” to Report PED19158(a), have been included to accommodate the revised concept plan. The total number of proposed parking for the multiple dwelling is 40 parking spaces. Adjustments to the yard setbacks adjacent to the townhouse district and further modification to the setbacks to the abutting lands zoned “C” District have also been provided.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Noted in Report PED19158, the proposed development was assessed against Provincial policy and the Urban Hamilton Official Plan (UHOP), including residential intensification, urban design, and low to medium residential density design policies.

The amended proposal is consistent with the Provincial Policy Statement, conforms to A Place to Grow (2019) and complies with the Urban Hamilton Official Plan.

RELEVANT CONSULTATION

In addition to the consultation on the original proposal outlined in Report PED19158, the Ward Councillor held a neighbourhood meeting on September 16, 2019 at the Sacred Heart Parish Centre to discuss neighbourhood concerns further to the issues raised at

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the Statutory Public Meeting held on August 13, 2019. Concerns identified at the meeting are discussed in the chart below.

Public Consultation	
Comment	Staff Response
Construction activity will be a nuisance on residents in the surrounding area. Noise and air pollution and pest control needs to be mitigated.	These concerns will be addressed through the Site Plan Control process, particularly through the Construction Management Plan, which is a standard condition required by the City.
During the construction period, there will be parking conflicts between residents and the construction vehicles. Residents were also concerned with alternative parking arrangements during the reconstruction of the parking area.	Alternative parking arrangements during construction will need to be made between tenants at 370 Concession Street and the property owner, and a parking management plan will be required as part of the site plan.
Lighting from the existing parking area at 370 Concession Street shines into neighbouring properties and needs to be fixed.	A Lighting Plan is a standard condition of Site Plan Control and will be requested at that time. The Lighting Plan must meet the City's Site Plan Control Guidelines to ensure there is no light overspill into adjacent properties.
Surrounding residents were concerned that the proposed street townhouses will be rented out to large or multiple families in one dwelling unit.	The Zoning By-law permits one dwelling unit within each townhouse / lot and does not restrict the number of residents within each unit. Should the future property owners wish to amend the Zoning By-law to permit additional units within each townhouse dwelling, a further public process would be required.
Residents at the existing multiple dwelling at 370 Concession Street requested that the rear entrance to the building be redesigned for barrier free access.	The applicant is aware of this request and access will be assessed at the Site Plan Control process.

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

1. The purpose of this Report is to report back to Planning Committee regarding the follow up meeting held by the local Ward Councillor and applicant with residents. As a result of this meeting, the applicant has adjusted the development proposal to remove a street townhouse from four units to three units, and to increase landscaping and side yard setbacks between the drive aisle and the proposed townhouses and to establish a permanent location for the waste enclosure for the multiple dwelling.
2. Based on the concerns raised by the public, the development concept has been revised that result in the following modifications to the Draft By-law (see Appendix “B” to Report PED19158a):

“RT-30/S-1781” (Street – Townhouses) District, Modified

- Minimum northerly side yard setback increased from 0.7m to 1.0 m.

“DE-2/S-5a” (Multiple Dwellings) District, Modified

- Parking ratio adjusted from 1 parking space per unit to 0.97 spaces per unit;
- Increase of minimum required landscaping from 20% to 25%; and,
- Increased minimum setback to a “C” District to 4.0m where no setback was previously provided and Section 18A(11) of By-law No. 6593 requires a minimum setback of 1.5 metres.

These modifications have been introduced as a direct result of the removal of one street townhouse dwelling. This change in the development was done to address neighbourhood feedback and to accommodate snow storage and waste collection on site. As the proposal continues to provide street presence along East 15th Street and intensify the site while improving the function, staff are supportive of the proposed modifications as further discussed in Appendix “D” to Report PED1958a.

The proposed location of the waste collection area as shown on Appendix “C” to Report PED19158(a) may require further refinement to ensure adequate manoeuvrability and access for waste collection vehicles. The ultimate location will be determined at the Site Plan Control stage to ensure necessary performance standards are met. The applicant proposes a Molok system for the multiple dwelling to limit odour impacts on adjacent properties. These systems are serviced by a private waste hauler which will require associated warning clauses in all future purchase and sale or lease agreements.

Additionally, wheel bumpers will be required to be shown on the site plan drawing for all parking spaces to ensure vehicles are safely parking. This includes the spaces in front of the storage spaces within the multiple dwelling to ensure access to the storage spaces will not be blocked by parked cars.

3. On January 16, 2020, Planning staff conducted a site visit with the applicant to explore opportunities to consider the garages spaces as additional parking within the required parking calculation. The garages are accessed by individual doors internal to the building and from the garage doors from the exterior, with several of the garages providing opportunities for two vehicles. However, these garages were never constructed for the purposes of parking a vehicle since all required parking was recognized within the outdoor surface parking area. The applicant has not demonstrated that the garages can accommodate the required parking stall size within the garages. Additionally, the double wide garages were proposed to accommodate parking for two separate units. Staff raised concerns with the ability to ensure two separate units could have guaranteed access to the garages and ensuring that the limits of the units are clearly defined in these spaces.

Accordingly, staff could not support including in the zoning by-law the garages as additional parking spaces for tandem parking spaces that are undersized and without guaranteed access. Therefore, provisions have not been included in the Draft By-law to include provisions for tandem parking.

ALTERNATIVES FOR CONSIDERATION

- Option 1: Planning Committee / City Council could approve the previous version of the Draft By-law, attached at Appendix “B” to Report PED19158.
- Option 2: Should the proposed Zoning By-law Amendment application be denied, the subject lands will continue to be utilized in accordance with the existing “DE-2/S-5” (Multiple Dwellings) District, Modified which would permitted up to 39 of the existing units within the multiple dwelling. Two illegally established units would need to be removed.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

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Our People and Performance

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APPENDICES AND SCHEDULES ATTACHED

Appendix “A” – Location Map

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

Appendix “C” – Revised Concept Plan

Appendix “D” – Zoning Modification Chart